PARLIAMENTARY DEBATES

(HANSARD)

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HOUSE OF COMMONS

OFFICIAL REPORT

FIRST SESSION OF THE FIFTY-SECOND PARLIAMENT
OF THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
FORTY-SEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SESSION 1997–98

COMPRISING PERIOD
23 March—2 April 1998

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23 March 1998

THE
PARLIAMENTARY DEBATES
OFFICIAL REPORT

IN THE FIRST SESSION OF THE FIFTY-SECOND PARLIAMENT OF THE
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
[WHICH OPENED 7 MAY 1997]

FORTY-SEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIXTH SERIES **VOLUME 309**

SIXTEENTH VOLUME OF SESSION 1997–98

House of Commons

Monday 23 March 1998

The House met at half-past Two o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

Oral Answers to Questions

SOCIAL SECURITY

The Secretary of State was asked—

Retirement Pensioners

2. **Sir Teddy Taylor:** If she will make a statement on the total number of retirement pensioners *(a)* at the latest available date, *(b)* five and *(c)* 10 years ago. [34043]

The Parliamentary Under-Secretary of State for Social Security (Mr. John Denham): There were 10.7 million retirement pensioners at 30 September 1997. Five years ago there were 10.3 million pensioners and 10 years ago there were 9.9 million pensioners.

Sir Teddy Taylor: Retirement pensioners are now a substantial proportion of the community. Is the Minister aware of the genuine concern and alarm among pensioners about reports of a fundamental review that might lead to the retirement pension being means-tested? Can the Minister give a clear and categorical statement that that is untrue? Can he confirm that he and his fellow Ministers will resign if there is any such Government proposal?

Mr. Denham: I am pleased to make it clear to the House that we have a manifesto commitment to retain the basic state pension as the foundation for retirement provision and to uprate it at least in line with prices. We have more than honoured that commitment by taking the unprecedented step of issuing winter fuel payments to all pensioners who have fuel bills this winter.

Mr. Duncan Smith: More than a week and a half ago the Minister attended a dinner held by the Association of Consulting Actuaries at which the chairman told the Government that

"they must stop loosening the foundations on which the hitherto robust system of Occupational Schemes is built."

The chairman also said that the ramifications of the Government's first Budget on coming to power

"were clearly not thought through at the time of the Mini-Budget."

The Minister was sitting next to the chairman. Did he agree with those sentiments?

Mr. Denham: At that enjoyable dinner, which the hon. Gentleman also attended, I was able to make it clear that the Government wish to support and strengthen the framework for occupational pensions. During the pensions review we are looking at the regulatory system for occupational pensions and how the best occupational schemes can be marked by a quality pensions award. We are also examining ways to improve pension scheme members' understanding of their schemes and their entitlements.

Sir Teddy Taylor: On a point of order, Madam Speaker. In view of the Minister's unsatisfactory and ambiguous reply, I give notice that I intend to raise this matter on the Adjournment.

Violence Against Women

3. **Ms Squire:** If she will make a statement on the Government's plans to tackle violence against women. [34044]

The Parliamentary Under-Secretary of State for Social Security (Ms Joan Ruddock): The Ministers for Women have been working with Ministers from across Government Departments on this issue. A national strategy for England and Wales on tackling all forms of violence against women will be published in the autumn. The Scottish Office is producing a strategy on tackling all forms of violence against women in Scotland, along the same lines as the national strategy.

Ms Squire: I welcome my hon. Friend's statement about a national strategy. Is she aware that the demand for refuge accommodation by victims of domestic violence throughout England, Wales and Scotland has increased? For example, last year, in Dunfermline, 246 women had to be turned away, and throughout Scotland more than 4,000 women and 6,000 children were turned away because of a lack of suitable accommodation. Does she agree that there is no excuse for violent criminal behaviour that causes women and children to flee their homes and that it is vital that combating domestic violence remains a Government priority?

Ms Ruddock: One of the prerequisites of any effective national strategy is access to accurate statistics. In our early discussions between Departments, we found many gaps. My hon. Friend will wish to know that in Scotland a research survey was commissioned by the Scottish Office to review service provision for women who had suffered domestic violence. It was published on 16 March.

I wish to announce to the House today that, with the Department of the Environment, Transport and the Regions, our women's unit is commissioning a survey and a research report that will review the current accommodation and support needs of women fleeing domestic violence in England. Local authorities and the Women's Aid Federation (England) Ltd. will be involved and we will ensure that our Scottish colleagues are kept informed of the methods and results.

Mrs. Gillan: Given the concern about violence against women, will the Minister tell us whether she agrees with the Secretary of State for Social Security, who believes that it is only by appointing more women judges that the Government can show that they are taking domestic violence seriously, or with the Lord Chancellor who, when putting down the Secretary of State, said that

"We cannot have positive discrimination"

in making judicial appointments and that he had

"the fullest confidence that all judges, regardless of gender, already deal with cases of domestic violence with impartiality and consideration for the victims of domestic violence"?

I can see the Secretary of State prompting the Minister. Will she tell us independently who she agrees with: the Secretary of State or the Lord Chancellor?

Ms Ruddock: I assure the hon. Lady that we are all concerned with achieving equality of opportunity. The Lord Chancellor has made it absolutely clear that he believes that more women should have the opportunity to reach the highest levels in the court and justice system. We are all engaged in that and we have every confidence that, whatever judge is sitting on domestic violence issues, justice will be done.

Child Support Agency

4. **Mr. McNulty:** If she will make a statement on the Government's policy in respect of reform of the Child Support Agency. [34045]

11. **Mr. Baker:** If she will make a statement on the principles underlying the Government's review of the Child Support Agency. [34052]

The Secretary of State for Social Security and Minister for Women (Ms Harriet Harman): This Government believe that all children are entitled to the financial and emotional support of both their parents, wherever they live. We are examining closely all aspects of the child support system and we expect to bring forward our proposals for consultation by the summer.

Mr. McNulty: I thank my right hon. Friend for that response. Most people will agree with the principle of the CSA, but not with the cack-handed way in which it was introduced by the previous Government. Will she ensure that the outcome of any review is both fairer and simpler not just for parents and children, but for CSA staff, and that it is clearly linked both with the excellent Budget proposals on families and children and with the forthcoming Green Paper on welfare reform?

Ms Harman: My hon. Friend is absolutely right. Hon. Members on both sides of the House agree on the principle that parents should support their children. We further agree that that principle has not been put into practice properly by child support legislation and the agencies that work under it.

I invite the House to consider three further points. We face some difficult choices in the necessary reform of child support. First, what is the appropriate balance between the interests of the first and second families? Secondly, what is the right balance between a clear, simple and straightforward system and a complex system that deals very closely with individual needs? Thirdly, what is the right balance between the need of parents with care to receive income for their children and the interests of taxpayers not to have to support other people's children? Those are the three issues that the House will have to discuss further and come to an agreement on.

Mr. Rendel: Does the Secretary of State expect any new formula to apply only to new cases, or will it apply also to cases that have already been agreed under CSA regulations—which would lead to difficulties such as cases being reopened and redecided and a lot of losers?

Ms Harman: The hon. Gentleman makes an important point. We are trying to reform a system, but it is difficult to do so when we have a great tangle and a sense—and the reality—of injustice. For people who have had incorrect awards made and those who have had correct awards made but who have failed to pay, the issue of transitional arrangements will be critical in achieving public

confidence in the new and reformed system that we should like to see evolve. We will discuss with the hon. Gentleman and his colleagues how to deal with the transitional arrangements.

Mr. Wicks: Given that the great majority of mothers and children on income support receive no child maintenance from their fathers, will the Secretary of State consider setting a new target to tackle the tough cases: the men who are determined never to pay a penny? In my advice surgery on Friday night, I met a mother who had supplied all the information that was needed to the CSA. Two years on, she is still not receiving a penny.

Ms Harman: My hon. Friend is absolutely right: there is a huge sense of grievance among absent parents—usually fathers—when there is a delay in assessing maintenance and then, suddenly, they are hit with large arrears that might turn out to be incorrect; there is also a burning sense of grievance among parents with care—usually mothers—that although a correct award has been made, fathers sometimes avoid paying.

We are dealing with difficult issues. We need to keep a sense of principle—that parents should be prepared to pay—but the system must also be fair. The problem is that the principle of parental payment has been undermined by very poor delivery and a failed administration.

Miss McIntosh: Does the Secretary of State agree that the Child Support Agency plays a crucial role in helping abandoned families? What percentage of staff time is spent processing matters relating to absent parents, whether they be male or female? How many appeals under the new procedure are being processed?

Ms Harman: There are 8,000 members of staff dealing with the 600,000 live case load, as it is called, but there are 800,000 further cases where no assessment has been made. I will write to the hon. Lady with any further detailed information that she wants.

It is not always a matter of an abandoned family. It is difficult to talk in absolutes about first or second families. The fact is that many marriages end in divorce, with faults on one or the other side, or on neither. Many children start life without their parents living together. We must strip away the ease of moral judgment and get a system that is fair to the taxpayer, the parent and, above all, the child.

United Nations Commission on the Status of Women

5. **Jane Griffiths:** If she will make a statement on the recent meeting of the UN Commission on the Status of Women. [34046]

Ms Ruddock: In my role within the presidency of the European Union, I was delighted to represent the views of the European Union at the meeting of the Commission on the Status of Women at the United Nations earlier this month.

The issues addressed were women and violence; women and armed conflict; human rights of women; and the girl child. A copy of the statement I delivered at the UN has been placed in the House of Commons Library.

Jane Griffiths: Is my hon. Friend aware of the importance attached by women's organisations to the previous UN meeting in Beijing in 1995 and the criticism levelled at the previous Government for having taken no action following that meeting? In view of that, have this Government taken action, in particular to protect the girl child against all forms of exploitation?

Ms Ruddock: I thank my hon. Friend for her question. The United Kingdom's participation in the CSW this year has been very successful. Throughout, our delegation has led on the need fully to implement the aims of the global platform for action. On the human rights of women, we argued for an end to customary and traditional practices that are harmful to women and girls such as female genital mutilation. On women and armed conflict, we proposed the creation of an international criminal court that would integrate a gender perspective in its statute. On violence against women, we called for national plans such as those that are in train in this country. On the girl child—a matter specifically mentioned by my hon. Friend—we were able, against very tough opposition, to get agreement on the provision of information and counselling services, to be carried out on a confidential basis, for both adolescent boys and girls, especially on the subject of personal relationships.

Disabled People

6. **Mr. Keith Simpson:** What the benefit status of people with disabilities who take part in the welfare-to-work scheme will be. [34047]

Mr. Denham: The Government's new deal for disabled people will be offered to people with disabilities or long-term illnesses in receipt of the following out-of-work benefits: incapacity benefit, severe disablement allowance and income support.

Mr. Simpson: I thank the Minister for that answer, but can he give the House an assurance that people with disabilities who participate in the Government's welfare-to-work programme will not lose any of their entitlements, especially if they are put on to the jobseeker's allowance?

Mr. Denham: Yes. Participation in the programme will be voluntary, but the House will recognise that the Government are implementing a strategy with several strands: we want to improve the quality of personal advice for disabled people who are seeking work; we want to tackle discrimination in the workplace; we want to make work pay—in last week's Budget, we announced the introduction of a tax credit for disabled people; and we want to reform the benefits system by, for example, introducing the 12-month linking rule for those on incapacity benefit.

Mr. Skinner: Does my hon. Friend agree that we do not need lectures from the Tories, whom we constantly had to fight during those tawdry years of Tory government to get disability legislation that would give equality to the 6 million disabled people in Britain? Will he also bear in mind the fact that the last thing we need from a Labour Government is a tax on disabled people's benefits? I was associated with the group Disability Rights Now in campaigning against the Tories. To prevent Downing

street from being daubed with paint again, would not it be a good idea for the Prime Minister to stop inviting tinpot so-called music makers to No. 10 and instead to invite the disability rights people to discuss these important matters?

Mr. Denham: I can assure my hon. Friend that my right hon. Friend the Prime Minister has met organisations of and for disabled people to discuss welfare reform. I am sure that my hon. Friend welcomes the announced introduction of a disabled persons tax credit and that he will also recognise the importance of establishing the disability rights task force, which will lead to a disability rights commission and comprehensive and enforceable rights for disabled people.

Mrs. Browning: Is the Minister aware that there are types of disability whereby people fail to find work because of basic communication problems, despite their intellectual ability and training or higher education qualifications to do that work? What plans does he have to build on the previous Government's piloting of the mentoring system, under which such people had someone alongside them, both at interview and in the workplace, not to do training or the job, but to deal with communication difficulties?

Mr. Denham: We are anxious to explore a variety of ways in which we can enable disabled people who want to work to get into work. This Government—unlike the previous Government—have allocated £195 million from the windfall tax to fund a series of innovative schemes to consider the different ways in which the barriers that disabled people face in getting into work can be overcome. Bids are being received for the first 20 of those additional schemes. The hon. Lady will, I am sure, be keen to see which schemes have been put forward by the wide variety of voluntary organisations and others who have been involved in that process.

Lone Parents

7. **Mr. Fitzpatrick:** If she will make a statement on measures relating to child care in the Government's new deal for lone parents. [34048]

Ms Harman: The new deal for lone parents is, for the first time, offering lone parents an opportunity to work. It is already available in eight areas of the country and it will be rolled out nationally to new claimants of income support next month. The new deal is backed by our national child care strategy, which includes substantial help with the cost of child care through the new child care tax credit that was announced in the Budget last week.

Mr. Fitzpatrick: I thank my right hon. Friend for that positive response. I recently had the opportunity to visit the Alpha Grove lone parents association on the Isle of Dogs in my constituency. It was very enthusiastic about the opportunities being offered under the new deal. Will she ensure maximum co-ordination between her Department and the Department for Education and Employment in introducing the new child care provisions so that lone parents can access them as soon as possible?

Ms Harman: I am working closely with my right hon. Friend the Secretary of State for Education and Employment to ensure that we develop a national child care strategy that meets the needs of women for affordable, high-quality and accessible child care in all neighbourhoods. That is important not only for children's development, but particularly in helping lone parents into work. I know that the Benefits Agency—and the jobcentres—will work closely with voluntary organisations such as the Alpha Grove project to ensure that the new deal for lone parents serves the community.

Mr. Duncan Smith: Last week there seemed to be a bit of a dispute between the Institute for Fiscal Studies and the Department of Social Security and the Treasury about the cost of child care credits. The Red Book allowed for £1 billion for the programme, but the IFS estimated that it could cost £4 billion, assuming that take-up rates are in line with present take-up rates for general benefits. The family credit take-up rate of 70 per cent., which is sometimes criticised by the Government, would not seem out of line with the cost of £4 billion.

What take-up rates have the Government allowed for in the child care credit assumptions? If their estimate is wrong and take-up is higher, will they guarantee that they have no intention of capping the amount that can be paid out?

Ms Harman: With new proposals such as this, we cannot simply refer to the take-up rates of existing benefits. The previous Government got into all sorts of problems when they grossly overestimated the take-up for child care allowance under the old family credit rules. Indeed, that is one of the reasons we have had to make a change and get rid of the child care allowance under family credit, introducing a proper new child care tax credit.

We do not think that the IFS figures are right. We think that the Treasury assumptions are right. The estimated cost of £250 million a year is based on expectations of demand and of the ability of the registered child care base to respond to that demand.

Ms Hewitt: Does my right hon. Friend agree that a comprehensive strategy must include time for parents to care for their children themselves, as well as nurseries and child minders? Does she further agree that the opportunities for part-time, as well as full-time, work under the new deal will enable many lone parents who so choose to combine earning a living and taking advantage of the working families tax credit with looking after their own school-age children?

Ms Harman: My hon. Friend is absolutely right. Those who have received the new deal for lone parents have warmly welcomed the fact that, so long as they can work 16 hours, which many can manage during a school week if their children are at school full time, they will get the top-up on their pay. Just as we will help people whose pay is depressed by ill health or disability, we will help those who can work only 16 hours or so to have decent take-home pay. What is more, we will help them with the costs of child care so they can be in work and make work pay.

Mrs. Virginia Bottomley: I want to reinforce the point made by the hon. Member for Leicester, West (Ms Hewitt). Is the Secretary of State aware that a

growing number of mothers feel insulted by the Government's apparent denigration of the contribution of women who choose to care for their children at home? She needs to emphasise strongly the point that she made in reply to the hon. Lady.

Will the Secretary of State repeat her assurance of co-ordination with the Department for Education and Employment? She might care to meet the group of women, working part time for a well-known national company, who have been told that, as a result of the Government signing the social chapter and other measures, it is no longer in the company's interest to employ them part time so they have the choice of being full-time mothers or full-time employees: a choice that they were not forced to face under a Conservative Government.

Ms Harman: I do not know what company the right hon. Lady is talking about, but if she wants to suggest a meeting, I shall be more than happy to consider it. I take exception to her suggestion that we appear to denigrate mothers who stay at home to look after their young children. Our proposals are simply a recognition of the fact that women are voting with their feet and going out to work. Nearly half the people in the work force are women and more than half the women with children under five—let alone those with children over school age—are working. The previous Government took no notice of that and did not support women in their choices.

We simply say that when women go out to work, instead of leaving them to struggle on their own to balance home and work responsibilities, we will help them with a flexible benefit system, advice and help regarding work, and proper child care. Mothers who stay at home will also receive the extra child benefit that my right hon. Friend the Chancellor announced in the Budget last week.

Stakeholder Pensions

8. **Mr. Flight:** What representations she has received on the expected participation rates in the proposed stakeholder pension. [34049]

Mr. Denham: We have received more than 200 responses to the recent consultation on stakeholder pensions. The majority are from organisations including financial services businesses, employers, employee groups and trade unions. The Government see a key role for such organisations, particularly in partnership with each other, in developing and promoting stakeholder pensions.

Mr. Flight: If the pension fund industry recommends overwhelmingly that for the stakeholder scheme to succeed—in terms of adequate participation—it will need to be compulsory or have some degree of compulsion, is that something that the Government will consider?

Mr. Denham: It is true that a number of submissions to the pensions review strongly support compulsory second pensions. We already have a compulsory pensions system—the vast majority of employees are compelled to be members of both the basic state pension and a second pension. We made it clear that we would consider all representations received by the review, including those on compulsion, and would respond in due course.

Mr. Flynn: Will the Minister say that he is not minded to hand over the running of stakeholder pensions to those very firms that mis-sold at least 2 million personal pensions and left a large number of people facing poverty in their retirement years? Has he seen the Eagle Star submission, which lavishly praises the state earnings-related pension scheme, saying that it is the most portable of all pensions, is best value and has charges down to one tenth of those charged by the private firms? Indeed, Eagle Star complained that the only fault with SERPS is that its merits are not properly understood. Will he ensure that SERPS is properly considered and that we can have a rejuvenated form of it, independently funded and run, and separate from the national insurance scheme?

Mr. Denham: I have indeed read the Eagle Star evidence to the pensions review and can assure my hon. Friend that those are important issues for consideration by that review. He will also want to pay tribute to my hon. Friend the Economic Secretary for her action to clear up the problems of pensions mis-selling—in stark contrast to the record of the Conservative party, which did nothing to tackle that scandal although it was obvious for years that it needed to be dealt with.

Mr. Viggers: Despite numerous references to low-cost pension schemes, does the hon. Gentleman agree that in fact pension costs will inevitably be high and that if any new scheme is not compulsory it will lead to a pensions benefit trap, which will be unfair and unacceptable?

Mr. Denham: On his question about compulsion, I refer the hon. Gentleman to the answer I gave some moments ago. I do not accept that it is inevitable that funded second pensions have to be as expensive and as inappropriate for those on low incomes or those who suffer intermittent working patterns as many personal pensions are today. I am confident that stakeholder pension schemes will be able to offer value-for-money, flexible second pensions to many people who cannot get such a pension at present.

Benefit Integrity Project

9. **Mr. Oaten:** What representations she has received about the benefit integrity project. [34050]

Ms Harman: I have received a great many representations about the benefit integrity project. I have taken action to improve the quality of decision making in the project and am discussing it further with organisations of and for disabled people.

Mr. Oaten: Is the Secretary of State aware that one of the impacts of the benefit integrity project is that each month up to 80 disabled people lose their vehicles and have no means of transport? Does she regret that? Will she step in to stop it taking place?

Ms Harman: I very much regret the fact that if it is decided under the benefit integrity project that people are not entitled to higher-rate mobility allowance, their Motability car is taken away, but that if the benefit is restored on review it is by that time too late because the car has gone. The hon. Gentleman raises an important point that disability organisations have raised with us. We are talking to Motability about it and are determined to sort it out.

Mr. Blizzard: I welcome the extra safeguards that my right hon. Friend has introduced into the benefit integrity project to protect people when it appears that their benefit may be reduced or disappear under the project. Will she consider suggestions made by DIAL, the disablement information and advice line, that would result in fairness for disabled people under the project? For example, where additional evidence is required from a doctor, it suggests that the doctor concerned should interview the disabled person before responding, because doctors often do not know that person as, frequently, disabled people are not ill people.

Ms Harman: My hon. Friend makes an important point. The Government have a responsibility to ensure that, when we pay benefit, those in receipt of it are properly entitled to it. However, we are also concerned that, in checking people's benefits, we do not take benefit away from people who are entitled to it. As I said to the hon. Member for Winchester (Mr. Oaten), giving it back later after review or appeal does not sort the situation out. We want to ensure that we get decisions under the benefit integrity project right first time. On 9 February, I introduced an extra safeguard so that no decision to reduce or remove altogether entitlement can be made simply on the evidence of the claimant; we should have a further check. We are always open to suggestions about how to ensure that that happens. It is our duty to ensure that recipients do not receive benefit to which they are not entitled but we must also do all that we can to make certain that we do not take away from disabled people income to which they are entitled and on which they are dependent.

Mr. Boswell: Given that the Secretary of State has made much of the new safeguards, how many further such checks have been made and how many cases are outstanding? Is she satisfied that, after the safeguards have been implemented, there will be no more cases of inappropriate withdrawal of benefit?

Ms Harman: We do not yet have a breakdown of cases after 9 February, but I shall let the hon. Gentleman know as soon as we do because of his long-standing interest in the issue. Two thousand cases have been reviewed following a benefit integrity project decision to reduce or altogether remove benefit. Of those, 500 have had benefit instaured. Those figures showed us that too many decisions were going wrong and that we had to put in the extra safeguard. We do not yet have the analysis of the outcome of reviews and the ratio of correct decisions after 9 February but the intention of that change was not only to make things look better or to assuage people's fears but to get a better quality of decision making. If that has happened, the number of people whose benefit is restored under review should fall because we would hope not to have taken away the benefit in the first place.

Mr. Swinney: The House will welcome the 9 February announcement about improving decisions under the benefit integrity project. Before 9 February, many people had their benefit withdrawn and have lost appeals. I met one of those people at my surgery on Saturday in Brechin, a desperate lady who failed to secure an appeal. I suspect that, if her case had been examined after 9 February, she would have been in a much better position. Will the Secretary of State undertake to re-examine all cases considered before 9 February where benefit was reduced? The problem is causing enormous hardship to many vulnerable people.

Ms Harman: The objective of the 9 February change was to make the initial decision under the benefit integrity project more likely to be correct. We are trying to speed up reviews so that people do not have to wait 10 or 20 weeks before their cases are reassessed. As the hon. Gentleman knows, the rule for examining entitlement under the review involves considering legal entitlement and the evidence. The review is a second check. He knows that the appeal system is independent. Hon. Members will agree that we must check that people in receipt of benefit are entitled to it and that their circumstances have not changed in such a way that they are no longer entitled to it. We must ensure that the initial benefit review decision is correct.

Dr. Iddon: I am sure that my right hon. Friend realises that those who are mentally ill and who have the threat of losing benefit hanging over them can experience special problems. Are any special instructions given to the benefit integrity project on the reassessment of people with those special difficulties?

Ms Harman: MIND is one of the organisations that have been prepared to talk to us about how we can improve the initial letter that lets people know that there is a review process under way and tells them what their rights are in relation to that. There are clearly difficulties regarding people suffering mental ill health and we want to make sure that we work fairly by them. One of the problems is that, because we wanted the letter not to be alarming and frightening, the original letter notifying people that they were going to be reviewed lulled them into a false sense of security about what the process was about; as a result, people did not always bring forward the necessary information. A balance must be struck between letting people know what the exercise is about and not unduly scaring them. We are grateful to MIND and other organisations for working with us to try to get the situation right.

Low-income Home Buyers

10. **Mr. Webb:** What plans she has to improve the help given to low-income home buyers with their mortgage interest payments. [34051]

The Minister for Welfare Reform (Mr. Frank Field) *rose—*

Mr. Burns: Ah.

Mr. Field: The hon. Gentleman says, "Ah"—

Madam Speaker: Order. This is taking much too long. Members should put their questions briefly and Ministers should answer them briefly. The previous question, although an important one, took eight minutes, which was far too long. The hon. Member for Northavon (Mr. Webb) has asked his question and is waiting for an answer.

Mr. Field: The best form of protection for all home owners is private insurance, and we are working with the

industry to develop better products and to improve take-up. We shall consider changes to the benefit arrangements as that work progresses.

Mr. Webb: I am grateful to the right hon. Gentleman for that response. Is he aware that, when it surveyed unemployed people on income support, his own Department found that, whereas only one in six mentioned child care, one in three mentioned loss of help with housing costs in low-paid work? Does he accept that the lack of help with mortgage interest for people in low-paid jobs is a serious barrier to moving off welfare and into work? Does he have any plans to deal with that?

Mr. Field: As the hon. Gentleman knows, the Government are reviewing welfare reform and will report on their findings on Thursday. The House should be aware that the scheme favoured by the hon. Gentleman, if it was modelled on housing benefit, would cost about £750 million. If there were £750 million spare, it would be interesting to see whether the House decided to spend it in the way the hon. Gentleman wants, or in other ways.

Mr. Pike: Can my hon. Friend confirm that, as soon as MIRAS is changed next month, the benefits system will be changed to ensure that people are not put in difficulties with their interest payments?

Mr. Field: As my hon. Friend knows, the payments made for mortgage interest are a tracking arrangement and we shall, in due course, take into account changes in the mortgage interest rate.

Disability Benefits

12. **Mr. Winnick:** If she will make a statement on the proposed changes to disability benefits. [34053]

Mr. Denham: As announced in the Budget statement, we shall provide extra help for disabled people who want to work through the extension of the invalidity benefits linking rule and the removal of voluntary work limits from October this year. In addition, the transformation of disability working allowance into the more generous disabled person's tax credit from October 1999 will mean extra financial help for those who get a job.

Mr. Winnick: Does my hon. Friend accept that the Labour party has always been the champion of the disabled? I hope that we shall always remain so. If he does, does he also accept that those who are disabled and not in a position to work should in no way be penalised and that there is no justification for means-testing or taxing the benefits received by the disabled? In that way, we could demonstrate our continued support for those who suffer disability.

Mr. Denham: My hon. Friend is right to say that there will be those who are not able to work, but who are sick or disabled, and I can assure him that they have nothing to fear from this Government. The Government will always provide support for those in genuine need and, in the course of the welfare reform reviews that are taking place, we shall look at the best ways to provide support for those disabled people who are unable to take opportunities to work.

Mr. Gibb: Will the Minister now answer the question asked by the hon. Member for Walsall, North (Mr. Winnick) and say whether the Government intend to tax or means-test the disability living allowance?

Mr. Denham: We have clearly set out the basis on which we are approaching welfare reform. We recognise the extra costs involved for those who have disabilities. In the course of that welfare reform, we must identify the right way of providing support for those who need it.

Benefit Payments

13. **Mr. Simon Hughes:** What is the average delay between applications for benefits and payment of benefits by agencies accountable to her Department. [34054]

Mr. Field: This Department deals with over 20 benefits. There are 48 targets measuring performance on the clearance of new applications. We are currently achieving 90 per cent. of those targets.

Mr. Hughes: That was a pretty obscure answer, but no doubt it can be pursued. Does the Minister accept that, whatever the general position may be, in some places there are huge delays between the application for, and the payment of, benefits? That can mean the loss of entitlement. I understand that the causes of delay are often overstretched staff, people off sick, posts unfilled and a 25 per cent. cut in finance. Does the Minister accept that one thing he could do would be to reinstate district office factors, so that terribly over-pressed offices, such as mine in south London, which have to deal with many asylum seekers, mentally ill people and other difficult cases, have the funding to deal with their heavy and difficult case load? That would allow such applicants to get their benefits as soon as anyone else.

Mr. Field: If the hon. Gentleman writes to me, I shall consider that idea seriously.

Mr. Burns: Would the right hon. Gentleman care to comment on the delays in the payment of winter fuel benefits to non-income support pensioners, who are having to wait up to nine weeks for what is becoming a summer supplement, not a winter fuel benefit? Would he also care to comment on the 9,000 pensioners on income support and living in residential homes who have erroneously received cheques—some of which have been cashed while others have not? Will the Government seek to claw back that money?

Finally, on the question that the Secretary of State failed to answer last Thursday, is the Minister aware of the developing problem among some non-income support pensioners which has meant that, instead of couples receiving two cheques for £10 each, some are receiving two cheques for £20 in winter fuel benefits? What will the Government do to rectify that cock-up?

Mr. Field: In answer to that eight-minute question, I should like to remind the hon. Gentleman that, probably

by the end of this week, all 10 million or so pensioners will have received their payments. Only 15,000 are still waiting to receive them. The benefit had to be introduced from scratch because the Opposition, when in government, did not think it important to deliver extra help in that way.

When the hon. Gentleman was in government and the Government of the day used to come to the House waving pieces of paper, not a day went by when he did not get up and tell the House about how important those pieces of paper were—the most important, in fact, since the previous day. His approach to Government initiatives could not have been more constructive. Since going into opposition the hon. Gentleman has fallen among bad friends. I believe that his constituents would prefer the constructive Member whom they had representing them in the days when the hon. Gentleman sat on Government Benches to the person who has clearly become a whinger in opposition.

Old-age Pension

14. **Mr. Corbyn:** When she expects to announce the basis on which the state old age-pension will be calculated. [34055]

Mr. Denham: We said in our manifesto that the basic state pension will be retained as the foundation of pension provision in retirement and be increased at least in line with prices. We are considering all aspects of the basic pension as part of our pensions review, which will report later this summer.

Mr. Corbyn: Can the Minister confirm that, since the Conservatives broke the link with earnings in 1980, £11 billion has been taken out of pensioners' pockets; and that to reinstate the link would cost £500 million a year? Reinstatement would eliminate poverty among some people in retirement and reduce the pressure on those approaching retirement to take out expensive and inefficient private pensions instead of relying on state provision. Will the Minister ensure that the pensions review guarantees a return to the link with earnings which the Tory Government so cruelly broke?

Mr. Denham: The pensions review is considering all those issues and we are consulting closely with representatives of pensioners' organisations—something that the Conservatives never did in their 18 years in government. Ahead of the outcome of the pensions review, the Government have taken the unprecedented step of making £200 million available for winter fuel payments this year, and will do the same next year.

Cancer Treatment (Women)

15. **Dr. Gibson:** What steps she is taking to ensure that women receive equality of treatment for ovarian and other cancers throughout the United Kingdom. [34056]

Ms Ruddock: The Ministers for Women are deeply concerned about women's health and are routinely in contact with colleagues at the Department of Health. I am aware of a recent parliamentary meeting on ovarian cancer organised by my hon. Friend the Member for Brentford and Isleworth (Ann Keen) and concerns that were expressed at that meeting about inequalities of treatment. My right hon. Friend the Secretary of State for Health has set out the Government's intention to improve the consistency of treatment for cancer in our White Paper "The New NHS".

Dr. Gibson: I thank the Minister for that answer. She will be well aware that, each year, 6,000 people are diagnosed with ovarian cancer and 4,000 women die from it. Does she agree that clinical treatments should be equalised throughout the country, and that women should be provided with all the clinical options so that they can participate in decision making on the treatment? Does she further agree that, in the national health service, treatment with Taxol is not provided equally across the country, and that that is a sad indictment of the NHS internal market and the high cost of that drug?

Ms Ruddock: Since the meeting that I mentioned, I have raised that issue with the Department of Health. That Department is aware of variations in cancer services, and the availability of drugs such as Taxol is one aspect of that variation. I understand that health authorities and trusts are working to remedy that, but we must leave them some discretion to tackle first what they regard as the most pressing local needs.

People are, however, right to expect broadly similar services wherever they live. The White Paper guarantees that everyone with suspected cancer will be able to see a specialist within two weeks of a request by their GP for an urgent appointment, and that guarantee will apply to those suspected with breast cancer from April 1999, and to all other cases of suspected cancers from the following year.

Pension Funds

17. **Dr. Julian Lewis:** What representations she has received on the impact of the abolition of the advance corporation tax dividend on pension funds. [34058]

Mr. Denham: A number of organisations with an interest in pensions have written about this matter.

Dr. Lewis: Will the Minister encourage private pension fund managers to inform their pension holders by how much they must increase their monthly contributions to make up the shortfall in their pension funds—or would the Government rather keep their victims in ignorance, in the finest traditions of the late Robert Maxwell?

Mr. Denham: That is a remarkable question from the party that was responsible for the mis-selling of personal pensions on an unprecedented scale. I make it clear that it is a responsibility of private pension providers to provide best advice to holders of their policies.

The best thing that we can do for pension provision is to lay the basis for sound, sustainable economic growth, which achieves high levels of investment and produces the wealth from which all our pensions will be paid. I believe that both the Budget in July 1997 and last week's Budget will achieve just that.

Mrs. Dunwoody: Is it not important that people are given accurate information about their pensions, whether

from the private or the state sector? Is my hon. Friend aware that it was a previous Labour Government who sent in the inspectors of Mr. Robert Maxwell and produced a report which said that, under no circumstances, should he ever be given any support, and that a Conservative City of London proceeded to lend him as many millions as he asked for?

Mr. Denham: My hon. Friend makes an interesting point. I agree that it is important to ensure that people receive accurate information about their pension provision. That is why the Government have set up the pensions education working group to examine how to raise the level of awareness about financial and pensions information. I anticipate receiving that group's report in the next few weeks.

Violence Against Women

18. **Ms Southworth:** What plans she has for tackling violence against women. [34059]

Ms Ruddock: The purpose—

Ms Southworth *rose—*

Ms Ruddock: I think that hon. Members are trying to follow your diktat, Madam Speaker, and make their questions rapid and brief.

Madam Speaker: It also applies to Ministers.

Ms Ruddock: I shall try, Madam Speaker.

The purpose of the national strategy on tackling all forms of violence against women is to create a safer environment for women at home and in the outside world by working to eliminate all forms of violence against women and to empower women to challenge abuse. It will cover the safety of women in personal relationships, on transport, at work and in the community.

Ms Southworth: Will my hon. Friend join me in welcoming the two-day conference that will be held in my constituency next month, when local agencies will meet to develop a community plan to take action against domestic violence? Does my hon. Friend agree that those kinds of partnerships are essential if we are to deal with domestic violence, which is an abhorrent crime in which the perpetrators attempt to intimidate the victims so that they are too afraid and ashamed to speak out? Can my hon. Friend confirm that the Government will speak out on behalf of the victims and will root domestic violence out of our society?

Ms Ruddock: I thank my hon. Friend for her question. I confirm that the Government are absolutely clear about the fact that domestic violence must be stamped out. I certainly commend the conference to which my hon. Friend referred and I commend partnerships. I recently witnessed an excellent partnership in Norwich involving the local authority and the housing department, which have worked with the police to enable a community care alarm provision for the elderly to be used also by victims of violence. There are many good practices out there from which we can all learn.

Mr. Brazier: I welcome the Minister's earlier answer. Will she confirm that one form of domestic violence that is even more common than violence against women is domestic violence against children? Will she reassure the House that children, who have no votes or voices, will be included in the Government's consideration of domestic violence issues?

Ms Ruddock: The hon. Gentleman is absolutely right: the whole Government are deeply concerned about all aspects of child abuse. When we examine domestic violence—which is categorised as violence affecting adults—we also take into account the effects of such violence upon children. The hon. Gentleman is correct to believe that we are building that consideration into our strategy of concern. My colleagues across government are also paying particular attention to all aspects of child abuse, which we wish to see removed from our society.

Lorna Fitzsimons: Although we acknowledge the insidious crime of domestic violence, it is important that the Government strategy makes people aware that our priority is not only domestic violence but all forms of violence against women. Will my hon. Friend tell us something about the cross-departmental workings that are going on to ensure that women can participate fully in the home, in the world of work, on transport and in the community without the fear of violence?

Ms Ruddock: I reiterate that the strategy that we are developing seeks to combat all forms of violence against women, including violence against women on transport. In terms of cross-Government working, I assure my hon. Friend that the women's unit and the Ministers for Women are having key input into the co-ordinated transport strategy document being developed by our colleagues in the Department of the Environment, Transport and the Regions. It is essential to put women's concerns into all aspects of Government policy. We know that women fear violence when travelling on public transport and we hope that we can do much to make it safer for them in reality while addressing their real fears.

Winter Fuel Payments

19. **Mr. Baldry:** What percentage of those entitled have received their full entitlement of help towards winter fuel costs. [34061]

Mr. Denham: Winter fuel payments have been an enormous and unprecedented exercise involving the issue of almost 10 million payments to more than 7 million pensioner households. As of today, payments have been dispatched to more than 99 per cent. of eligible pensioners. About 15,000 payments remain to be issued over the next few days.

Mr. Baldry: I am sure the Minister will agree that, until recently, the scheme was a bit of a shambles, with large numbers of payments being made very late in the day. After all the problems this year, can he give the House an undertaking that, if the scheme continues for a further year, it will run more smoothly next year?

Mr. Denham: I do not agree that winter fuel payments have been a shambles. They have been a great success. The Opposition did nothing to provide pensioners with help with their winter heating bills over 18 years in office.

The winter fuel payments will be made again next year, and we shall examine the procedures to see what, if any, lessons can be learnt from this year's successful exercise.

Pensioner Incomes

20. **Mr. Dismore:** What assessment she has made of inequality in pensioner incomes. [34062]

Mr. Denham: We want today's and tomorrow's pensioners to enjoy security in retirement. Income inequality between the best and worst-off pensioners has grown since 1979, and estimates show that that inequality is set to widen in the future.

Mr. Dismore: Is my hon. Friend aware that a quarter of pensioners are on income support, and that pensioner poverty is a serious problem, particularly in Burnt Oak and Colindale wards in my constituency? Next week, I am due to visit a pensioners luncheon club. Can my hon. Friend tell me what progress I can report to those pensioners when I meet them?

Mr. Denham: A quarter of pensioners are entitled to income support, but many of them are not receiving it. That is why, next month, we are launching nine pilot projects using the most up-to-date computer data techniques to identify those pensioners. We shall work with local authorities and local voluntary organisations to find the best ways of encouraging them to do so. I hope that, on my hon. Friend's visit to the lunch club, he will raise awareness of the Government's action for the poorest pensioners.

Police Complaints and Discipline

3.31 pm

The Secretary of State for the Home Department (Mr. Jack Straw): With permission, Madam Speaker, I wish to make a statement about the Government's response to the Home Affairs Committee report into police disciplinary and complaints procedures. I am placing in the Library a copy of the response to each of the Committee's conclusions and recommendations. I thank all members of the Committee for the thoroughness of their work.

I begin by praising the honesty and integrity of the vast majority of police officers in this country. Their job is a difficult and dangerous one. As a society, we make huge demands of them. We have a police service that is one of the finest in the world.

The reputation of the service is put at risk, however, by a very small minority of officers whose behaviour falls below the standards that the public rightly expect. The actions of those officers undermine the work of honest officers, and shake public confidence in the service as a whole.

I am therefore determined to give the police service the powers it needs to deal effectively with that small but corrosive minority of bad officers. The Home Affairs Committee's report made a compelling case for change. I am announcing today the steps that I am taking to implement most of its recommendations.

A debate on reform of these procedures has been going on for five years, since the previous Government launched a consultation paper in 1993. At the heart of that debate has been the issue whether arrangements in the service should be brought more into line with normal employment practice in other fields. The burden of the Home Affairs Committee's report is that they should.

The time has come for the Government to take decisions on the report's recommendations and to act upon them. I have been helped in this by the constructive and professional approach adopted by the Police Federation, the Police Superintendents Association and the Association of Chief Police Officers.

One illustration of this approach is the widespread agreement already achieved with the staff associations that the police need new procedures for tackling poor performance by individual officers, and procedures that are separate and different from those needed to deal with disciplinary matters. I accept the Committee's recommendation that the new procedures should be introduced without delay.

Let me deal first with procedures for discipline. First, I have decided that the standard of proof in disciplinary cases should be changed from the criminal to the civil standard. I am alive to the argument that some officers might be less likely to tackle criminal behaviour through anxiety that this change could leave them vulnerable to unfounded or malicious complaints. However, the civil standard of proof has operated fairly in the police service in Scotland, and there is no evidence that this has undermined officers' effectiveness there.

Moreover, I have every confidence that, with this change, police officers as a group will continue to act in the public interest. Nevertheless, I am discussing with the police associations the possibility of conducting attitudinal research to monitor the effect of the change among police officers.

There are circumstances in which conduct may constitute a breach of discipline although it has not been proved to be a criminal offence. However, at present an officer acquitted of a criminal offence may not be charged with an equivalent disciplinary offence, principally because the standard of proof is the same in criminal and in disciplinary proceedings. In future it will be possible for officers to face both disciplinary and criminal action on the same facts. This will bring the police into line with the position of most others in the public and private sectors.

I am also accepting the Committee's recommendation to end the "right of silence" of officers in disciplinary hearings, and to apply the same modified caution as laid down in the Criminal Justice and Public Order Act 1994.

At the moment, officers who face the loss of their job or rank as a result of a disciplinary proceeding are entitled to legal representation at all stages of formal disciplinary action. The Committee recommended that this right should be maintained only for those officers who are at risk of losing their jobs.

However, I have decided to retain the status quo, so that officers facing reduction in rank also retain their right to legal representation. In addition, I am rejecting the Committee's recommendation that discipline hearings should be held in public—although the public have a right to know the outcome of proceedings, it would in my view be manifestly unfair to officers facing discipline to have their cases dealt with at a public hearing.

For the most serious cases, the Committee recommended that chief officers should have available to them a system of "fast track" dismissal. I have decided to accept this recommendation. This system will need detailed and careful work before it can be ready for implementation. There will be discussions with the police staff associations about the appropriate procedure. The fast-track procedure will be within a framework of a fixed timetable of no more than six weeks from beginning to end. The procedure would include the right to legal representation and the right of appeal. Officers will be able to be suspended from duty immediately, as is the case now.

There is one serious defect in the present practice that causes very great public concern. This is where a police officer's retirement on ill-health grounds is agreed before disciplinary proceedings can be completed, thus ending all prospect of disciplinary action against an officer. As the House knows, the inability to complete disciplinary hearings after the Hillsborough disaster has quite rightly been a cause of great anger and frustration to the families of victims.

The procedures will therefore be strengthened so that where accused officers claim that they are unable, through ill health, to appear at disciplinary hearings, matters can be decided in their absence, but with appropriate safeguards. I shall also be securing a rigorous application of the existing regulations so that any outstanding disciplinary matters have to be completed before any application for early retirement can be considered.

I intend to take firm action against officers convicted of criminal offences connected with their work. At present, police authorities may apply to me for a

[Mr. Jack Straw]

certificate to forfeit the pension of any such officer, but this is at their discretion. In future, police authorities will be asked to refer all such cases to me automatically. It is abhorrent that public money should be paid out to those very few officers who are convicted of criminal offences and who abuse their position of trust.

It is my aim to introduce all these changes in England and Wales with effect from 1 April 1999. As the Northern Ireland discipline regime mirrors the one for England and Wales, I have consulted my right hon. Friend the Secretary of State for Northern Ireland on my response. My right hon. Friend agrees with my proposals, and will be implementing them in Northern Ireland.

Let me turn now to the Committee's recommendations on complaints, which need to be considered separately. Independence and openness are the key to greater public confidence in the police complaints system. The Committee's proposals point the way forward. However, some of its proposals require legislation, and many have significant resource implications. Against that background, I intend to make progress on those changes that do not require primary legislation.

I accept the Committee's recommendation that the Home Office should conduct a detailed feasibility study of different arrangements for an independent police complaints investigation process. I also accept the Committee's view that, in the absence of a totally new investigative body, fundamental changes to the complaints process would be premature, but that, in the meantime, the Police Complaints Authority should make robust use of its existing powers.

I accept in principle the Committee's recommendation that the PCA be given the powers and the funds to commission independent investigations in cases where there is reason to believe that the existing process is inadequate. However, that would involve significant extra costs, which I am afraid make early change here unlikely.

The Committee recommended that either the PCA or any other independent review body should be able to undertake investigations whether or not the matter has been the subject of a complaint. In the light of this, I am minded to propose that, as Home Secretary, I should be given a power to request or require the PCA to initiate and oversee such investigations where this is in the public interest.

Many people make a complaint about the police, which, for one reason or another, is not then recorded. The Committee proposes a relatively straightforward change to the recording of complaints, which would make the current system more responsive to public concerns. It suggests that all representations that could constitute a complaint should be registered by the police, with a right of appeal to an independent body for the complainant where there is a disagreement; and that it should be possible for a complaint to be registered directly with the PCA in certain circumstances. I accept those recommendations.

I have considerable sympathy with the criticism of the Committee that the existing arrangements are not sufficiently open to public scrutiny. The Committee therefore recommended that investigating officers' reports should be subject to disclosure on the same basis as other documents relating to a complaint. It also recommended that investigation files relating to deaths in custody should generally be made available to the deceased's family before inquests.

Those recommendations raise difficult issues. The reports of investigating officers form a class that the courts have ruled is entitled to public interest immunity, although the police can be directed to disclose a report where a court is satisfied that the public interest of disclosure would outweigh the public interest of preserving confidentiality.

On inquests, the High Court has held that a person is not entitled in advance of the inquest to see copies of statements provided by the police to coroners. At the moment, the release of such documents is at the discretion of the police, but I accept some of the Committee's criticisms, and I am therefore giving further consideration to the scope for changes in this area.

My detailed response to the Committee deals with other confidence-building changes that it has recommended. Some of the recommendations on the complaints system that I have accepted will require primary legislation. The Government will look for suitable opportunities to introduce such changes. Much detailed work and consultation is required with ACPO, the police staff associations, the Association of Police Authorities, and other interested parties. This further work and consultation will begin straight away.

In considering the Committee's recommendations, I have paid full regard to the implications for all police officers who every day fight crime and disorder, and who protect the public. I have no intention of making police officers more vulnerable to malicious complaints about the way in which they do their jobs; but, equally, we must deal robustly with wrongdoing by a very small minority of police officers if public trust is to be preserved. Uppermost in my mind has been protecting the deservedly high reputation and standing of the police service as a whole.

In this country, we police by public consent, and that consent depends on public confidence and trust. The measures that I have announced today will strengthen the people's trust and confidence in their police service, and I commend them to the House.

Mr. James Clappison (Hertsmere): I am grateful to the Home Secretary for letting me have a copy of his statement in advance. As I think he already knows, my right hon. Friend the Member for North-West Cambridgeshire (Sir B. Mawhinney), the shadow Home Secretary, is unable to be present because he is at a funeral.

Before making a number of detailed points, let me ask the Home Secretary whether he agrees that the overwhelming majority of our policemen and women are honest, decent and brave, and that they are as anxious as anyone for the small minority whose conduct falls below the required standard to be dealt with effectively.

Is the Home Secretary satisfied that the new arrangements following the change from a criminal to a civil standard of proof in disciplinary cases will contain sufficient safeguards to protect honest and decent police officers from unfounded and malicious complaints? In particular, is he satisfied that there will be sufficient safeguards in cases in which serious allegations have been made, and in which serious sanctions could follow? Will

the same standard of proof—which is now to be the civil standard—apply in both the less serious and the more serious types of case? What will the position be in cases that could lead to criminal charges?

The Home Secretary has said that he is alive to the risk that some officers might be less likely to tackle criminal behaviour through anxiety as a result of the changes that he has announced today. Will the research into attitudes to which he referred take full account of that, and will that research be wide-ranging and cover each of the 43 police forces? Does the Home Secretary accept that there is a difference between criminal behaviour on the part of an officer and inadequacy on the part of an officer in the face of a particular situation, and does he agree that the disciplinary procedure should reflect that?

On the fast-track procedures, will regard be given in future to the need not to prejudice a criminal trial when such procedures are operating? There is also the question of retirement on ill-health grounds before disciplinary proceedings. Will it be possible for disciplinary hearings to be held under existing arrangements when an officer cannot be present as a result of ill health?

If hearings can be held under existing arrangements, will the Home Secretary tell us exactly what changes he is proposing? Will he also say whether any of the measures that he proposes will have an effect on police officers' own pension contributions? Will he tell us what will be the remit of the feasibility study for an independent complaints process, and whether its report will be published?

Finally, does the Home Secretary agree that, in seeking to deal with corrupt and bad police officers, we should never lose sight of the need to protect good and honest police officers, who form the vast majority?

Mr. Straw: I entirely accept that the right hon. Member for North–West Cambridgeshire (Sir B. Mawhinney) cannot be present because he is attending a funeral. I also entirely concur—as was suggested by my opening remarks—with the opening and closing observations of the hon. Member for Hertsmere (Mr. Clappison) about the high levels of probity among the vast majority of police officers. The changes in the disciplinary process are needed to protect not only the public, but those officers.

The hon. Gentleman asks eight specific questions; I shall deal with them as quickly as I can. Will there be sufficient safeguards to insure against unfounded malicious complaints that lead to disciplinary action? Yes, I believe that there will be. One of the matters that the Select Committee considered is whether there should be a new offence of making a malicious complaint, but it decided against that. The associations, which made the suggestion, are not especially enthusiastic about it, although I have already told them privately that if they can make a strong argument in the light of experience, I shall consider it. The vast majority of investigations that lead to serious disciplinary action being taken against police officers are not promoted by complaints from members of the public, but arise through internal investigations by the police.

The hon. Gentleman asks whether the burden of proof would be the same in serious, less serious and more serious cases. Yes, it would be, but the application of that burden of proof in practice will be higher the more serious the case, because that is the way in which tribunals operate.

The hon. Gentleman also asks whether the research into attitudes, which we are discussing with the police associations, would take full account of the anxieties of police officers—yes, it would. He also asks whether it would examine practice in all 43 forces. I doubt whether that would be possible, because it would inevitably be a sample survey, but we shall cover as much of the country as we can.

The hon. Gentleman asks whether I accept that there is a clear distinction between criminal behaviour by a small minority of officers and officers' inadequate conduct in the heat of circumstances. I accept that. One of the changes that the associations have already embraced is a need to deal with poor performance in a separate way from disciplinary processes.

The hon. Gentleman asks whether the fast-track procedure should be set up in a way that should not prejudice criminal trials. That will be a sine qua non of using that procedure. Disciplinary action that leads to the dismissal of an individual but does not prejudice a subsequent criminal trial can be taken in many other walks of life, such as the Prison Service and the police service in Scotland.

The hon. Gentleman asks whether existing arrangements provide for the hearing of cases of officers who are absent on grounds of ill health. In practice, they do not. I shall write to him about whether the small print provides that they should, but, whatever it says, the truth is that at the moment officers can evade proceedings on disciplinary grounds if they put in a sick note.

The hon. Gentleman asks whether the feasibility study into complaints will be published. I intend to publish as much of it as possible.

Mr. Chris Mullin (Sunderland, South): I welcome my right hon. Friend's statement: rarely has a Select Committee report been responded to as swiftly and as fully as this one. Will he accept from me that this is a good day not only for those of us who care about upholding public confidence in the police, but for the Select Committee system as a whole?

It is now up to chief officers robustly to use the new disciplinary powers that they have been given and not, as some have in the past, to fail to use the powers at their disposal when they should have done.

I was not sure what my right hon. Friend was saying on complaints, but one of the difficulties presented to us during our investigation was that chief constables occasionally refused to refer a complaint to the Police Complaints Authority: the authority wanted to pursue a complaint, but it was hamstrung. Is my right hon. Friend saying that he will allow the PCA to pursue complaints that it deems should be pursued?

Mr. Straw: I thank my hon. Friend, who is the Chairman of the Select Committee, for his remarks. I pay tribute to members of the Select Committee for their work, but I particularly want to pay tribute to my hon. Friend. I entirely share his view that this is a good day for the Select Committee process.

In 1979, the Leader of the House, Mr. St. John-Stevas, as he was then, proposed the establishment of the departmental Select Committee. There was some scepticism about whether the process would advance the work of the House. I am in no doubt that it has, and this

[Mr. Straw]

report shows that a Select Committee is far better placed than an interdepartmental inquiry to bring out the issues that are central to the problem of police complaints and discipline. It is a good example of Parliament and Government working together.

I assure my hon. Friend the Member for Sunderland, South (Mr. Mullin) that I shall urge chief officers to use these powers robustly. The Police Federation has said that chief officers have not used some of their present powers robustly, and that is a fair criticism. They have the power not to allow retirements on ill health until disciplinary processes have been completed. Too often, they have taken the easy way out and have got rid of a bad apple by allowing him to retire early: they must stop doing that.

My hon. Friend asked whether the Police Complaints Authority will be able, of its own volition, to initiate an inquiry if a chief officer fails to pass a case on to the authority. I propose that the Home Secretary of the day should be given the power to direct the PCA to initiate an inquiry in such circumstances.

Mr. Richard Allan (Sheffield, Hallam): The Liberal Democrats welcome the Select Committee report, and are pleased that the Home Secretary has responded to it so positively. Will he explain how he plans to widen access to the findings of the complaints procedure?

My hon. Friend the Member for Harrogate and Knaresborough (Mr. Willis) and I expressed concern about the use of public interest immunity to block a recent report into the goings-on at Harrogate police station after allegations of serious sexual harassment. Does the Home Secretary share our view that greater rather than less access is in the public interest? Will he rectify the current situation whereby large amounts of taxpayers' money are spent but no findings are published?

Will the new restrictions on retirement and ill health apply to all ranks, including the most senior? Some of the more controversial cases in recent years have involved senior ranks up to chief constable. Will they be subject to the same rules? Will the Home Secretary consider putting in place a mechanism whereby junior officers can raise issues of concern about the use of the lower burden of proof? We share the Committee's view that the lower standard of proof is appropriate, but junior officers have a legitimate concern about possible abuse by senior officers. Does the Home Secretary plan to offer junior officers a way to raise such concerns?

I hope that the Home Secretary shares our view that the outcome of these changes should be an increase in the morale of the police by sorting out the odd few bad apples, and an increase in public confidence, which should be a good measure of whether the system is effective. People should go through the formal procedure rather than resort to the civil courts, as they have increasingly been doing.

Mr. Straw: I thank the hon. Gentleman for his support for my statement and for the work of the Select Committee.

I am giving further consideration to the complicated problem of providing greater public access to the findings of the complaints procedure. People who are subjected to the disciplinary process have rights, which is why the courts have taken the view that public interest immunity should apply to them as a class, save if a court decides that PII should not apply in the interests of justice.

We are considering whether, under the Freedom of Information Bill, some of the constraints on the publication of reports by the Police Complaints Authority should be lifted. I shall inform the House of my conclusions at a later stage.

The new proposals will apply to ranks up to and including the rank of chief superintendent. Discipline of ACPO ranks—chief officers—are dealt with by police authorities. I accept that there may be some implications for police authorities, and we shall discuss those matters with the Association of Police Authorities, the Association of Chief Police Officers and the new staff association for chief officers, whose new acronym I forget.

The hon. Gentleman asks whether I accept that police officers may have some legitimate concern about the way in which the new process, particularly the lowering of the burden of proof, will work. I accept that there is some concern, and I have discussed that with the Police Federation. I hope that, over time, the concern is allayed. It has not been a problem for the police service in Scotland, or within the Prison Service. Even after a chief officer's disciplinary finding, there is a careful, two-stage appeal process, first to an independent tribunal and then to the Secretary of State himself.

Lastly, the hon. Gentleman asks whether I believe that the changes will raise police morale. Yes, I firmly believe that, because police morale and the dedicated, hard-working majority of officers are severely and disproportionately damaged by the work of a bad minority.

Mr. Kenneth Clarke (Rushcliffe): Is the Home Secretary aware that the only occasion on which I received a certain amount of barracking from a small section of the audience at a Police Federation conference was when I announced proposals on police discipline that were exactly the same as those that he has announced? Would he not be deterred by that, because I think that, in the many years that have followed, opinion has moved yet further, and that the vast majority of honest, hard-working police officers in the federation and elsewhere will accept that the proposals will enhance the already high reputation of the police service and not be a threat to it?

Has the Home Secretary firmly decided beyond further consultation that the possibility of disciplinary proceedings following acquittal on a criminal charge will proceed? It must be right to say that the facts that might demonstrate innocence on the criminal charge could still illustrate conduct that falls far below that which is expected of a serving police officer. It must be right for chief constables to consider that.

As many cases can give rise to criminal proceedings against a police officer or against a complainant and to possible disciplinary proceedings against a police officer, following his earlier reply, would the Home Secretary say that, in all ordinary circumstances, it must be right for the question of criminal prosecution and criminal proceedings to be disposed of altogether before any disciplinary proceedings start? It is difficult to conceive how, under the fast-track procedure or in any other way, criminal proceedings might not be prejudiced by findings at a

disciplinary proceeding to the disadvantage of either the officer or the cause of justice if the complainant benefits from a rather abrupt disciplinary hearing.

Mr. Straw: I pay tribute to the right hon. and learned Gentleman for his work on this matter. I am sure that the robust line which I have no doubt he took in dealing with this matter before the Police Federation some five or six years ago has helped to open up the debate. It is a matter for regret that, although his successor as Home Secretary initially endorsed the position that the right hon. and learned Gentleman when he was Home Secretary set out in a speech to the Police Superintendents Association in September 1993, he later backed off from making those changes. Some of them could have been introduced some time ago if it had not been for that.

The right hon. and learned Gentleman asks whether I accept that the changes may result in officers being dealt with under the disciplinary process although they have been acquitted by a criminal court. The answer is that, by changing the burden of proof, that must be the case. In some instances, officers either will not be proceeded against on a criminal charge because of the Crown Prosecution Service's view of the evidence, or will be proceeded against and acquitted but may still, rightly, be found guilty under a disciplinary process.

The right hon. and learned Gentleman asks whether I accept that, in all but the most exceptional cases, the criminal trial should be dealt with before any disciplinary processes are disposed of. I do not accept that. It depends on individual circumstances. It is rare for a police officer to face a charge of dishonesty, except in grave circumstances, and I am advised by the chief officers concerned that, in many such cases, it is essential for the officers to be dealt with, disciplined and away from the police service before the inevitably much longer criminal processes take their course.

However, I have made it clear that it is self-evidently critical that disciplinary processes in these circumstances would precede a criminal process only where the Crown Prosecution Service has taken the view that subsequent court proceedings would not be prejudiced.

Mr. Robin Corbett (Birmingham, Erdington): I welcome my right hon. Friend's statement. Does he agree that the big difficulty is that the police are still seen to be investigating complaints themselves? I urge him to drive on as quickly as possible with measures to enable a more independent Police Complaints Authority to handle these matters sensibly, fairly and effectively, to attract the support of both police and public.

Mr. Straw: I certainly accept that part of the problem with the perception of the existing system is that the police are seen to be investigating themselves. This is a system that has grown up. It has been the subject of criticism by the Select Committee on Home Affairs, by hon. Members on both sides of the House and, it is fair to say, by the Police Federation, which represents the majority of officers, who also want an independent investigative process.

That said, my experience is that, precisely because the police investigate themselves, they conduct almost all these investigations with great rigour and considerable independence. However, there remains the problem of public perception.

It is for that reason that I have undertaken to conduct the feasibility studies to find out ways in which we can inject greater independence into the process of investigation of serious matters. I do not think that there is any case for greater independence in the process of investigating less serious matters, which, in other walks of life, are dealt with by internal management in any case.

My hon. Friend calls for a more independent PCA. The PCA is robustly independent. The issue is not its independence, but the independence of the investigative process itself.

Mr. Douglas Hogg (Sleaford and North Hykeham): I welcome the Home Secretary's statement, and agree with much of it. However, may I direct the right hon. Gentleman to two issues: the balance of burden of proof, and pensions? Does he accept that, in serious cases, there must be great concern if the burden of proof is the civil one rather than the criminal one? Will he please look at that again?

Does the right hon. Gentleman accept that, although it is right that forfeiting a pension entitlement should be considered when a police officer is convicted, it is also right that the rules of proportionality should be observed, and that pensions should not always be forfeited; that should happen only in serious cases? Will he deal with the question asked by my hon. Friend the Member for Hertsmere (Mr. Clappison) on a police officer's contributions? Those are contributions that the police officer has made. Are they to be forfeit as well? That would seem to be a form of expropriation.

Mr. Straw: I do not accept the right hon. and learned Gentleman's view that there will be great concern about the change in the burden of proof. I know that he took a different view when the matter came before the Select Committee. I think that, overwhelmingly, the advantage is in changing the burden of proof. There is no question of that in my mind. The only result of the present very high burden of proof is that police officers who are obviously guilty of the most serious corrupt practices are able to get away with their crimes—and crimes they are.

However, I have already said that I accept that there are anxieties among police officers. We will monitor the case. We will discuss how to do so in a positive way through attitudinal research, the terms of which we will agree with the police associations.

On the issue of forfeiting pensions, the right hon. and learned Gentleman asks whether I accept that the rules of proportionality should apply. Yes, of course I do. The sorts of case that we are thinking of are those in which police officers have been convicted of very serious corruption charges. In those circumstances, I do not believe that it is right for such officers to go on drawing pensions at public expense even while they are still in prison. That is unacceptable and has to end, but what I am talking about—to answer his third question—is that part of the pension that has been provided at public expense, not that part of a pension that is being provided out of the deferred salary of the police officer himself or herself.

Helen Jones (Warrington, North): I welcome my right hon. Friend's reference to the tragedy suffered by the families involved in the Hillsborough disaster. Does he

[Helen Jones]

accept that one of the greatest griefs felt by those families is that one of the senior police officers involved was able to avoid disciplinary proceedings by retiring? Can he assure the House that that will not happen in similar cases in future? Will he take this opportunity to deal with the concern of those families that what he is introducing today cannot be made retrospective?

Mr. Straw: As I said in my statement, I accept that the families and friends who lost loved ones at Hillsborough are right to be angry about the fact that disciplinary proceedings were avoided by an early retirement. That matter is made even worse because the regulation that exists today, and which I believe existed eight or nine years ago, gives police chiefs a discretion not to allow a retirement in such a case. Therefore, I am not changing the regulation: I am ensuring its rigorous enforcement.

My hon. Friend asked why I could not make the changes retrospective. It is a fundamental principle that new criminal or disciplinary proceedings cannot be imposed retrospectively. It would not stand up in a court here, where it would plainly be seen as an abuse of process; nor would it stand up in the European Court of Human Rights in Strasbourg.

Mr. Tim Boswell (Daventry): Further to the exchanges about Hillsborough, and as the right hon. Gentleman made it clear that the start date is to be 1 April, will he clarify whether any new disciplinary cases opened after today, which relate to alleged offences that have either already taken place or that take place before the start date, will be covered under the old procedures for burden of proof?

Mr. Straw: I think that the hon. Gentleman may have misheard me. The start date is 1 April 1999, not 1998. There is a great deal of work to be done to ensure that the regulations are properly drafted. I wish that we could begin before that date, but we cannot. I will write to the hon. Gentleman in detail about the point at which the start date will come into operation. My anticipation is that it will operate from the point at which a disciplinary offence is committed.

Mr. John McDonnell (Hayes and Harlington): My right hon. Friend may be aware that I have tabled a number of questions about disciplinary procedures in each police authority, asking for information on the number, the duration, the cost and the outcome, including any early retirements by any officers involved. Is my right hon. Friend aware that there has been some concern about the number, the duration, the cost overall, and the lack of outcome from those inquiries? That is why I welcome the proposals that he has announced today.

Does my right hon. Friend accept that the number of police inquires are a direct reflection of a failure in management? What measures will be put in place to strengthen management within the police service to accompany the reforms?

Mr. Straw: I share my hon. Friend's concern about the lack of outcome in quite a number of the inquiries. They can be enormously disproportionately expensive, continue for years, tie up huge numbers of officers, and then produce no outcome. No one is satisfied with such a process.

The issue of management is a bit of a chicken and egg situation. Managers in the police service, from sergeants upwards, know that bad officers can plead a right of silence that is now far more comprehensive than that available to their criminal suspects. They also, rightly, have very good legal advice made available to them. Therefore, they can give the run-around to managers, especially those who may not be at the highest level. In some forces, that has led to a management retreat from taking on officers who are corrupt or who operate below the standards expected of them.

It is my hope and anticipation that these changes will strengthen the management of the police service at every level, and I certainly intend to ensure that that happens.

Mr. Nicholas Soames (Mid–Sussex): In joining the Home Secretary in congratulating the Home Affairs Select Committee on its excellent report, may I ask him to draw to the attention of the Prime Minister and the Leader of the House this rare occasion on which a Select Committee report has been dealt with so promptly, to the added credibility of the Select Committee system and its importance in holding the Executive to account?

Will the right hon. Gentleman also explain how, given the fact that disciplinary hearings have rightly been held in private, matters will enter the public domain so that those who have made the complaint will know the results of that complaint?

Finally, will the regulations apply to the Ministry of Defence police as well?

Mr. Straw: I shall pass on the hon. Gentleman's point about Select Committee reports to my right hon. Friend the President of the Council. Meanwhile, I concur with his congratulations to the Select Committee and—if I may say so—I accept his congratulations to myself.

The hon. Gentleman asks how complainants will know what has happened to the complaint; as happens now, they will be written to. He also asks whether the public will be able to attend disciplinary hearings against police officers. That does not happen in any other employment cases, so I thought that it would be unacceptable to apply it to the police.

It is worth drawing to the attention of the House the fact—if I may repeat it—that the overwhelming majority of disciplinary cases, particularly those involving serious allegations against police officers, have not arisen as a result of a complaint either by a suspect or by members of the public: they have arisen as a result of internal investigations by the police. The hon. Gentleman asks whether the changes will apply to the Ministry of Defence police. No, they will not specifically apply to them, but I shall certainly draw his remarks to the attention of my right hon. Friend the Secretary of State for Defence.

Maria Eagle (Liverpool, Garston): I welcome my right hon. Friend's statement, but I think that he said that the police force involved in the Hillsborough tragedy could have required the senior officer responsible to undergo the disciplinary proceedings that he was finally spared by retiring on the ground of ill health. If my right hon. Friend encountered such a situation in future and felt that a senior officer had been let off the hook, what steps would he

take, or be able to take, to ensure that the senior managers of the force discharged their responsibility in carrying out disciplinary proceedings more fully?

Mr. Straw: I hope that, following the changes that I have announced today—they will come into force on 1 April next year—such a circumstance will not be able to arise. We are tightening up the regulations and imposing much clearer guidance, both on police authorities and on chief officers, about the operation of the disciplinary procedures.

Mr. John Wilkinson (Ruislip–Northwood): I add my appreciation to that of other hon. Members of the Home Secretary's endorsement of the majority of the Select Committee's recommendations on the enhancements of police discipline and performance in the service.

In the concluding remarks of his statement, the right hon. Gentleman said that consent in policing depends on public confidence. Is he absolutely confident that, when the new police authority for London is established, the Commissioner of Police of the Metropolis will receive the full political backing that he will require to take on some of the tough cases of corruption that we know exist in the Metropolitan force? Currently, that backing is provided by the Home Secretary in person, who is answerable to the House of Commons.

Mr. Straw: I am quite sure that the police authority for London will give the Commissioner of the day full backing for the investigation of any complaints against individual police officers on disciplinary matters. The hon. Gentleman uses the phrase "full political backing". I make it clear to him that chief police officers have duties that are entirely separate from those of police authorities in disciplinary matters up to and including the rank of chief superintendent.

Chief officers across the country decide to initiate proceedings—or have them initiated—against members of their forces not on political grounds, but on the basis of the evidence that is put before them. I have no doubt whatever that that will continue to be the case in the Metropolitan police district.

Mr. David Winnick (Walsall, North): Does my right hon. Friend recall that, in the past year, the Commissioner of Police of the Metropolis and the chief constable of the West Midlands both stated that they were unable to deal with dishonest and corrupt police officers under the present circumstances?

I welcome the announcement that my right hon. Friend has accepted a change in the disciplinary system. Does he agree that it will be welcomed not only by chief constables but by the vast majority of honest police officers—the very people he mentioned—who are ashamed of having in their ranks the small number of corrupt and dishonest officers who are rotten to the core, and that the sooner the bad ones go, the better it will be for the police, good order and the community as a whole?

Mr. Straw: My hon. Friend is quite right to draw to our attention the remarks of a number of senior chief officers who gave evidence to the Select Committee, including the current Commissioner of Police of the Metropolis, Sir Paul Condon, who complained about the inadequacies of the present system. He said:

"The system must allow for the effective investigation and punishment of wrongdoers"

within the police service.

My hon. Friend was also right to say that the changes will be welcomed by police officers of every rank. The issue reminds me of the situation with teachers: the people who suffer most from bad teachers are the overwhelming majority of good teachers. Those who suffer most, alongside the public, from bad police officers are the overwhelming majority of good police officers.

Mr. David Heath (Somerton and Frome): I welcome the Home Secretary's statement. Does he recognise the role of police authorities in assuring, in the public interest, the probity and rigour of the complaints and disciplinary procedures? Will he consider the value as a tool of police management of assessing the pattern and number of complaints, whether substantiated or not, against individual officers or units of command?

Mr. Straw: I certainly recognise the importance of police authorities in ensuring that adequate procedures are established for dealing with discipline and complaints within their services. I acknowledge that the pattern and number of complaints may be an indicator of a police force's performance, but such figures should be used with care, because the number of complaints arising in a difficult-to-police inner-city area is always likely to be higher than in quieter, more rural areas, and that is no criticism of the police concerned.

Several hon. Members *rose—*

Madam Speaker: Seven hon. Members are rising who have been doing so for a long time. If we can proceed without repetition and with a little speed, I should like to call them all.

Gillian Merron (Lincoln): I welcome my right hon. Friend's clear and pragmatic statement, and in particular his commitment to greater openness, which, as he will know, is a big issue in Lincolnshire. I discussed that issue at a recent meeting with him arising from the case of Inspector Dena Fleming, who alleged sex discrimination against her employers and was suspended for two years on disciplinary charges that were subsequently dropped, following a report by Humberside police that remains under wraps, and an industrial tribunal ruling of victimisation.

Will my right hon. Friend give me some assurances about the fast-track dismissal proposals, especially when victimisation is involved, as Inspector Fleming might have had more of a struggle to clear her name had the chief constable had the opportunity to dismiss her earlier?

Mr. Straw: I understand my hon. Friend's concerns. As she said, they have already been the subject of a meeting between us. The proposal for fast-track dismissals is not for the kind of case that she has in mind but for a situation in which a police officer has been caught red-handed committing a serious crime of dishonesty or corruption; the evidence against him or her is overwhelming; and it is in the public interest for that

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officer to be removed from the service as quickly as possible. Even in those circumstances, the officer would have full legal representation, and there would be a proper right of appeal.

Mr. David Lock (Wyre Forest): Does my right hon. Friend agree that nothing saps the morale of police officers more than going through an investigation, giving evidence in court and finding that it is not accepted by the jury because of their lack of confidence in the police? Does he equally agree that, if police officers give evidence in court and it is not only not accepted but shown not to be correct, counsel, the Crown Prosecution Service and other officers ought to have a duty to ensure that disciplinary action is considered promptly and efficiently against the officer in such circumstances?

Mr. Straw: In the interests of brevity, the answer to both my hon. Friend's questions is yes.

Ms Jenny Jones (Wolverhampton, South–West): My right hon. Friend says that disciplinary hearings will not be heard in public. Therefore, who will have access to the written record of such proceedings?

Mr. Straw: The outcome of the proceedings would be made public to the complainant if there were one, and otherwise to the police authority. As I said, in the overwhelming majority of serious cases there is no public complainant, because the investigation has been prompted by internal police processes and not by a complaint from a member of the public.

Mrs. Louise Ellman (Liverpool, Riverside): Is the Home Secretary aware that deep outrage persists over the Hillsborough tragedy, partly because officers were allowed to escape disciplinary procedures, despite the Police Complaints Authority's claim that they had neglected their duty? Can he offer any hope whatsoever that the officers concerned will have to face justice; and can he offer any other forum to enable parents to pursue their concerns?

Mr. Straw: As my hon. Friend knows, and as I have explained in her presence to parents and relatives of those who died at Hillsborough, with great regret, I cannot offer any comfort to those seeking a disciplinary process at this distance against officers alleged to have been responsible through negligence for what happened. It would be wrong of me to hold out that hope, because it cannot be fulfilled.

We want to ensure that such a circumstance does not happen again and that the Police Complaints Authority does not, as happened at Hillsborough, again recommend disciplinary action against officers who then retire through ill health and so escape any disciplinary process. That is wrong, and everyone knows it. I am trying to ensure that it does not happen again.

Fiona Mactaggart (Slough): May I welcome the speed of this response? If the same action had been taken following the speech by the right hon. and learned Member for Rushcliffe (Mr. Clarke) in 1993, how many officers would not have walked away without being the subject of disciplinary investigations?

On his suggestion about examining more independent inquiries, will my right hon. Friend consider whether it would be appropriate to establish an automatic system of independent inquiry into cases of members of the public who are shot dead by an armed policeman? One of the great strengths of this country is that our police are not armed. There are questions about how effective the PCA is in investigating such matters, and there is a case for inquiries to be automatic on such occasions.

Mr. Straw: On my hon. Friend's first question, when the right hon. and learned Member for Rushcliffe (Mr. Clarke) was Home Secretary, he proceeded with great vigour on the issue. Sadly, he was translated to Great George street as Chancellor of the Exchequer in May 1993, and then, as far as police discipline was concerned, the system went into reverse. I cannot say how many corrupt police officers escaped their just deserts as a result of the failure of my immediate predecessor to implement the recommendations of his predecessor, but some must have done so.

My hon. Friend also asks whether, under the PCA, there could be an automatic independent inquiry if someone was shot by the police. Such matters should not be subject to a system that is wholly separate from the other procedures that we are establishing.

At the moment, if a death appears to have been caused by police action—however justified that action—the PCA automatically launches an inquiry. By definition, at the moment that investigation is undertaken by a police force, but by a different police force. Any changes should wait on general changes to the system and the introduction more generally of an independent element for investigations.

Mr. Ross Cranston (Dudley, North): As a member of the Home Affairs Select Committee, may I, too, warmly welcome my right hon. Friend's statement? Is not the answer to the point about the standard of proof raised by Conservative Members that the civil standard operates in other comparable jurisdictions and for other professional bodies perfectly satisfactorily?

Mr. Straw: The answer is yes.

Mr. Derek Twigg (Halton): I thank my right hon. Friend for keeping his promise to the Hillsborough families by making these proposals. I know that he has met them, and has been closely involved.

I am concerned that, while the officer involved, Chief Superintendent Duckenfield, was thought unfit to be able to carry on, the families had to go through independent inquiries, mini-inquests, inquests and further emotional, difficult time—and they are still fighting. That is an ironic comparison.

Given that disciplinary proceedings were at one time contemplated, I am worried about the behaviour of the South Yorkshire force. Disinformation and propaganda were used to try to defend the police officers in charge. That was not helpful in respect of subsequent disciplinary proceedings. In considering the detail of his proposals, will the Home Secretary examine how police forces react to high-profile disciplinary cases?

Mr. Straw: I thank my hon. Friend for his first remarks. There is no doubt that the families are right to

feel a strong sense of injustice about the failure of the system to secure disciplinary process against those who appear to have been responsible, through their negligence, for the dreadful disaster at Hillsborough so many years ago.

On the more general point about the behaviour of forces, the way in which some in the South Yorkshire police tried, quite wrongly, to minimise what had happened was a very unedifying saga, to say the least. In the words of Lord Justice Stuart-Smith, some, including Chief Superintendent Duckenfield, uttered "disgraceful lies" about who was responsible, in order to evade their own responsibility.

I cannot say that such circumstances will never happen again, but I can say that there has been a profound change in the culture and attitude of the police service since Hillsborough. I believe strongly that my announcement today will reinforce that change, and ensure much higher standards should such a disaster happen again.

Statements by Ministers

4.31 pm

Mr. Nicholas Soames (Mid–Sussex): On a point of order, Madam Speaker, relating to a question that I asked the Leader of the House last Thursday. Given that there was a Government statement last Thursday on the expenditure of £45 million on replacing outdoor lavatories for children, could you impress on the Government the importance of Ministers coming to the House when they have important news to impart?

You will be aware that the Foreign Secretary has returned from arguably the most important trip of his presidency of the European Union Council of Ministers, which touched on matters vital to this country. I and many other Conservative Members believe that he handled it extraordinarily well. Given that comparison, is it not right that he should come to the House and make a statement on what happened?

Madam Speaker: I take very seriously the hon. Gentleman's point of order. I know that a number of statements are forthcoming this week. Perhaps we shall hear from the Foreign Secretary, but I do not know yet. I will do what I can.

Concessionary Television Licence (Amendment)

4.33 pm

Mr. John Swinney (North Tayside): I beg to move,

That leave be given to bring in a Bill to create greater flexibility in the definition of sheltered housing that is eligible for concessionary television licences, to reflect developments within the structure and management of sheltered housing.

I am pleased to have the opportunity to propose this Bill, which is designed to deal with some of the anomalies inherent in existing legislation on granting concessionary television licences to areas of sheltered housing. The issue came to my attention as a result of constituency cases where sheltered housing complexes have found it difficult to secure concessionary television licences.

The sages of the House will have a wry smile at a new boy discovering an issue that he considers a gold mine of anomalies, only to discover that he is not the first to arrive at the treasure. As I looked further into this issue, I discovered that many hon. Members had raised it before. I pay tribute to those hon. Members who have asked questions, led debates in the House and written letters to Ministers on the subject. I noticed from *Hansard* extracts that you, Mr. Deputy Speaker, were involved in pursuing the previous Government on this matter.

I am grateful to those hon. Members who have pioneered the issue and who have agreed to support my Bill. I am delighted that it has attracted cross-party support, especially from several of the supporters of a recent early-day motion, led by the hon. and learned Member for Orkney and Shetland (Mr. Wallace).

Current regulations stipulate that four qualifying criteria must be satisfied to ensure that a sheltered housing development can successfully apply for a concessionary television licence. First, sheltered housing must form part of a group of at least four dwellings within a common and exclusive boundary, with a concession that up to 25 per cent. of units in a scheme can be properties purchased under the right-to-buy legislation. Secondly, the accommodation must be specially provided for occupation only by disabled people or retired people of pensionable age. Thirdly, the units must be provided or managed by a local authority, a housing association, or a development corporation. Fourthly, the accommodation must have a person—for example, a warden—whose function is to care for the needs of the residents and who lives on site, or works there for at least 30 hours each week.

At one time, those regulations would have been an accurate reflection of the nature and characteristics of sheltered housing—that is, blocks of housing units constructed by local councils and with a resident warden living in a flat within the complex—but the world has moved on, and the regulations appear to relate to a very structured type of sheltered housing complex. Indeed, within the origins of the concessionary television licence scheme was a desire to ensure that sheltered housing benefited from a concession that was available to residential homes. The four criteria I mentioned bear a greater resemblance to the characteristics of a residential home than to sheltered housing as we know it today.

The criteria do not relate to the increasingly varied characteristics of sheltered housing complexes. As the right-to-buy legislation came into force in the 1980s, it

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became almost impossible for local authorities to justify the construction of new family-style accommodation. Limitations were therefore placed on local authorities, and they increasingly concentrated what housing development work they undertook on the construction of sheltered housing. To their work was added the contribution of a plethora of other housing associations, which came forward with a number of innovative schemes to provide that type of housing.

Some smaller units were constructed as part of a wider housing development. Care for elderly residents is provided not by a resident warden, but by giving residents security through providing them with, for example, an alarm system linked to a communications network. If the elderly resident requires assistance at any time during the day or night, he or she simply rings the alarm, and help is at the end of the telephone. Help can be sent via mobile assistance units targeted at the needs of individual residents.

I visited the headquarters of such a system at Fairlie house in Kirriemuir in my constituency. It is or can be in contact with thousands of pensioners in sheltered housing throughout the county of Angus, and help is on hand all the time. It is an efficient and comforting method of giving security to fiercely independent elderly people. However, that system would lead to a range of sheltered housing complexes in my constituency failing the test of the four criteria, because the complex would not involve a resident warden, despite the fact that the care support and the type of protection available to the elderly residents are not really that different.

Early-day motion 930 raises the problem that concessionary television licences can be withdrawn because of circumstances over which the individual resident has absolutely no control. In the current climate of local authority financial constraints, which inevitably lead to cuts, there is an increasing trend for wardens to be removed from residential accommodation or to work fewer hours.

Such a change in practice, effected by the local authority, will result in one of the four criteria not being fulfilled, and the concessionary television licence being forfeited. In such a case, the individual's circumstances have changed not one iota, but the arrangements of the sheltered housing complex have changed as a result of the local authority's action. There appears to be no flexibility in the system to take account of such difficulties.

I am aware that many Members have constituency cases related to the issues raised in the Bill, and I am grateful to a number of them for calling me in the past few days to discuss the cases that they have in mind. One case in my constituency—I have discussed it with the Television Licensing Authority—relates to Priory cottages in the village of Lunanhead in Angus, a sheltered housing complex separated from a larger complex at Carseview terrace. The two units share support services, but are not physically linked, being separated by a few other houses. Carseview terrace receives a concessionary licence, but Priory cottages does not; one complex passes all four criteria, but the other does not.

My Bill aims to modify the strict nature of these criteria and to define a more flexible set of criteria that can be applied, for the benefit of the residents and the organisations that care for them. At the very least, the criteria must be revised to make them more representative of sheltered housing patterns; and the absolute requirement that all four criteria must be satisfied should be modified.

The Government have said that they intend to revisit the concessionary television licence as part of the funding review of the BBC that will be concluded in advance of 2002. I welcome that commitment to a far-ranging review, but I believe that the Government must be encouraged to deal with some of the anomalies so as to make the application of these provisions more practical. If the Bill is not successful, I hope that the Government will look at the substantial proposals that emerge, and consider them as the review gathers pace.

I hope that my Bill will be successful in providing additional support and continuity for elderly and disabled people. The system is not working at present, and it should be simplified to expand assistance to these key groups in society. I commend the Bill to the House.

Question put and agreed to.

Bill ordered to be brought in by Mr. John Swinney, Mrs. Margaret Ewing, Mr. Dafydd Wigley, Mr. James Wallace, Mr. Huw Edwards, Mr. Peter Bottomley, Rev. Martin Smyth, Mr. Paul Keetch and Mr. Alasdair Morgan.

CONCESSIONARY TELEVISION LICENCE (AMENDMENT)

Mr. John Swinney accordingly presented a Bill to create greater flexibility in the definition of sheltered housing that is eligible for concessionary television licences, to reflect developments within the structure and management of sheltered housing: And the same was read the First time; and ordered to be read a Second time on Friday 24 April, and to be printed [Bill 155].

Orders of the Day

WAYS AND MEANS

Order read for resuming adjourned debate on Question [17 March].

AMENDMENT OF THE LAW

Motion made, and Question proposed,

That it is expedient to amend the law with respect to the National Debt and the public revenue and to make further provision in connection with finance; but this Resolution does not extend to the making of any amendment with respect to value added tax so as to provide—

(a) for zero-rating or exempting a supply, acquisition or importation;

(b) for refunding an amount of tax;

(c) for varying any rate at which that tax is at any time chargeable; or

(d) for any relief, other than a relief which—

(i) so far as it is applicable to goods, applies to goods of every description, and

(ii) so far as it is applicable to services, applies to services of every description.—[*Mr. Gordon Brown.*]

Question again proposed.

Budget Resolutions and Economic Situation

[*Relevant documents: The Third Report of Session 1997–98 from the Social Security Committee, on Tax and Benefits: Pre-Budget Report (HC 423), and the First Report of Session 1997–98 from the Environmental Audit Committee, on the Pre-Budget Report (HC 547).*]

4.42 pm

The President of the Board of Trade and Secretary of State for Trade and Industry (Mrs. Margaret Beckett): It is both a great pleasure and an honour to open the final day of debate on this, the first full Budget of the new Labour Government: a Budget that starts to shape our future; a Budget that is radical and reforming. It begins to heal the divisions in our society and to tackle the weaknesses in our economy—a bold Budget from a Government who, I remind the House, have held office for less than a year.

We came to office pledged to promote economic stability and sound economic management, to restore our public finances and to repair our damaged and divided country. This Budget makes further progress on all those aims. The announcement of a long-term framework for business taxation, following the steps last July to place interest rates in the hands of the Bank of England, contributes to the economic and policy stability that helps British business to plan ahead and which business called on us, when we were in opposition, to promote should we become the Government.

As we have been in office for less than a year, we must remind ourselves and the country of what led the business community to make that universal and heartfelt plea. I refer of course to the economic legacy of the Tory party. Business failures reached all-time highs; more than 24,000 businesses went bust in 1992 alone. Manufacturing investment was at an all-time low. For the first time ever, we had a manufacturing trade deficit. Interest rates soared to a peak of 15 per cent., and inflation was in double figures. Hundreds of thousands of homes were repossessed, and millions were condemned to a lifetime of hopeless unemployment.

What about the public finances? National debt doubled under the Government led by the right hon. Member for Huntingdon (Mr. Major), with interest alone costing income tax payers about £1,000 a year. This was the burden that we were all forced to carry because of the sheer incompetence of that Tory Administration. When we came to power, the Tories were spending far more repaying the interest on their debts—the cost of their failure—than they were investing in our schools.

All week, the Conservatives have been boasting of what they claim is our golden legacy—but what about their golden dowry? They ran up all these debts despite having the full benefit of the biggest windfall gain in our long history. To them and them alone fell the full bounty of North sea oil—£139 billion at today's prices. That was on top of income from privatisations that yielded further billions for the Exchequer. From those two sources alone, the Conservative party had well in excess of £200 billion at today's prices—approaching £30 million every single day for 18 years. What should have been a great opportunity to invest in all our futures and prepare for the next century was instead frittered away on incompetence and dogma.

So much for the idea that the Tories are the party that knows how to run a tight ship. One would think that they would learn from their mistakes—to say nothing of the verdict of the British people on those mistakes—but the same blithe indifference and ignorance still apply. The same rhetoric is deployed about the wickedness of the minimum wage or the social chapter, as if the British people had rejected, not endorsed, those policies.

The same sleight of hand is displayed in the Tory pretence that we are breaching policy promises which in fact exist only in the fevered imaginations of Conservative Members. In this vein, the Leader of the Opposition claimed to be quoting me when I was attacking certain Tory proposals in 1988 as being the same as the measures in this Budget—when almost the only thing they have in common is the use of the word "credit".

Mr. John Redwood (Wokingham): Does the right hon. Lady think that DM3.06 to the pound is a good rate for British industry? Does she fear that it will mean big reductions in exports, a big surge in imports and a lot of factory closures?

Mrs. Beckett: I am glad that the right hon. Gentleman raised that matter. I shall come to interest rates and the exchange rate later on. I am looking forward today to hearing from the right hon. Gentleman what the Conservative party proposes that the Government should do—

Mr. Redwood *indicated assent.*

Mrs. Beckett: I am very pleased to see that. We hope to hear a great deal from the right hon. Gentleman about the policies that his party now supports—because there have been some abrupt and rather surprising changes. When we introduced the competition and spectrum

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pricing Bills, the right hon. Gentleman attacked policies that his party had broadly supported before the election. That must have come as a surprise to the Leader of the Opposition. Before I had even begun discussions with Jaguar over Government support for a new project, the right hon. Gentleman put the jobs of thousands in Halewood at risk by attempting a crass bit of interference in the negotiations. That, too, was rather awkward for the Leader of the Opposition.

Then there was the debacle over Chancellor Kohl, which would be almost hysterical were it not so serious. A senior member of Her Majesty's Opposition managed to insult both the City of London and the Chancellor of Germany, one of Britain's most important trading partners, in one fell swoop. This time, the Leader of the Opposition had had enough and hauled the right hon. Gentleman publicly over the coals—sorry about the pun. Now there seems to be a public tug of war about economic and monetary union, and whether policy on it will or will not be softened.

Today, in a fascinating article in *The Times*—it reads a little as if written by Conservative central office, as if preparing the ground for a policy U-turn—the right hon. Gentleman does at last observe that there will be a cost to staying out of EMU. He says that, when dealing with continental companies,

"The British company has to take the exchange rate risk as the pound will continue to fluctuate against the euro".

As I understand it, the right hon. Gentleman will have our companies facing that type of cost for ever, on principle, which does not seem to be in the interests of British business.

The article says:

"The compulsory introduction of the euro in some European countries may change some business views of the balance of advantages and disadvantages of a European currency".

I hope that the right hon. Gentleman intends during his remarks to explain whether, as it appears, his position on that is changing.

While the Opposition are ditching many of the policies on which they fought the most recent general election, we in government are working to deliver on our proposals, despite, not with the benefit of, their legacy. Make no mistake: whatever they say now, and however glowingly they paint the picture, we inherited what was, in many ways, a shambles. We inherited a health service burdened by bureaucracy while struggling to care for the sick, an education system that was failing our children, and an economy with fresh inflationary pressures after years of opportunistic manipulation for short-term political advantage.

When one inherits a mess, it takes time to sort it out, especially after 18 years; but from day one, the Government have been delivering on our promises. We are delivering a new deal for young people, funded by the tax on the windfall gains of the privatised utilities, opposed by both the largest Opposition parties. That new deal is up and running already in pathfinder projects, and will go nationwide before our first year in office is over.

A Low Pay Commission was established, and had its first meeting within 100 days of our taking office. The National Minimum Wage Bill is already through the House of Commons, and the wage should be in place next year.

We are providing more resources for health and education; we have provided £3.8 billion already.

Ours is an impressive record of delivery on our pledges. Moreover, let us not forget that not one bit of it would have been done by the Conservative party or by those on its Back or Front Benches. Now we have—

Mr. Ian Bruce (South Dorset) *rose—*

Mr. Deputy Speaker (Mr. Michael Lord): Order. Someone has an electrical device that is going off. I am sure that hon. Members are aware that Madam Speaker takes a very dim view of that.

Mr. Bruce: As the Low Pay Commission met so quickly and no doubt will have to come up with a rate every year, will the right hon. Lady tell us what rate she expects for the minimum wage—not least because it has an impact on the Chancellor's Budget?

Mrs. Beckett: No, I am not prepared to speculate about what the recommendations of the Low Pay Commission will be. We set it up as an independent body to do its own research and come to a view and make recommendations, and those recommendations will be before the House and the right hon. Member for Wokingham (Mr. Redwood) in the not too distant future.

In this Budget, building on the one delivered in July 1997, we are taking the implementation of our pledges further forward for families, for the health service and education, and for the economy.

Mr. Nick Gibb (Bognor Regis and Littlehampton): Will the right hon. Lady give way?

Mrs. Beckett: I shall continue a little further if I may.

This is a Budget for the long term. It moves us still further from that legacy of short-termism, boom and bust and under-investment. Under the previous Administration, Britain's record of economic instability was one of the worst among the G7 countries. Under the previous Government, Britain suffered the two deepest and longest recessions since the war, separated only by an unsustainable boom. How could industry take a long-term decision when it did not know what to expect from week to week? We are creating a macro-economic framework for long-term stability and investment, giving our companies, at long last, the opportunity to thrive.

We are not only giving the Bank of England a key role in controlling inflation, but working to follow the golden rule that Government borrow only to invest over the economic cycle—a principle of sound public finances that the Tories never even had the vision to contemplate. Moreover, we have launched the code for fiscal stability, which will be given statutory basis in the Finance Bill. That code sets out the requirement for an open, transparent and accountable approach to managing the public finances, which will ensure that fiscal policy continues to be set in Britain's long-term interests.

We have sought to promote stability in tax policy, too.

Mr. Gibb: Am I right in thinking that, in opposition, Labour pledged not to raise taxes when it was elected—and has it now breached that pledge in both Budgets?

Mrs. Beckett: No. We did not give the pledge to which the hon. Gentleman refers. We said very specifically that

we would not raise—*[Interruption.]* Yes, I have read the record. I am very well aware of what we said, and I have no illusion about what it was. We were very clear and careful in what we said and what we promised. We promised not to raise either the standard rate or the higher rate of income tax. We promised to cut VAT on fuel, as we have done, and we promised—

Mr. Gibb: Backtracking.

Mrs. Beckett: No. We were most careful to say on all occasions that of course no Government could rule out making other changes, in various tax allowances and so on. We were determined not to repeat the crass errors of the Conservative party in telling the British people a pack of lies and then complaining when they came home to roost.

Mr. David Ruffley (Bury St. Edmunds): Why is it that, on 20 January 1997, the present Chancellor of the Exchequer said on "Newsnight":

"It is my aim to get the burden down for ordinary people",

yet he has increased taxes across the board, which impacts directly and indirectly on such ordinary people? What is the right hon. Lady's answer to that?

Mrs. Beckett: I could not quite hear all of the end of the hon. Gentleman's remarks, but I can say to him that, as he pointed out, my right hon. Friend the Chancellor made it clear that he wanted to make people on low incomes better off, and that is precisely what we are already doing in this Budget.

Mr. John Bercow (Buckingham): Is the right hon. Lady saying that the statement by the then Leader of the Opposition, reported on 21 September 1996 in the *Financial Times*, that

"We have no plans to increase tax at all",

is untrue? Is she saying that the *Financial Times* has given credence to an untruth?

Mrs. Beckett: My right hon. Friend was being asked about personal taxation. Of course—*[Interruption.]* What we said about tax before the general election was clear, and the British people completely understood it. We made it absolutely clear that we would not change the rates of income tax. We also made it clear that we would have a windfall tax on the privatised utilities. We made it plain that we would cut VAT on fuel.

Mr. Bercow: Burden.

Mrs. Beckett: No one believes any of this nonsense from the Conservative party, for the simple reason—

Mr. Ruffley: Try reading the facts.

Mrs. Beckett: Yes, I am looking at the facts. No one believes what the Conservatives say, for the simple reason that what they say now about our proposals is as inaccurate as what they said about their own before the 1992 general election.

We have sought to promote stability in tax policy, too. We undertook a major review—

Mr. John Butterfill (Bournemouth, West): Will the right hon. Lady give way?

Mrs. Beckett: I am sorry; I have finished with that point.

We undertook a major review of company taxation and have already introduced reforms that remove the disincentive to invest for the future—the implicit incentive, instead, to pay dividends. By abolishing advance corporation tax, we have simplified company taxes and removed the distortions that affected our international companies.

We have heeded the comments of the business community and excluded all small and medium-sized companies—those with profits below £1.5 million—from the obligation to pay corporation tax by instalments. The main rate of corporation tax will be 30 per cent. and there will be a small companies rate of 20 per cent. Those are the lowest rates since the tax was introduced in 1965—3 per cent. lower than they were under the Conservative party, and with the lowest main rate of any major country. Once the package is fully in place—

Mr. Redwood: To clarify matters for the House, can the right hon. Lady confirm that the Red Books for this and the previous Budget make it clear that, during this Parliament, there will be an increase in business taxation, including utilities tax, of £25,000 million? That is the Treasury figure. Can she confirm it?

Mr. Bercow: Tell her, Gordon.

Mrs. Beckett: I am not familiar with the final figure that the right hon. Gentleman gives, but I am well aware that we are proposing a package of changes in corporate taxation. That package of changes, as I am sure the right hon. Gentleman is well aware—*[Interruption.]* Ah; the right hon. Gentleman is including the windfall tax; that is why the figure that he gives is different from that given by most others. All I can say to the right hon. Gentleman is that we are indeed introducing a full package of changes in corporate taxation, which will make the tax system simpler and more stable, and which will encourage investment and long-term development. That is what the Government wish to achieve.

As I said, once the package is fully in place, companies will pay £1.5 billion a year less in tax. Overall, the reform of corporate taxation in this Budget is worth £9 billion to business in present value terms. We have given a commitment not to increase corporation tax rates for the lifetime of this Parliament. That is all excellent news for businesses, and it was welcomed by them. Jeremy Peat of the Royal Bank of Scotland said:

"The promise of a stable corporation tax framework and lower tax rates and enhanced reliefs for small and medium-sized companies . . . are all moves in the right direction."

With the low rates of tax that we shall have in place from April 1999, a business with profits of £500,000 a year will pay £15,000 less in corporation tax than it paid under the previous Government.

Small and medium-sized enterprises that pay dividends will gain a cash-flow advantage of about £1 billion from the abolition of ACT. Small firms will also benefit from

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accelerated capital allowances for at least another year. As a result, they will pay £300 million less in tax in 1999-2000 and 2000-01. For a typical small company investing about £100,000 in the coming financial year, that will mean £3,150 less in tax for that year.

Because this is a Budget for entrepreneurs, more people with great ideas for business opportunities will be able to turn those ideas into action. Capital gains tax will now encourage investment and enterprise, with a new effective rate of 10 per cent. or less on long-term gains on business assets. Important changes to the enterprise investment scheme and capital gains tax reinvestment relief will stimulate the provision of equity finance for smaller, higher-risk trading companies. That is an important set of fiscal changes for small firms, but we have done more.

For many small firms, the administration associated with paying tax can be very costly. That is why we have announced a new payroll assistance scheme provided by the Inland Revenue and the Contributions Agency. The service will provide one-to-one help for new employers getting to grips with tax, national insurance and benefits. By making it easier and cheaper for small businesses to take on their first employee, it will reduce one of the major barriers to setting up and running a business. It is a straightforward, practical change that should have been made long ago, but the previous Government—who claimed so loudly to be the champion of small business—failed to act in this instance, as in so many other instances.

Mr. Bercow: I am most grateful to the Minister for her courtesy in giving way. Will she take this opportunity to confirm to the House that small companies, many of which are technology or knowledge-based and employ highly paid staff, will face a bigger national insurance burden as a result of this Budget—yes or no?

Mrs. Beckett: Overall, small businesses will benefit from this Budget—as I am sure the hon. Gentleman is perfectly well aware. The changes that my right hon. Friend the Chancellor has made to national insurance contributions alongside the changes to corporation tax and all the other issues to which I have referred will mean a benefit to small business. That is why small businesses have welcomed the Budget—and obviously the hon. Gentleman wishes that they had not.

Small and medium-sized enterprises are the bedrock of the future growth in jobs and investment upon which we, as a nation, depend. A vibrant SME sector is quite simply vital to the future competitiveness of Britain, and tax changes and simplified regulation can help to promote enterprise.

Mr. Malcolm Bruce (Gordon): The Minister is making a very good point about the need to encourage small and medium-sized businesses. Does she acknowledge that, although the operators in the North sea are large multinational companies, many businesses that supply and service those industries are small and medium-sized? Does she agree that an adverse change in the regime when oil prices are at an all-time low could threaten both the home market and export opportunities for those businesses?

Mrs. Beckett: Those small businesses, like others, will benefit from the overall package in the Budget. The hon. Gentleman makes a different point about the review of taxation in the North sea. He is well aware that my right hon. Friend is continuing to examine that matter. My right hon. Friend has heard the hon. Gentleman, and we shall have his observations at the back of our minds when we consider the overall regime for the North sea.

Mr. Ian Bruce *rose—*

Mrs. Beckett: I have given way once to the hon. Gentleman and I am beginning to be concerned about time. If he does not mind, I shall make a little more progress.

Those changes are only part of our aim to create a more entrepreneurial culture—a culture in which those who succeed in enterprise are praised and where failure does not stop people trying again. Risk taking, innovation and taking a long-term view are crucial elements of a successful economy today, and we want to encourage them. The tax measures and the initiatives to support entrepreneurs will help to create a more enterprising Britain. Other actions that we have taken in my Department—from the new Competition Bill, to a major review of corporate governance and company law, to an important shake-up of the foresight process—are part of our drive to foster an innovative economy.

This Budget, too, will support innovation and research and development. It is increasingly recognised in the business community that innovation must be a continual process, taking place throughout the economy and involving every business and every employee. All types of innovative activities have a role to play, but there is an increasing premium on the successful exploitation of new technology—something that the previous Government either did not understand or did not seem to care about.

Again, the previous Government's legacy speaks for itself. Total expenditure on research and development as a proportion of gross domestic product has fallen to below 2 per cent. for the first time in many years. The United Kingdom now ranks fifth among the G7 countries in terms of total business enterprise R and D, down from third in 1981. The latest figures released yesterday suggest that, in 1996, civil R and D spending fell as a proportion of GDP. Our R and D scoreboard shows that larger United Kingdom firms spend significantly less on R and D than their overseas counterparts. Fewer than half of all manufacturing SMEs employ qualified scientists and engineers.

The Government are determined to improve Britain's investment in research and development—of course, that is not exactly the same as innovation, but it is an important component. The framework that we have put in place to promote stability and long-termism is the seedbed upon which innovation can bloom. With the Budget papers, my right hon. Friend the Chancellor and I have launched a national consultation—in a document entitled "Innovating for the Future—Investing in R&D"—on how we can improve our R and D performance.

It will be a wide-ranging review. It will cover all aspects of the business environment that affect R and D, including sources of finance, the accounting treatment of intangible assets, the rules protecting intellectual property, how management affects firms' propensity to innovate, and access to technology. We must examine what other countries are doing in areas such as tax incentives for

R and D, to see whether we can apply any lessons here. We also want to ensure that our review reflects the views of business, investors, employees and outside experts, so we have announced a consultation period lasting until the end of June 1998. The results of that consultation will influence the competitiveness White Paper that I plan to publish in the autumn, as well as the preparations for the next Budget.

Our commitment to R and D and innovation also lies behind the announcement of a new university challenge fund to encourage the commercial exploitation of university research. Under that scheme—which will create £50 million in venture capital—universities will be able to compete for funding provided by the Government in partnership with the Wellcome Trust and the Gatsby Trust. Challenge winners will be expected to lever in additional funds in partnership with the private sector. The Government are also considering several other initiatives designed to promote smaller high-tech businesses, where some of the most exciting and productive R and D is carried out. For example, we are consulting on ways of attracting experienced managers to small firms through equity-based remuneration schemes. We are determined to improve the United Kingdom's performance, and this Budget marks the start.

This is a Budget for business—all business. However, when looking at the climate for British business today, we cannot and do not overlook the fact that the level of sterling—particularly against the major continental currencies—is causing difficulty and concern for some companies. Sterling has of course appreciated by much less against the dollar, so with whom one trades and in what currencies matters a great deal.

We must look at the steps taken by other countries that have faced similar problems in the past. For example, the Germans and the Japanese sought competitiveness through a drive for quality and through the pursuit of less price-sensitive markets. Those approaches lie in the hands of business, although the drive to compete on quality, high standards and high added value is part of what sharply distinguishes this Government's approach to competitiveness from the sweatshop mentality of our predecessors. Those same predecessors, now the Opposition, complain continually that there must be further action that the Government can take, and call on us to take it.

Let me at once remind the House that this Government's aim is to have a stable but competitive exchange rate. My right hon. Friend the Chancellor made it plain in his Budget speech that he understands and shares the anxieties, in particular, of exporters.

What are the steps that the Opposition are calling on the Government to take? They complain that placing interest rates in the hands of the Bank of England means that the Chancellor himself no longer decides their level. Are they planning to reverse that step—even though it has led to a drop in long-term interest rates? A comment by the right hon. Member for Wokingham in an article this weekend suggested that he did indeed think that that step should be reversed. I hope that he will tell us whether that is the case.

Mr. Howard Flight (Arundel and South Downs) *rose—*

Mrs. Beckett: The hon. Gentleman will have to forgive me. I am interested in knowing the policies of right hon. and hon. Members on his Front Bench.

The present level of interest rates—one of the factors that will influence the exchange rate—is itself a direct result of the Conservatives' politically driven refusal to put up interest rates to tackle inflationary pressures just before the general election. The Opposition's present stance suggests that they would again take Britain on the roller-coaster of boom and bust that cost so many jobs and homes in the 1980s and early 1990s.

How else could we ease pressure on the exchange rate? Classically, by fiscal means. That means either a tight rein on public expenditure or higher taxes, or a mixture of the two. We have a tight rein on public spending—a very tight rein. Both in July and last week the Chancellor tightened the fiscal stance, and he does not believe that it needs to be tightened further.

Mr. Butterfill: Does the right hon. Lady accept that although the fiscal stance has been tightened a little, the tightening in the previous Budget was completely wrongly targeted, in that it attacked savings rather than attacking expenditure by the public? That is the reason for the present state of the economy.

Mrs. Beckett: No, my right hon. Friend did not attack savings, either in his previous Budget or in this one. As for an inadequate tightening of the public finances, I think that 2 per cent. of GDP is an extremely adequate tightening of the public finances.

If the Opposition think that the fiscal stance with regard to public expenditure should be tightened more, as the hon. Gentleman has just implied, that presumably means that they oppose the extra priority that we have given to health and education, the release of capital receipts for house building and repair, the new involvement in transport, the help to pensioners for heating bills and the help for families.

Mr. Butterfill *indicated dissent.*

Mrs. Beckett: The hon. Gentleman shakes his head. Although he says that we should be doing more to tighten the fiscal stance, when it comes to saying what we should not be doing, he is silent.

What about taxes? The Opposition have made many claims that we are increasing tax on business, but they oppose all those taxes, so what are they calling for—higher VAT? We know that they wanted 17.5 per cent. VAT on fuel, and were embarrassingly defeated following a revolt among their own Back Benchers, among others.

The shadow Secretary of State, the right hon. Member for Wokingham, wrote in an article in *The Birmingham Post* on 20 March that we had

"an overheating consumer side of the economy . . . Labour talk about 'hard choices', but they don't make them."

I look forward to hearing from the right hon. Gentleman how he proposes that pressure on consumption should be tightened.

Are the Conservatives seeking higher personal taxation, or just less for education, health, welfare or transport? It is hard to avoid the conclusion that they are in opposition just as they were in government—incompetent, short-sighted and irresponsible. Neither their policies nor their numbers added up then, and they clearly do not now.

Mr. Kenneth Clarke (Rushcliffe): The right hon. Lady says that we were politically irresponsible. Our measures

[Mr. Kenneth Clarke]

are producing an inflation rate of 2.6 per cent. She says of the present strong exchange rate that it is entirely a matter for the Governor of the Bank of England, but does she not accept that the exchange rate will not begin to ease until the markets expect that the next movement of interest rates will be downwards? Does she further accept that the narrative that she has just given explains why the Chancellor's fiscal policy will do absolutely nothing to create the climate in which that movement might begin? The Chancellor has raised taxes on business and on savings, and he has done so for populist reasons, because as she has just revealed, the Government think that short-term political reasons rule out taking any other step.

Mrs. Beckett: For the right hon. and learned Gentleman to complain about people taking decisions for short-term political reasons is truly a case of the pot attempting to call the kettle black. Everything that he has said about the present position in the economy is certainly not due to the inheritance that he left us, which left the country in a position of some instability. My right hon. Friend is taking steps to redress that, and those steps will, I believe, work in the longer term.

By promoting stability and enterprise, the Budget helps to underpin the three pillars upon which our future competitiveness is based: strong markets, modern companies and an enterprising nation. Open and fair markets are good for business as well as for the consumer. Bad regulation should not hold them back. The Budget cuts the burden of red tape on large and small firms, freeing them to compete and to prosper.

By simplifying tax, reducing compliance costs and recognising the importance of R and D and innovation, the Budget works to build a framework in which innovative modern companies can emerge. It is an important step to creating an enterprising nation that encourages entrepreneurs, backs good ideas and is alive to the opportunities of the future.

It is also a Budget built on partnership. An important element in that partnership is that we have a Budget combining fairness with economic efficiency, a Budget that is alive to business needs and to the new challenges and opportunities that business faces. That is how it has been received.

Dr. Andrew Sentence of BA called the Budget "cautious and responsible." The British Chambers of Commerce said that it was

"a valuable Budget for enterprise and employment."

Even Tim Congdon of Lombard Street Research said:

"On balance this is an impressive Budget. If the Chancellor continues in this mode, Britain will have a strong economy in the early years of the next century."

Above all, it is a Budget for a new nation—a new Britain. It delivers a great deal for those out of work, and it moves us to a position where work pays. Taken together with the minimum wage, it will transform the prospects for many families in or at present out of work. It transforms the prospects of mothers who have not been able to work because of the lack of affordable child care; they will have increased opportunities to take work.

The Budget makes it easier—and cheaper—for firms to take on more employees, especially for smaller firms. The improvements to national insurance will be a great boost to them.

Mr. Gibb *rose—*

Mrs. Beckett: I am sorry—I am almost finished.

As the Forum of Private Business commented:

"Cutting the cost through cutting employers national insurance on the lowest paid workers is a good way of encouraging small firms to take people on."

This Budget is ambitious because we are ambitious for Britain. It had a widespread welcome. The Confederation of British Industry welcomed it, saying that it was

"encouraged by the overall fiscal balance and the prudent approach to public spending together with the continued control of public borrowing."

However, there was one endorsement that I found particularly interesting. I thought that in view of the keen interest of the right hon. Member for Wokingham in all things German, he might like to be reminded of some of the comments of the German press.

Bild Zeitung, the largest-circulation paper in Europe, in an editorial on the UK Budget headed "Great!", commented:

"Britain was in the lead when industrialisation began. Germany took a hundred years to catch up. Now the British are dashing away again."

Handelsblatt described it as a "complete success".

A good press is always nice, but what matters is not what newspapers or pundits say a few days after a Budget. It is whether our strategy improves Britain's competitiveness in the long term that really counts, and whether we use the fruits of that success to build a fairer and better country.

This is a Budget for a new nation—a nation that fosters ambition and enterprise at the same time as valuing fairness; a nation that is as innovating as it is caring; a nation where each of us works for the good of all. It is a Budget to stimulate and support all who are ambitious for our country and ambitious for themselves and their families. It is the Budget that Britain needs.

5.20 pm

Mr. John Redwood (Wokingham): New speech writer, new Labour, but I think that we need a change of script. Three deutschmarks six pfennigs to the pound; that is the truth today as we meet to debate the plight of manufacturing industry. The Chancellor's policy is hurting, but it certainly is not working. Week by week, we see imports up, sterling up and consumer spending up. Week by week, we see exports down, manufacturing output down and savings down. That is the very opposite of what the Chancellor sought when he was in opposition, full of good ideas but with no responsibilities.

The Chancellor's forecast shows us that there will be much more of the same gloomy outturn. He states in his Red Book that, over the year ahead, imports will surge; I fear that the right hon. Gentleman is right. He tells us that exports will come under pressure; again, I fear that he is right. He says that manufacturing industry will come under severe pressure from a strong pound; he is

undoubtedly right. The right hon. Gentleman tells us that savings will fall and that consumer spending will continue to increase.

What does the President of the Board of Trade and Secretary of State for Trade and Industry tell us about all this? She says that business should be grateful because there is a long-term framework for business taxation. Well, business has stability in the plans for ever-higher business taxes. I see no reason for gratitude when business will have to pay so much more over the next three years of this Labour Government.

The right hon. Lady then tells us that we should feel grateful because there is a long-term framework for monetary policy and sterling. That, she says, is bringing stability. The stability which it is bringing so far is that day by day, week by week, the value of sterling goes up against the currencies of some of our major competitors on the continent, making it extremely difficult—ever more difficult—for exporters. The right hon. Lady then tells us—

The Minister for Science, Energy and Industry (Mr. John Battle): What would the Opposition do?

Mr. Redwood: The Minister wants to know what we, the Opposition, would do in power. I shall tell him in a moment. I wish first to finish my analysis of the President of the Board of Trade's extraordinary statement that the long-term framework is to be welcomed and that it is delivering stability. It is not delivering stability and it is certainly not welcome to manufacturers.

There is no stability in the exchange rate. The right hon. Lady should watch it: the rate is going up day by day. She should understand that, as a result, business cannot adjust at the necessary pace. The right hon. Lady tells manufacturing business, which has done a great deal to raise its productivity and efficiency over many years, that it must now keep up with a devaluation of the deutschmark and the franc of one third over a period of 18 months. Good, efficient businesses cannot achieve that pace of adjustment in that short a time frame because they were already trying extremely hard to make good products at a commercial price. The right hon. Lady should understand that things are not well.

The Government ask the Opposition for ideas on how they could get out of a mess of their own creating. The Opposition are not short of ideas on how pressures could be alleviated or removed. I shall give the impatient President of the Board of Trade and the Chancellor of the Exchequer the benefit of our advice. First, the Chancellor should promote savings; he should not undermine them. When there is a danger that a consumer boom will get out of control, the right hon. Gentleman should be encouraging people to save rather than to spend. Instead, he threatens to remove the tax relief from personal equity plans and tax-exempt special savings accounts. He makes a modest U-turn, but he leaves a system of savings taxation less favourable than the one he found, instead of making it more generous, which would have been the right response at this stage of the cycle.

More important, the Chancellor completely undermines pension saving by a huge, swingeing tax on people's pension prudence. That is a great disincentive for more people to come out of a state pension scheme to set up their own savings funds for their retirement. The Chancellor should be promoting saving for retirement now, not undermining it.

Next, the Chancellor should remove the burden of extra taxes on manufacturing businesses, which will bear the brunt of many of the taxes in his two Budgets to date. They will pay the bulk of the huge sum that I mentioned in my exchanges with the President of the Board of Trade. I noticed that she did not deny the figure that I put into the record—the £25,000 million of additional taxation that is the result, for this Parliament, of the Chancellor's Budget efforts so far. We have the impact on business of the windfall tax, the pensions tax, corporation tax changes and all the other back-door stealth taxes by which the right hon. Gentleman is hitting business activity and motoring.

Mr. Butterfill: Will my right hon. Friend confirm that the Red Book shows not merely that our taxes are increasing but that the proportion of gross domestic product taken in taxes—that is the important factor—will rise every year for the lifetime of this Parliament?

Mr. Redwood: That is right. My hon. Friend makes an extremely powerful point. We have a Chancellor who is out to tax people heavily, especially business. I notice that there is silence from on the Government Front Bench, because they know that what we say is true. The figures are in the Red Book. We have not invented them; those we have extracted them from a rather complicated document in which they were well concealed. They were there, however.

Mr. Ian Bruce: Has my right hon. Friend noticed that the Labour party has always said that it is against people in business who are successful subsidising the low payers? Has my right hon. Friend noticed also that national insurance changes mean that those who pay their staff good, high wages are subsidising those who pay low wages? I thought that the Labour party was against that sort of thing.

Mr. Redwood: My hon. Friend makes a powerful point. He might discover that there is a division of opinion between the President of the Board of Trade and her Department of Trade and Industry Ministers on the one hand and the Chancellor on the other. The Chancellor is trying to make it cheaper to employ people on lower income levels, whereas the President of the Board of Trade and her colleagues are trying to make it dearer. That is the purpose of the national minimum wage and the likely pay awards which will result. I shall come to that tension a little later.

Mr. Clive Soley (Ealing, Acton and Shepherd's Bush): In the event of a future Conservative Government, would the right hon. Gentleman repeal our national minimum wage legislation?

Mr. Redwood: I have often been asked that question. Labour Members will have to restrain their impatience. My right hon. and hon. Friends and I will come to a decision nearer the time when we write our manifesto, on which of the many bad and damaging Government measures we are able to offer immediate relief. It would be foolish to set out now which of the large list of measures that we would like to repeal we shall definitely be able to repeal. We shall take a sensible judgment at the time. In the meantime, we shall offer strong opposition to the items that we think are wrong, in the hope that the

[Mr. Redwood]

Government, which have about another three years ahead of them before we hope to displace them, will listen to our arguments in the interests of better national success.

It is a great pity that the Chancellor did not work out last year in his first Budget the consequences for manufacturing. I warned then, with my right hon. Friends, that manufacturers and savers would take the hit of his first Budget. Now the damage is becoming visible even to the Treasury when we read the small print in the Red Book.

Earlier this week, I was passed comments from the British Leather Confederation. It set out what this Budget and the previous one mean to a manufacturing sector. It is one of many that I could have chosen. I am told in the confederation's communication that, in the past six months, two of the largest tanneries in the United Kingdom have closed. Even the most successful companies in the industry have been losing export business and shedding labour.

Another example which is given in the letter is that one tannery had more than 70 per cent. of its output exported, but that had been slashed to 30 per cent. and might well fall further. Those are the difficulties faced by individual industries.

Mr. Austin Mitchell (Great Grimsby): The right hon. Gentleman may well go on about tanning, after the way in which the Conservative party was tanned last year.

The right hon. Gentleman is not dealing with the point that he raised at the opening of his speech, which is that the pound is overvalued. None of the piddling measures that he has given us will have any effect on the valuation of sterling. Will he tell us what he would do to get the pound down? What was the advice that he gave to the then Government from 1979 to 1982 and from 1989 to 1992, when we were in a similar situation?

Mr. Redwood: I was not a great fan of the exchange rate mechanism in the latter period to which the hon. Gentleman referred. I was much in favour of the then Chancellor intervening and securing lower interest rates at that stage because of the damage that the then rates were undoubtedly doing. We learned from that experience. The policy was recommended by the Labour party in opposition as well as by my right hon. Friends. We hoped that this Government might have learnt from it as well.

A collective decision was taken by the House, with the Labour and Liberal parties in full support. It is—*[Interruption.]* The Chancellor laughs. We are talking about the only economic policy that the Conservative Government followed that the right hon. Gentleman supported. He supported ERM and therefore must have had some responsibilities for the consequences. It was a good example of how at that point it would have been better to have left earlier, and to have had lower interest rates earlier, to avoid some of the damage.

The Chancellor is underestimating the impact of a strong policy of promoting saving. If we were successful in promoting a lot of saving, it would take some of the heat out of the economy, and the adjustment through sterling and interest rates would not have to be so strong on the manufacturing sector. He should also remember that my right hon. Friends and I opposed his idea of giving away the power to settle interest rates which he thinks are correct for British manufacturing industry. That is another part of the problem.

I do not blame the Governor of the Bank of England. Given the awful Budgets that the Chancellor has announced, the Bank of England has had no choice but to increase interest rates. It would have been much better if more of the strain of adjustment had been taken in the Chancellor's Budgets instead of in interest rates. Labour Members say that that must mean higher taxes; it means higher saving. If the savings ratio were not plummeting under the Chancellor's proposals, there would not be so much strain on the exchange rate and the interest rate.

Just look at the damage forecast by the Chancellor. When the Conservatives left office in 1997, the Labour Government inherited a £4,500 million trade surplus. Their forecasts say that next year there will be a £6,500 million trade deficit. The price of Labour so far, on their numbers, is an £11,000 million plunge into the red on our trade account. When we left office, people were saving 11 per cent. of the nation's income. The Government's forecast for next year is that it will be only 9.5 per cent. The price of this Chancellor is a one-sixth reduction in savings as a proportion of national income.

Meanwhile, the President of the Board of Trade sits smugly in her grace-and-favour apartment and does nothing to stand up for British manufacturers, British exporters or British savers. When I asked her to defend the £25,000 million tax hit on British business over the lifetime of this Parliament, she had the audacity to tell me, "Well, the rate of corporation tax is down." People are not interested just in the rate of corporation tax. They want to know how much in total they will pay, and, in total, business will pay a great deal more tax because of this Chancellor.

Government figures show that business will pay £4,600 million more corporation tax as a result of the changes. I have Inland Revenue press release No. 9. It shows modest reductions to business because of the drop in the rate to 30 per cent. However, it then shows much bigger increases because of the change to instalments and the abolition of advance corporation tax. The overall net Exchequer effect is £1,000 million in 1999, £1,300 million in 2000–01, and £2,200 million—£2.2 billion—in 2001–02. That is a massive £4,600 million increase, from 1998 to 2002.

If that were not enough, there is Inland Revenue press release No. 6—one on which the Chancellor did not dwell much in his statement—about much greater taxation of company cars and car fuel.

We have Inland Revenue press release No. 12, "Taxation of Income from Property", with a £50 million one-off increase in tax. We have Inland Revenue press release No. 15, "Formal Consultation on the North Sea Fiscal Regime". Will the Chancellor promise the House today that, as a result of that review, there will be no increase in oil taxation? I shall give way to him if he wishes to confirm or deny that. The fact that the Chancellor will not intervene shows that the Government intend to up oil tax as a result of Inland Revenue press release No. 15. We then have Inland Revenue press release No. 30, which is about introducing tax on construction workers. Again, that means that more tax will be imposed.

Only the President of the Board of Trade could not have noticed that all that represented a series of tax rises. Can she really believe that the Chancellor has cut business tax? How does she explain the fact that business will be so much worse off following the Chancellor's Budget? Or does she wish to leave the House with a misleading impression on this matter?

Of course, Labour want the headline "Corporation Tax Rate Down", yet companies pay more. Labour wants the headline "Advance Corporation Tax Abolished". It all means that companies will pay more corporation tax as a result of the Budget.

When is a tax cut not a tax cut? When it comes from the present Chancellor. It was a miserable Budget. It was a miserable speech delivered in a miserable voice for a miserable purpose: taxing, taxing and taxing again. When the Chancellor was in opposition, he was Mr. Post-neo-classical-endogenous-growth-theory. We all loved that one and would like him to play it again. Now that he is in government, he might still be endogenous, but he is forgetting the growth. We now see endogenous mess theory.

I have not always thought that Matthew Parris observed things entirely accurately, but I was in total agreement with him when he said, after the Budget:

"Tony Blair"

looked

"so dreadful . . . Sallow and drawn, his face puckered by anxiety and a cartoon frown".

It is no wonder the Prime Minister and the Chancellor have fallen out, because the Chancellor has not lived up to his own star billing. His Budget had to be watered down by an apprehensive Prime Minister.

It was a bits-and-pieces Budget with little left alone, but little changed decisively for the better. It is true that there were a couple of welcome U-turns. I see that the Chancellor needs to be cheered up. We are delighted that he gave in over existing personal equity plans and tax-exempt special savings accounts, but he should not have mugged them in the first place. The dirty deed said then now does damage that lingers on. It puts people off saving. It makes them more worried than they should be about saving, because they can never be sure what the Government will do to their existing saving plans.

We are glad that small businesses will be let off some of the extra corporation tax that the Chancellor had planned to heap on them. They do not have to be grateful for relief from an imposition that they should never have had to face. It does not make them better off than they would have been under a Conservative Government. It just means that they have been relieved of some of the burden that other businesses have to suffer under a Labour Government. It is a great pity that the Chancellor will not do the same for bigger businesses, especially for manufacturers caught by high sterling.

The Chancellor has warned that growth will falter if wages go up too fast. I agree that there is a danger that wages going up too fast could do damage. He may be right. Why, then, is the President of the Board of Trade passing legislation to make wages go up faster? Why can the two of them not agree a rate now, in a democratic and civil way, and tell the House before the legislation is completed? It is most extraordinary to put a measure through both Houses recommending a minimum wage and not tell anyone in the House of Commons or the other place what that minimum rate will be. That rate will have huge consequences for the Chancellor's Budget and for the cost of public services and public borrowing. As the Chancellor himself admits, it will have big consequences in due course for the rate of growth and inflation—but he and the President of the Board of Trade cannot agree the rate, so we all have to wait while they sort out their disagreements.

The Chancellor's views are clear. We read in the press, courtesy of his spin doctor, that he wants a low rate, probably below £3.50 an hour. In the Red Book he says clearly:

"Responsible pay bargaining, combined with the Government's welfare to work measures, would allow faster growth and higher levels of employment over the next few years."

I welcome that statement. It shows that the Chancellor has understood that, if the Government boost wages too much, even for the best of reasons, it will be destructive of the very jobs that they need to give hope to people with few skills, and the younger people who need jobs. It would be a cruel policy. Yet the Chancellor cannot persuade his colleagues in the Cabinet to come straight out with a sensible rate from his point of view and end the tension around the Cabinet table.

Mr. Butterfill: Would it not also be profoundly inflationary, thereby ensuring that interest rates would have to remain high, and the pound would remain uncompetitive?

Mr. Redwood: It would certainly mean that interest rates would have to remain high or go higher if the Government lose control of wage settlements. I am sure that, privately, the Chancellor is apprehensive about that. It is important, therefore, that he gets some sense into his colleagues over their wages policy.

Mr. Bercow: My right hon. Friend just informed us of the Chancellor's view about the potentially damaging impact of a high minimum wage. Is my right hon. Friend aware that the Chancellor's view is in conflict with that of the Minister of State, Department of Trade and Industry, the hon. Member for Makerfield (Mr. McCartney), whose McCartney curve tells us that a higher minimum wage is good for the economy because it will boost consumer expenditure? Is that another example of the splits in the Government?

Mr. Redwood: My hon. Friend has put his finger on an important point. His example also shows a breakdown of collective responsibility. On this occasion, the Chancellor is right. He is clearly the senior Minister in the argument; he should instruct the Minister of State that the official Government line is that higher wage settlements are unhelpful, and that a realistic minimum wage is crucial to the attempt to retain some control over wage settlements.

If the President of the Board of Trade introduces a minimum wage that really does lift wages at the bottom, everyone will want a pay rise to protect differentials. I hear that members of the Cabinet, including the right hon. Lady, wish to retain their differentials over junior Ministers. If people on £100,000-a-year packages want to keep their differentials over others who are fairly well paid, surely people on £15,000 or £20,000 a year will

[Mr. Redwood]

want the same, and they will have a better case. The Chancellor must be very worried that he will have to face not just the cost of rises at the bottom of the income scale, but the understandable request of many higher up the income scale for a similar percentage increase in their pay, with all the consequences that he identified.

Both the Chancellor and the Prime Minister say that we need flexible labour markets to compete successfully. The Confederation of British Industry agrees, and, again, I find myself in agreement with the Chancellor. Why, then, is the President of the Board of Trade doing all that she can to make our labour markets less flexible? When will she make up her mind about compulsory union recognition? Will she give in to the union bosses, and say that 50 per cent. of those voting should decide the issue, or will she be more cautious and leave it at 50 per cent. of the work force?

It will be a defining moment for the right hon. Lady when her left-wing friends discover whether there is any of the old crusader remaining in her, or whether she is selling out. Her silence again today on that crucial issue speaks volumes about her unhappiness in this Government of the spin doctors, by the spin doctors, for the spin doctors.

The Chancellor, the great meddler, is en route to becoming the great betrayer. When his party was in opposition, he huddled in the House of Commons Library, ransacking the statistics for any bad figure that he could alight on. That would make his day: it was being so miserable that kept him going. It is normal for Ministers to whistle a happy tune, even if they are whistling in the dark. Now, it seems, this dour Chancellor sits in the Treasury, out of sight, still dissecting every statistic and, like Jeremiah, rubbing his hands at every piece of bad news.

The Chancellor warns us that, if we drink, it is bad for us, so he will tax it. He warns us that, if we drive, it is bad for the environment, so he will tax it. He tells us that, if we save for the future, it is bad for social justice, so he will tax it. He tells businesses that, if they make profits, it is bad for inflation, so he taxes that too.

Of course all Governments must impose some taxes, but sensible Governments do not enjoy imposing them. The only point at which the Chancellor cheered up during my speech was when I was talking about higher taxes: he obviously gets a kick out of them. Nor do a sensible Government moralise over every tax that they do impose. This Government like taxing. They enjoy the sense of power that it gives them. They would tax more and more if they thought that they could get away with it, and they use taxes to meddle endlessly in our lives and those of our businesses.

Even when it comes to reforming welfare, it is industry that is asked to do the work. I do not believe that business can cope easily with working out and implementing family tax credits. People in hard-pressed companies do not want to become a different kind of Child Support Agency, and to make all the inquiries that they would need to make to meet the Chancellor's requirements.

The bottom line of this Budget, added to the Government's first Budget, is that we are all worse off. Companies are much worse off; families with mortgages and cars are worse off; people relying on pension savings are worse off. The typical family is more than £1,100 a year worse off following the five mortgage rate rises, the cut in mortgage interest relief at source—the Chancellor hangs his head in shame, as well he may, but this is all true—the petrol taxes that he has increased, and the pensions tax.

Less than a year ago, in that golden age, a litre of petrol cost 54.9p in a good garage. Today, it costs 65.9p, despite a big drop in the oil price. That is all the Chancellor's own work. He does not know, because he now has his tank filled on the firm, but if he had to go out and fill his own tank he would find out. He is lucky that we no longer hear about the price of a gallon, because he has put that up by a massive 40p.

I am told by those who smoke that last May a packet of 20 cigarettes cost around £2.95. Today, it costs £3.35. Again, that is all the Chancellor's own work. Today, a young person saving for a pension must put aside £120 a month, while £100 did the job last May. That is a huge increase in the cost of taking a prudent view of the future and wishing to make provision.

The Budget sandbags the farmer as well as the industrialist. Labour moves seamlessly from having high sterling to banning T-bone steaks. It is determined to destroy rural businesses. [*Laughter.*] I am glad that Labour Members find that amusing. The butchers to whom I have spoken do not find the ban on T-bone steaks at all amusing. It has cut away a piece of their business when they are already under pressure. Labour Members representing rural areas should listen to what businesses are saying in those areas.

What do villages say about Labour? The pharmacist fears for his business as the Competition Bill threatens to knock his prices. The butcher struggles to stay out of gaol when his customers demand beef on the bone. The newsagent wants to know if Labour Members are going to abolish the newspaper boy. The publican can get no sense out of the Department of Trade and Industry on what business he can do with the brewer under the new competition measures that the right hon. Lady proposes. The farmer whose income has already been halved faces an even grimmer year with high sterling and high petrol prices.

Country dwellers need their cars, and they are particularly hard hit by the petrol price rise. The Chancellor's £50 million sop for regional transport will do little to help. In his haste to attack car owners and manufacturers, he appears not to have understood the difference between engine size and fuel omissions, and is still in a muddle about exactly how to raise all the money that he wants. And what about the tax on new cars which was announced in a press release in January? The Leader of the House told the Opposition that it would appear in the Budget, but it has not—yet manufacturers have been told by letter that it will apply.

That is the reality of Labour government—tax by stealth; no stability, just permanent uncertainty. Then we are all meant to feel grateful because income tax rates have not gone up. Under the Conservatives, they used to come down Budget by Budget. The standard rate fell from 33p in the pound to 23p. Why should anyone feel better as a result of this Budget, which contained no such welcome change?

The exporter struggling with the pound at DM3.06 still has to struggle after the Budget, and cannot now look forward to a change of policy: he has no hope. The

manufacturer struggling against ever-cheaper foreign goods now knows that he must cut his operations, as the Government have nothing to offer him. The unskilled person seeking a job knows that he must hurry before the minimum wage starts to price people out of work, according to the Chancellor's own statements. The home owner knows that the five mortgage rate rises are here to stay, and that he may be in for more. The saver knows that saving for pensions will remain a dearer business. Labour is not making it better; it has made it worse. Labour is bad for business.

The media strategy of the Budget was handled better than the economic strategy. That is not good but dangerous, and people should not be taken in by the weeks of bombardment threatening every industry and individual in sight with higher taxes. They will discover that some will be spared, while some will face the ordeal of consultation before the extra taxes are imposed. There have been threats to the house building industry, threats to the sand and gravel industry, threats to the oil industry, threats to savers, threats to home owners and threats to car owners. There are to be all sorts of extra taxes, and people do not feel especially grateful that some of them have been dropped—at least temporarily—from the Chancellor's Budget strategy.

We should not feel grateful for what the Chancellor has not done; we should look at what he has done. We should remember what he said in opposition about manufacturing and the importance of industry. In a chapter of his book "Where There is Greed", entitled "Manufacture or Die", he wrote:

"It is our ability to produce manufactured goods and compete in our own and in world markets that is central to our industrial and economic performance".

Those are fine words, but he has not lived up to any of them. The very people whom he praised in that book now bear the brunt of his Budgets and his failed strategy.

The Chancellor says that he gave the Bank of England its independence so that it would be free to control inflation, that high sterling is the Bank's problem, and that he has done his bit. He certainly has: his Budgets and his refusal to take a Chancellor's responsibility for the pound are destroying exports, manufacturing and agriculture, and damaging savings and jobs. Far from being the Chancellor for manufacturing, savings and investment, he will go down as the Chancellor who stood by as people were laid off and factories were closed. The main memory from this Budget will be of a Government who do not care about industry at all.

5.49 pm

Mr. Robert Sheldon (Ashton–under–Lyne): The right hon. Member for Wokingham (Mr. Redwood) says that we are worse off as a result of the Budget. I do not know how often he visits his constituency at weekends, but that is not the position as I see it. People think that this is not a bad Budget—they have not got everything that they wanted, but that is the nature of life. This is certainly a reforming Budget. As with all major reforms, it will take time before we are able to assess its full impact and the extent of changes to the conduct of our economic affairs.

The highlight of my right hon. Friend the Chancellor's work is undoubtedly the welfare-to-work programme. In my constituency, I have frequently met unemployed young men who live next door to houses where the windows are rotten and the doors are falling off. Our inability to bring together people who want to work and jobs that need doing, and our failure to address what is being done and what needs to be done, is disgraceful.

People spend a great deal of money to go out to work. It was not always an expensive business: when the cotton industry was the mainstay in my constituency, we had one of the highest levels of working women in any industrialised country, and they did not need encouragement to work. The work was down the road, earning a living cost hardly anything, grandmothers and aunts looked after children, there were no transport costs and income tax was only for the better off. Those are now large expenditures that, together with the tax-benefit mismatch, have great disincentive effect.

Fundamental changes have been necessary for a long time. Ideally, transport costs, which are a major expense, would be tax deductible, but problems are associated with that. Child care allowance is an acknowledgement of work-related expenditure and, although I am not sure that I understand the way in which child care centres will be set up and accounted for, I applaud my right hon. Friend's determination to implement the necessary changes.

When I was at the Treasury, the replacement of child tax allowance with child benefit recognised the extra cost of raising a family and their reduced taxable capacity. We acknowledge taxable capacity to only a limited extent, such as in working tools allowance and some working clothing allowances. Income tax allowance did not benefit parents who did not pay income tax, but for once the two major parties agreed on a fundamental issue and changed tax allowance to a benefit. The Government and the Opposition reached a sensible decision together, and there was 20 years of agreement on it. I wish that such long-term agreement was more frequent: it should be the basis for everything other than a one-Administration reform that the Opposition intend to repeal. Such reforms are a disgraceful waste of time and effort and should be avoided wherever possible. Although I understand the needs of the Revenue, I support the recognition of the cost of child rearing.

The Government took office accepting that manufacturing industry faces problems, and I had hoped that they would help by improving capital allowances and making the pound competitive. Figures in the Red Book suggest that the future does not look good. The forecast growth in manufacturing output is 0 per cent. to 0.5 per cent for 1998, against an increase in gross domestic product of 2 per cent. to 2.5 per cent; 1 per cent. to 1.5 per cent. for 1999, and 2.25 per cent. to 2.5 per cent. for 2000. The conjunction of those figures with forecast balances of payments of minus £6.5 million for 1998, minus £6.75 billion for 1999 and minus £6.5 billion for 2000 shows the importance of manufacturing industry.

Manufacturing industry is important not for the number of people it employs, but for the wealth it creates and for its foreign earnings. I welcome improved capital allowances and the 40 per cent. rate, although I am sorry that we have not continued with the short-term capital allowances. I had hoped that the rate would be 60 per cent., which would have been worth while in the light of the difficulties that manufacturing industry faces with the high pound and high interest.

The right hon. Member for Wokingham must have forgotten the wanton damage that the previous Government did with their $2.40 pound and their

[Mr. Robert Sheldon]

17 per cent. interest rates. I shall never forget it, because more than 30 per cent. of the firms in my constituency closed their doors in two years. Germany and Japan—indeed, every country in the world—have similar medium-tech and high-tech firms. The sacrificing of manufacturing industry on the altar of dogma was disgraceful, and the previous Government should never be forgiven for it. Current exchange rates and interest rates are nowhere near such levels, but service industries are able to ride them out, which is why GDP is still increasing respectably. Manufacturing industry has suffered most. Having given control of interest rates to the Bank of England, my right hon. Friend the Chancellor has to take account of their requirements in the running of the economy. His Budget strategy is bound to be limited by that, and he will therefore be judged not so much on demand management, as he would have been in the past, but on the important tax and other measures that he has introduced.

The quickest way to reduce unemployment is through aggregate demand, but that is not easily open to the Chancellor. However, my right hon. Friend's redistributive approach is clear, and I look forward to it featuring prominently in future decisions.

How does the Budget fit in with the forthcoming single European currency? The consequences of our self-exclusion from monetary union cause me great unease. Britain is the only major country that will not participate. Sweden, Denmark and Greece have the luxury of not joining, because they would not influence the shape of the union to any important extent, whenever they joined.

Britain is in a different position. If we had joined at the outset, we could have made an important contribution to the development of economic and monetary union. Latecomers to institutions are at a serious disadvantage in determining rules and outcomes. Sweden, Denmark and Greece would not have affected the rules, but Britain could and would have done. We have failed to join institutions at the outset again and again.

I should have wished ardently for a postponement of EMU, which is too precipitous. It will take place, and we should have placed ourselves where the action is. There may be problems with the euro. My right hon. Friend the Chancellor of the Exchequer was well received in York on Saturday. He explained what needed to change in the European Union. His advice would more likely be taken to heart if we were participating members of the single currency. The difficulties facing the participant countries are obvious. We should not underestimate the will to make changes within the European Union to deal with problems as they arise. There may be some mush and fumble, but problems will be dealt with, because member countries will not want to admit defeat and face the enormous turmoil that the collapse of the single currency would create.

We may not like some of the solutions, and I am worried that we shall not be properly involved in the initial decisions or in the subsequent changes that will affect us. Historically, we have always paid a price for our hesitancy: our voice should have been heard. We could have at least announced that we intended to join, which would have given us a foot in the door. If it were known that we intended to join, we should perhaps be listened to more seriously.

The major advantages of the City of London have been affected. We have lost some of the financial services market to Frankfurt as a result of our indecision. What saddens me most is that we should have been the bridge between the United States and Europe, sharing the language of the one with the geography of the other.

We must decide on the arrangements for the pre-entry stage to membership of monetary union. Some companies have never had to operate dual currencies to anything like the extent that will soon be required. Daily euro transactions will be a major part of their business. Even the retail trade will have to cope with those changes. Some shadowing of the euro will be necessary, and I should like to be assured that the Chancellor is developing plans to deal with that.

It is clear to me that the cost of the national health service will rise faster than the rate of inflation or growth in the economy. The population is aging and, as wants are met, the health service will require increasing expenditure. The time will come when we shall have to consider private medicine, which I do not favour, or a special national health service tax.

Anyone who has served in the Treasury has a visceral feeling about hypothecation: it burns inside us. The road fund licence still casts its shadow 70 years later. An important weakness of hypothecation is that it does not take into account the changing patterns of priority and expenditure. One certain aspect of health is that demand will increase into the indefinite future. If people can see the consequences, they may be more willing to accept a national health service tax than other taxes that disappear in the vast generality of public expenditure. Despite the hostility aroused by such a proposal, it should be freshly examined, and I hope that my right hon. Friend will consider doing so.

Meanwhile, we have had the first instalment of the reforms that my right hon. Friend will continue. We look forward to his later contributions.

6.3 pm

Mr. Kenneth Clarke (Rushcliffe): The Chancellor's Budget speech was commendably short in length and disgracefully short on detail—to an unprecedented degree—but it was long on rhetoric. I did not totally disapprove of some of his rhetoric: my theme was always that we should have no return to boom and bust. The trouble is that the Chancellor is not quite aware of the risk he is running of a return to boom and bust; nor does he know what to do about it.

I enjoyed the Chancellor's repetition of our slogan of welfare to work. I agree with him that one of the best solutions to the problems of poverty and social exclusion is work and the opportunity of work. Unfortunately, I am not at all sure that his repackaging of our measures is wise, and his Budget will not make it easier for businesses to create jobs.

The Chancellor added some new, portentous rhetoric about being a tax reformer, and about how this was the most tax-reforming Budget for a generation. I agree with my hon. Friend the Member for Bury St. Edmunds (Mr. Ruffley), who spoke on Thursday, that this grandiloquent language was not matched by the measures it announced, which were a ragbag of tax reforms.

Several of my right hon. and hon. Friends have made the point that the overall effect of the Chancellor's tax changes is to continue the practice of putting a considerable burden of extra taxation on the very businesses that must create jobs if more people are to move from welfare into work. When the President of the Board of Trade explained some of these tax changes, she seemed totally oblivious to the overall upward effect they will have on the businesses for which she has departmental responsibility. She was partial in her selection of examples to illustrate the changes.

In less than one year in office, the Government have increased the burden of corporate taxation by more than £20 billion. My right hon. Friend the Member for Wokingham (Mr. Redwood) could get no denial of his figure of £25 billion; I thought that the figure was £22 billion. Whatever the figure, the President of the Board of Trade obviously does not want to intervene to rule between us. It is certainly an enormous additional burden.

Considerable change has been made to capital gains tax. It is already our most complicated tax, and the most difficult to comply with and to collect, and it will be even more complicated in future. I happen not to agree with the theory that, if people produce a given capital gain on a sum of money in two years, that is bad, and if they make the same capital gain but take 10 years doing so, that is better. I was never attracted by the taper idea, which distorts the figures and is not wholly consistent with making the best use of resources for investment. The complications that will now face any taxpayer who is so reckless as to want to go in for self-assessment, or who needs the advice of his accountant, will be bewildering.

Mr. Ian Bruce: I am sure that my right hon. and learned Friend was proud of the fact that capital gains relief was given to people who retire. Did he think that the Chancellor had improved the position? Has not the Chancellor decided to phase it out and to apply capital gains tax?

Mr. Clarke: The Chancellor has made the position less attractive for the owner-manager and people who are building up their own business: my hon. Friend makes a valid point.

Even more important are the changes made to employers' national insurance contributions. I concede that simplification is desirable in principle, because the aim of tax reform should be to make the system more simple and not more complex. However, the effect of making these changes now was brushed aside by the President of the Board Trade.

The cost of creating employment for employers whose employees are largely low paid is reduced, but the cost of providing jobs for employers whose employees are well paid—not very well paid, but on average earnings or above—is much increased. At this difficult time for many an industry, the effect will be arbitrary.

It may be good news for the retail and hotel and catering industries, and I have no objection to that. It will be extremely bad news for people who employ large numbers of professional or highly skilled staff. The total effect of the Budget on a medium-sized, high-tech business is particularly unattractive: the burden of creating jobs will be made worse, especially when the increases in corporation tax are also taken into account.

The way in which the Chancellor and the President of the Board of Trade explained the effect of the changes in corporation tax was disgraceful. It was an attempt to mislead the casual listener. We are constantly told that the rate of corporation tax is being reduced, but the method by which it will be collected from the bulk of British business will produce a very heavy flow from business to the Treasury.

I had understood that there was to be consultation on that issue after the green Budget in November. After the trailing of the proposal, it took about 24 hours for everybody to realise that it would bring the Treasury at least £8 billion over the lifetime of this Parliament. The response to the consultation in the Budget was one sentence, which made it clear to those who were interested—but not to anybody else, because it was tucked away—that no change of mind was taking place.

I welcome the fact that the new system of advance payments will not apply to small and medium companies, but it will be burdensome on the rest, and I think that the benefits will accrue only to those who make profits of £1.5 million or less a year. What about a company with profits of £2 million a year, which will not be a giant company? It may be a hi-tech company located in a science park of the type that I have described. Such companies are adversely affected by the Budget, and the overall effects are severe.

Disingenuous arguments are still being used. The President of the Board of Trade repeated that, when the full effects come through, which will be in about 2002 according to the Government, business will start to save about £1.5 billion a year. That assumes that the lower rates of corporation tax will continue for that time until the benefits begin to flow.

However, the commitment to the lower rates is only for the lifetime of this Parliament. The Chancellor is committed to them for as long as he needs them to sell the bogus proposition that he is helping business while raising a large sum from it. If there is a threat that the cash flow will reverse from the Treasury back to business, the Chancellor may use the latitude he has left himself to start raising business taxation.

On the basis of what he has done so far, the Chancellor is eager to raise business taxation, for entirely populist reasons. The President of the Board of Trade gave that away when she gave her list of alternatives that might upset the public if the Government resorted to them.

I will not burden the House with the argument that I used before. The Chancellor did not need to raise taxation on such a scale, because the public finances are altogether healthier than he constantly describes them. He continues to give pessimistic forecasts of the public sector borrowing requirement. As we said at the time, he gave pessimistic forecasts in November, but he will get into balance very quickly.

I agree with the policy aim of moving people from welfare dependency into work. I commend any move in that direction. I was in favour of doing what we could to improve the previous family credit system, and we introduced a generous disregard for child care to help women with obligations to provide care for their children so that they could, if they chose, take low-paid work and cease to depend on benefit. There has been an elaborate repackaging of family credit and child care allowance into the new system of the working families tax credit.

[Mr. Clarke]

My hon. Friend the Member for Bury St. Edmunds worked with me on several Budgets. Anybody who is interested in the subject is aware of the system in some countries of earned income tax credits. Like so many of the Government's policies, that one has been taken from the Clinton Administration. I remain to be persuaded that the Government, who are anxious to present a policy that they could claim to have invented and to dissociate themselves from the policies of the previous Conservative Government, are wise in importing a system that is not regarded by everybody in the United States as an all-fired success.

In any event, there are big differences between the systems in America and Britain. The Americans lack two British policies. First, they do not have our system of pay-as-you-earn: everybody in America is required to submit an annual tax return. Secondly, America does not have our system of separate taxation for a woman and a man as a couple. They are at a disadvantage compared with us in not having either of those systems, and that makes it difficult to bring earned income tax credit into this country. A great cost is involved in bringing it in, some of which is due to increased take-up and some of which will be incurred by taking people further up the scale into benefit. It is more than that, because, under the new system, there are PAYE complications for the employer. There is also the administrative complication of turning the Inland Revenue into a department that will pay out money to people with children.

Many supporters of the new system are shocked to discover that it cannot be introduced before October 1999. A great deal of money and administrative time will be spent trying to hit that deadline. The Inland Revenue does not know anything about children. Under our tax system, it does not know whether taxpayers have children, because there is no child care allowance. The Inland Revenue has never paid out money by itself or indirectly through employers in its experience. The Department of Social Security has always done that, but now the two systems are to be amalgamated. The cost of the complication will be considerable.

In future, an employer will know all about the circumstances of each employee. When we made family credit more generous, Labour Back Benchers said that we were subsidising low-paying employers, and that that was terribly wicked. It was said that we were subsidising low pay, but that was not true. Under the family credit system, many employers do not know that an employee is drawing family credit. The snag under the new system is that every employer will know exactly how much each employee is getting on top of his pay.

Another issue is the transfer from the mother to the father. What happens if a benefit for the mother is taken as a tax credit by the father if he is the principal earner? When the Government started to trail the idea, that matter was raised by a number of commentators, including me. The Financial Secretary to the Treasury joined in the debate about the purse-to-wallet problem—I do not like the jargon—that that transfer posed.

The Government's answer—that people are given a choice—is absurd. The mind boggles. Of course some will make a sensible choice, but one can visualise a discussion between a mother and father about the comparative advantages of one taking a benefit or the other taking a tax credit. No doubt the Chancellor fondly imagines that such people will take their accountant's advice. People who contemplate moving from benefit dependency to low-paid work may not be able to do it, and that is another complication.

I approve of the objective of concentrating on subsidising low-paid jobs to widen the gap between earnings from them and the long-term receipt of benefit. The previous Government and this one appear to share that objective, but for the sake of originality, and to enable them to use grandiloquent phrases about transforming the tax system, the Government have wished upon us an extremely complicated new arrangement of dubious value.

I have said how much I agree with the Chancellor, but I wish that he would not overdo the way in which he sells his policies. Sometimes, he makes it sound as if the creation of jobs is essentially a function of the relationship between the tax and benefits systems.

New Labour seems to agree with some of my right-wing colleagues who are no longer in the House and who thought that the whole problem was the feckless poor. It was said that out there were many jobs, and that people were unemployed only because they had consulted their tax advisers and had decided that the marginal rate of reduction was too great to make it attractive for them to take advantage of the employment.

That is not the case. The reality is that the northern part of my county, where the coalfields collapsed, and Doncaster and Barnsley a bit further south, are not full of single women who would take jobs if only the cut-off rate was not so sharp. We simply have not reached the stage where, with the development of the real economy, these jobs are being created in sufficient quantity. Vis-a-vis my previous point—no return to boom and bust—we were going in that direction.

The Chancellor appears to have no interest in the real economy. He prefers social reform to macro-economic policy. He has left macro-economic policy to the Governor of the Bank of England. I remember being in the House when everyone complained that demand management and control of inflation were entirely a function of monetary policy. People used to complain about one-club golfers running the economy. The Chancellor is a one-club golfer, but he has given the club away to the Governor of the Bank of England, and he now says, "What goes on out there in terms of managing the economy has nothing to do with me."

Mr. Malcolm Bruce: Is the right hon. and learned Gentleman's party in favour of taking this power back, and then handing it over to the European central bank?

Mr. Clarke: I am in favour of this country's authorities, for which the Chancellor took sole responsibility when he took over, taking a proper view of their responsibility for the macro-economy. Our jobs and living standards depend on that.

Governments do not create jobs. The tax-and-welfare system does not create jobs, except in the relevant offices. It is the duty of Government to try to create the conditions in which people in industry, business and commerce find it easier to create jobs and to raise people's living standards. In his speech, the Chancellor made it clear that

he has no interest in that, and the President of the Board of Trade appeared to take only a passing interest in that aspect today, giving a wholly rosy view of where we are.

The fact is that business generally is faced with a combination of higher taxation, higher interest rates, an overvalued pound and a Chancellor, President of the Board of Trade and Government who do not believe that their fiscal policy has anything much to do with that. They are more concerned with social reform and the affairs of the Department of Social Security, in which the Chancellor likes to interfere. As long as we have the present Secretary of State for Social Security, it may be a good idea for him to interfere in that Department, but he should take a broader view of his fiscal measures in deciding what impact they are having out there.

There is not a direct read from monetary policy to fiscal policy. It should not, in my view, be the case that, when we tighten fiscal policy, monetary policy is relaxed, and when we tighten monetary policy, fiscal policy is relaxed; but the Chancellor and the Governor have to work in harness and at least have some common analysis of whether consumer demand is too strong or too weak, and whether it is likely to go up or to go down. They may not be able completely to control the exchange rate, but one or the other has to ask himself why it has gone up to a level that is crushing manufacturing industry, and whether either of them is going to do anything about it. At the moment, it does not seem that either of them will.

The right hon. Member for Ashton-under-Lyne (Mr. Sheldon) talked about the problems of manufacturing industry, particularly exporters. Our export orders are going down rapidly. Manufacturing industry is about to go technically into recession. A recession is euphemistically described as negative growth for two successive quarters. This country has had five months of declining industrial production. The sixth is about to come up. Manufacturing is going into recession, and, even though service industries are thriving, the whole economy is slowing down at a remarkable rate.

Unemployment is still dropping, but at a much lower rate than 12 months ago. The turn is about to come, and we are simply waiting to see when, not whether, unemployment starts to rise again. That will put back into proportion all this rhetoric about getting people from dependency into work by playing around with their marginal rates of deduction.

The reason that the pound remains so strong—it is not the sole reason—is that we have raised interest rates in successive little steps, every time leaving the message that they are about to go up again. The reaction to the Chancellor's Budget was that the Monetary Policy Committee of the Bank would put them up again, and immediately the pound soared miles above DM3. The minutes of the last committee meeting showed that it was poised to put them up again.

The Chancellor plainly never even addressed the question whether he could do anything about that. He remains completely oblivious to what the solution might be. In his speech, the only contribution he could make to tackling the threat of future growth was, "We must control our earnings." That is all part of his rhetoric about the frightfully inflationary inheritance when he took over.

One of the good features about the British economy at the moment is that the increase of earnings has been flat for 12 months. The latest statistics about earnings growth are exactly the same as those 12 months ago. The Chancellor was arguing about a shadow. He was missing the substance of the threat that our economy faces.

The Chancellor's own Red Book has to concede that the economy will slow down. I think that the Red Book is optimistic. I think that the economy will slow down faster than he says. The Red Book says that the savings ratio will fall. That is partly a result of what he has done to pensions and savings. Even as revised, thanks to the Robinson factor, individual savings accounts are far less attractive than personal equity plans and tax-exempt special savings accounts. Savings ratios are coming down.

None of the messages in the Budget does anything to dampen the belief that our high interest rates are going to remain in place and might go up again, or that the exchange rate will therefore remain strong against the deutschmark and the franc; of course, it is about to be very strong against the euro for some unknown period.

The Budget was well received. I agree with all the people who say that most Chancellors should have a sinking heart when Order Papers are waved behind them. When the Order Papers are waved on the instruction of the bleeper, it is perhaps a little less worrying than when they are raised spontaneously at the wrong moment in response to previous Budgets.

I do not think that all Labour Members are rejoicing about the Budget. I did a television programme at the weekend when I found that the right hon. Member for Chesterfield (Mr. Benn) and I were nearer to agreement on some of the analysis than at any time in our entire political lifetime. I do not take as much comfort from that as I do from the right hon. Member for Ashton-under-Lyne and quite a lot of sensible Labour Members, who know perfectly well that this country's economic well-being is being put at risk.

As the actual content—the tax reform—of the Budget was so comparatively inconsequential, its lasting legacy will be that the Labour party has come into power and completely neglected the prospects for sustained growth with low inflation, which it should have been pursuing.

Several hon. Members *rose—*

Mr. Deputy Speaker: Order. Before I call the next hon. Member, I remind the House that, although there is no time limit on speeches today, many hon. Members are seeking to catch my eye, and it would be helpful to everyone if speeches could be moderately short.

6.27 pm

Mr. Clive Soley (Ealing, Acton and Shepherd's Bush): It is a great pleasure to follow the right hon. and learned Member for Rushcliffe (Mr. Clarke), the ex-Chancellor of the Exchequer. I remember hearing one of his first speeches from the Dispatch Box and thinking, "That man is a future leader of the Tory party." He came very close to it. Like Chris Patten, with whom he has much in common, he is the exiled wing of the Tory party. Precisely because he can be such a formidable opponent, let me make it clear that he should not hide his light under a bushel, but should consider making a leadership bid. If he does so, I shall do everything that I can to encourage him.

The reason why I was so anxious to get an answer from the right hon. Member for Wokingham (Mr. Redwood), the shadow President of the Board of Trade, about the

[Mr. Clive Soley]

national minimum wage is precisely that he, more than anyone else in the Conservative party, has led a formidable, determined and persistent opposition to the introduction of the minimum wage. The idea that he could be a member of a Government who continued with the national minimum wage beggars belief. It would be the political equivalent of discovering, after 20 years, that Mary Whitehouse had been the marketing manager of Red Hot Dutch. It is impossible to think that he could be a member of a Government who wanted to keep the national minimum wage.

The Conservative party seriously underestimates the view that the British public have taken about its capacity to manage the economy either firmly or efficiently. When a number of Conservative Members intervened on my right hon. Friend the President of the Board of Trade to criticise our taxation policy, I remembered two things. First, I remembered the clear commitment that we gave before the general election on direct taxation, that we would not increase income tax levels—we made exactly the same comments that the Conservative party made about other forms of taxation. Secondly—and more importantly—I remembered that over the 18 years from 1979 to the collapse of the Tories at the election, the burden of taxation imposed, as a percentage of gross domestic product, was higher for almost all those years than it had been under a Labour Government. When the Tories left office in 1997, it was about one to one and a half percentage points higher than under the previous Labour Government.

The Conservative Government increased the tax take—largely through a switch from direct to indirect taxation—and thereby dramatically increased the tax burden at the same time as they caused phenomenal problems in Britain's investment policy, not least by the doubling of value added tax in 1979. That caused the first of the two Tory slumps that did immense damage to the manufacturing base of this country, from which it has yet fully to recover.

Mr. Ruffley: On the point about rising tax burdens, what does the hon. Gentleman have to say about the fact that the Red Book shows that for the last financial year that the Conservative Government were in power, the tax burden was 38.1 per cent., compared with an anticipated figure of 40.1 per cent. for the financial year 2002-03? What is his explanation for that?

Mr. Soley: What the hon. Gentleman is desperately trying to cover up is that included in his figures is the windfall tax. He cannot include that any more than we could include the windfall tax on the banks imposed by Lord Howe in 1979-80. His figures do not add up.

Mr. Bercow *rose—*

Mr. Soley: I will take one more intervention, but I am conscious of what you said about time, Mr. Deputy Speaker. I hope that the hon. Gentleman will be quick.

Mr. Bercow: I am grateful to the hon. Gentleman for his courtesy in giving way. Will he clarify whether he is saying that the Prime Minister, when Leader of the Opposition, never said,

"We have no plans to increase tax at all"

in September 1996, or whether he is admitting that the Prime Minister said it, but did not mean it? Which?

Mr. Soley: The hon. Gentleman knows as well as I do that my right hon. Friend's remark was made in the context of a discussion about income tax—

Mr. Bercow: No, it was not.

Mr. Soley: Yes it was. The hon. Gentleman's memory is faulty. Throughout the election and during the period leading up to it, we were very clear on direct taxation. The answers that we gave on other forms of taxation were precisely the same as those that the Conservative party gave for 18 years—that no Chancellor of the Exchequer would ever say what he would do with other tax rates. That position has always been maintained by both parties.

The Budget is excellent for British industry and for stability. Its general structure and balance are right, so I want briefly to deal with just two issues. The first is the family and children. I welcome, most of all, my right hon. Friend the Chancellor's recognition of that issue as an essential part of the structure of the state in the running of the economy. At times, we try to run the tax structure as if the old economic system still existed.

One thing that the Labour party has to learn—and which the country also has to learn—is that the economic structure changed fundamentally in the 1960s, 1970s and 1980s. That first came dramatically to my attention when I noticed that in the late 1980s in south Wales, the primary carers for more than 50 per cent. of children at home were the fathers. In other words, the heavy industries had collapsed and women were going into part-time work, leaving the men at home to look after the children.

That process has moved on and we now expect, almost automatically, that parents will have different roles throughout their lives. They may work part time or full time; they may work for short periods or for long periods. We have to develop a tax and benefits system that recognises that. Of course, it is much easier to recognise the problem than it is to determine the shape of the solution. However, I am sure that the shape of the solution includes the sort of benefits for families and children that my right hon. Friend included in the Budget. It is right to focus on the children, on child support and on parenting rather than on marriage as such. The structure of families changes, and it is difficult to come up with a definition that works.

We need to do more, which is why I should like the long-term thinking shown in the Budget to be taken further. We need to recognise that companies need to be part of the changing structure, in which parents need support at certain times if they are to work. We need to find ways to help companies to become, in the current phrase, family friendly. Again, it is easier to recognise the problem than to find the solution. However, there are companies—not least Midland bank, which took the initiative in this area—that recognise that they need to make special arrangements for parents who want to work part time and for those who leave employment for a time and then want to return to work. We should give additional support to companies that make those special arrangements.

We need also to recognise that as the nature of work changes so, too, does the nature of the tax and benefits system. I received a letter today from a constituent who was made redundant and so became self-employed. Her work takes her away from home for a period of time, and then she is back at home with her child and might work from home for a few weeks. When she is at home, she might not need child care; when she is away, she does. Because there are no effective means of recognising that and creating a structure to help her, she has to employ a full-time nanny, even though she needs one only when she is away from home or when the work she does at home is such that she needs to devote all her time to it. She actually needs a more flexible system than we have been able to provide.

My final point relates to the big issue that must be dealt with in the near future—housing finance. The Conservative Government got it disastrously wrong. I remember warning them on many occasions, when I was shadow Housing Minister, that if they went ahead with market rents, the cost of housing benefit would spiral out of control—and it did. By going to a market rent system, plus the individual support of housing benefit, there was no way to impose a cap without causing distress and difficulty for those who needed affordable accommodation. From a cost six or seven years ago of £1 billion or £2 billion, housing benefit has now risen to £12 billion—twice as much as mortgage income tax relief cost four or five years ago, when we considered that to be a problem.

If we simply cut housing benefit, the effect would be dramatic. It would be appallingly difficult for housing associations, private landlords and councils. We have to reform housing finance so that it recognises the importance of the housing market to the economy as a whole. I would prefer a bricks-and-mortar subsidy to keep rents down, rather than an open-ended subsidy on income. We also need some innovative ideas in the short term to deal with some of the housing benefit problems. I would be prepared to accept tax breaks—perhaps total tax breaks—for private landlords in exchange for guarantees about the quality of management of their properties. I see nothing wrong with indirect subsidy on that basis, as long as there is a guarantee of quality.

The three factors that matter to people in regard to housing are affordability, quality of management and—for tenants—tenants' rights. We have not got those right, nor have we got right assistance on mortgage interest for people who are in and out of work—the benefits system will pay the interest on some occasions but, unless we do something further, people will continue to be left vulnerable to indebtedness to their mortgage companies. That is a time bomb ticking away under not only the whole structure of housing, but the wealth and strength of the economy, so I believe that the Government must give it urgent consideration.

6.39 pm

Mr. Malcolm Bruce (Gordon): I say at the outset that my party and I welcome a number of measures in the Budget, not least the ambitious welfare reform package and the important reforms in macro-economic policy, such as the fiscal responsibility legislation, for which we called—it is designed to complement the operationally independent central bank, about which the Conservatives seem to be more than a little confused. Nevertheless, I hope that the Government will understand that my speech, inevitably, will concentrate on our concerns about the Budget, particularly about the funding of public services and the weakening in Labour's position on the environment.

The extra money for education and health was little and late. I do not believe that it will prevent an increase in hospital waiting lists and class sizes. Even if it does, the way in which it is targeted means that that can be only at the expense of other important aspects of health and education, as the extra money was offset by an upward revision to inflation—the gross domestic product deflator. That will mean a real-terms cut in public spending next year of about £750 million, which cancels out nearly all the extra money for health and education.

That extra inflation—combined with the black hole that we identified in last year's Budget as being caused by higher inflation—has resulted in a real-terms cut of £6.8 billion in the public spending plans for 1998–99 in comparison with the original forecasts of the right hon. and learned Member for Rushcliffe (Mr. Clarke), to which the Government claim to adhere. The Red Book confirms that we were right to claim that the Chancellor of the Exchequer is building a huge war chest of funds, and that cyclical adjustment does not change the vast size of that war chest.

The Budget is bad for the environment, especially as the Government have backslid on their CO_2 reduction target. There is neither an energy efficiency scheme nor a carbon tax, and the fuel duties are still being used simply as a tax increase, with no switch from excise duty.

Of course it is good that the Government have at last come clean and produced estimates showing the cyclically adjusted current balance—we have been asking for that for months. In effect, that represents the Government's estimate of the war chest of cash surplus that will result from their borrowing rules.

As a result of incorporating the Tory spending plans in their previous Budget, the Government have produced new cyclically adjusted projections of their fiscal position that give a war chest of cash of some £123.4 billion over the five years 1998-99 to 2002-03. That excludes our claim—which the right hon. and learned Member for Rushcliffe has confirmed—that many of the Chancellor's economic assumptions are deliberately cautious, so that he can disguise the size of his war chest. That figure of £123.4 billion is almost exactly the same as the figure—£124 billion—that was calculated by the House of Commons Library in January, which the Government sought to refute.

The Chancellor still seems determined to hide the size of his war chest, even though the figures are available for everyone to see. Excluding the windfall tax, it is assumed that the public sector borrowing requirement will fall by only £1.1 billion this year to £3.9 billion, and by a mere £2.2 billion in 1999-2000, to £1.7 billion. In the 1997 Budget, the PSBR was expected to fall by £17.7 billion between 1997-98 and 2000-01; now, the assumed fall in the PSBR is only £7.9 billion over the same period. Those figures may be found in table 1.2 on page 11 of the Red Book.

What are the reasons for that? Table 1.2—the first main table in the Red Book showing the PSBR—assumes that the war chest is already being spent. Tucked away in note 3 is the admission that the growth of public spending that

[Mr. Malcolm Bruce]

is assumed in the table is 2¼ per cent. per year in real terms, which is fully three times the rate that was allowed for in the Tory spending plans—it raises the PSBR by £4.5 billion in 1999–2000, and by £9.1 billion in 2000–01.

The Chancellor may want to treble the growth rate that was assumed in Tory spending plans—indeed, some hon. Members may think that a reasonable option. However, he should not in such an underhand way massage down the PSBR and distort discussion of the options that are open to him. Indeed, we have been trying to have an honest and open debate about what is available and what options and priorities should be reasonably pursued—we should not let the Chancellor control the process entirely, without, it seems, consulting the Cabinet or his party, let alone the wider public or the House of Commons.

We believe that the Chancellor continues to take an extraordinarily pessimistic view of revenues. We noted in November that he had attempted to massage down VAT receipts—the hon. Member for North Durham (Mr. Radice) will recall that we had an exchange about that in the Treasury Committee, of which he is Chairman—by having the National Audit Office rubber-stamp his decision to assume that VAT receipts as a proportion of consumer spending would fall, although that contradicted an effective Customs and Excise equation showing that VAT receipts would rise.

On page 118 of the Red Book, the Treasury is forced to admit that

"it seems likely that the ratio of VAT receipts to consumer spending has increased in 1997–98".

Nevertheless, its projections continue to assume a modest downward trend in the VAT ratio. Income is rising, but the assumption is—despite experience to the contrary—that income will fall. If that assumption were corrected and the figures predicted by the Customs and Excise equation were accepted, we should find that VAT receipts alone would provide some £3 billion extra to the war chest by 2002–03—some £8.2 billion extra over the period from 1998–99 to 2002–03.

The Budget includes a further adjustment of the GDP deflator for 1998–99, from 2¾ per cent. to 3 per cent. As I said, that cuts the real value of public expenditure by £750 million for 1998–99. Because of an additional upward revision to the GDP deflator for 1996–97, the real value of planned public expenditure in 1998–99 is now £1.4 billion less—in constant 1995–96 prices—than was estimated in November.

The £5.4 billion black hole in public spending for 1998–99, which we were the first to identify, has now grown to £6.8 billion. If one compares the new public spending plans with those set out by the right hon. and learned Member for Rushcliffe—even taking into account the Chancellor's extra cash allocations—one finds that Labour plans to spend £6.8 billion less in real terms in 1998–99 than the previous Government planned in their final Budget. The Chancellor's public spending plans allow for no real-terms growth in public spending for the three years from 1995–96 to 1998–99.

Mr. Ian Bruce: Is not the hon. Gentleman being too generous to the Government? Surely all the figures assume that public sector employees—such as those who work in education and the health service, both of which we want to expand—will accept a pay rise at the rate of inflation rather than the real rise that people who work in the rest of the economy are enjoying.

Mr. Malcolm Bruce: The hon. Gentleman anticipates the development of my speech. I am explaining what the figures suggest, although I am not sure whether things will turn out that way in reality. I say as an aside that it is unreasonable for a Government who say that they are committed to the development of education and health to deny the people on whom those services depend a real increase—or, indeed, even a maintenance of living standards—when the economy is growing. That is unlikely to be sustainable.

The Chancellor has not kept to his pledges. The Labour manifesto said:

"For the next two years Labour will work within the departmental ceilings for spending already announced."

That pledge was broken in 1997, when Labour reallocated moneys within budgets. We have no quarrel with that, as we pushed the Government to do it, but they broke a specific pledge.

In November 1997, the Chief Secretary made another pledge that has been broken. He said:

"The Government are committed to holding to the Control Totals for 1997–98 and 1998–99."—[*Official Report*, 13 November 1997; Vol. 300, c. 622.]

Yesterday, the Government had to acknowledge that public finances for 1998–99 are so tight that they have increased the 1998–99 control total by £1.5 billion, using a carry-over from 1997-98 caused by slower growth. That is not necessarily wrong, but it makes a mockery of the Government's claim that they are sticking to the established spending plans. In reality, there has been a continual redefinition of Labour's election pledge on spending, demonstrating how ridiculous and arbitrary the whole process has been.

Only an extra £500 million has been allocated to the national health service in 1998–99: much less than the £2.25 billion identified in our alternative Budget. *[Laughter.]* Hon. Members may snigger but, when he was Chancellor, the right hon. and learned Member for Rushcliffe chided Labour for not having the courage to produce an alternative Budget, which the Liberal Democrats have consistently done. He said that any Opposition worth their salt would produce alternative proposals, but of course the Conservative party has not done so, now that it is in opposition.

Taking the GDP deflator effect into account, the Budget is worth only about £400 million more for the national health service. The right hon. Member for Ashton-under-Lyne (Mr. Sheldon) put his finger on it. Given the huge pressures from the recent below-trend funding for the health service, and the millennium computer problem, which will definitely prove serious for the national health service, the extra funding is entirely inadequate to substantiate the Government's claim that they will save the service and deliver a cut of 100,000 in hospital waiting lists. We do not think that that Red Book promise is likely to be fulfilled. If it is, it can be only at the cost of severe cuts elsewhere in the NHS, with damaging consequences.

With the higher inflation expected in 1998–99, the NHS will receive only about 2.5 per cent. more in real terms. Under the Conservatives, the average real-terms increase was 3.1 per cent., although the last two years were not

quite so good. The present Chancellor, in his 1988 autumn statement response to the then Chancellor, Nigel Lawson, said:

"Opposition Members welcome any additional resources for the National Health Service and any plan to break down the appallingly high waiting lists. However . . . When health costs are rising faster than even ordinary inflation, the sum that the Chancellor has provided today will barely cover the basic inflationary pressures that the health authorities face, far less deal with their huge backlog of structural repairs."—[*Official Report*, 1 November 1988; Vol. 139, c. 826.]

We expect waiting lists and waiting times to go on rising, breaking Labour's early pledge, which in any case has become merely a long-term aspiration.

The £2 billion extra that the Government boast will be spent on health is to be spent over two years and, taking inflation into account, represents only about £650 million more than the Tory plans. Judging by his outbursts, I know that those figures and that analysis have irritated the Prime Minister. He seems to take the view that the Government live in a changing world where figures can be adjusted, adapted and updated, but that Opposition parties cannot respond in kind.

If the Prime Minister wants to compare like with like, he might consider that the Labour party's pledge for spending on health and education, at the time of the general election, was for £100 million on each. We welcome the fact that the Government have approved that spending, but it is not enough to deliver on their pledges.

The Budget announced £250 million extra for education, £100 million of which is to be directed towards tackling skills shortages in key areas and promoting lifelong learning. Those are worthy aspirations, but schools are to receive only £100 million extra. Taking the deflator into account, the Budget gives education a net real addition of only £150 million.

That cannot reverse the decline in the percentage of GDP spent on education under Labour, in breach of its manifesto commitment. The manifesto said:

"We will increase the share of national output spent on education",

but planned Government spending on education as a percentage of GDP is set to fall, from 4.5 per cent. in 1996-97 and 4.4 per cent. in 1997-98 to 4.3 per cent. in 1998-99. That is simply a betrayal of the manifesto pledge.

The additional funding is woefully inadequate. It will not tackle immediate needs and certainly has no real ambition for a Government who claim that education is their top priority. The Government talk about £2.5 billion extra for schools, but that is what they propose to spend over the entire five-year Parliament, when they should spend it this year if they have any ambition to deliver quality education.

Not only the Liberal Democrats have spotted the Government's U-turns on the environment. On Budget day, Charles Secrett, executive director of Friends of the Earth, said:

"This was a major missed opportunity. Labour is rapidly forfeiting its claim to be a green government . . . this Budget is about as green as a smog alert. The Government cannot meet its manifesto and Kyoto promises with this Budget."

Friends of the Earth was offended by the Government's U-turn in committing themselves only to the European Commission's 8 per cent. carbon dioxide emission reduction target by 2010, rather than to the 20 per cent. target in the manifesto.

Mr. Bercow: The hon. Gentleman appears to endorse the comments of Friends of the Earth, so we could be forgiven for thinking that he believes that the Government did not increase road fuel duty enough. Will he clarify whether the Liberal Democrats support the increase in road fuel duty or believe that it was too little?

Mr. Bruce: Like the hon. Member for South Dorset (Mr. Bruce), the hon. Gentleman anticipates my speech. If he has a little patience, he will get the answer.

The Government made a clear promise to produce a Green Book alongside the Red Book. The Financial Secretary repeated it when she said:

"We have every intention of keeping that promise from the first full Budget."—[*Official Report*, 10 July 1997; Vol. 297, c. 1062.]

That commitment seems to have re-emerged as a single green page—page 78—in the Red Book.

The Budget contained no serious environmental measures: no carbon tax or home energy insulation scheme, and a cut in VAT on home energy insulation materials limited to certain Government grant schemes. That may be welcome, but it is very small.

The Government have made proposals to reduce vehicle excise duty for fuel-efficient cars, but those proposals are still on the drawing board. The Government propose a reduction of £50 per annum, which is probably not enough to make much difference. According to the Red Book, the Government are "interested in introducing" a lower rate for the least polluting cars. That is a very vague statement.

The Liberal Democrats proposed recycling money from higher petrol duty into cuts for smaller-engined cars. Had the Government made that connection, we might have taken a different approach to that aspect of the Budget. However, the Government have done nothing in that direction—they have merely talked about it—and they have increased fuel taxes by an extra £1.1 billion in 1998-99 or £3.3 billion over three years. That is simply a blow to rural motorists and a tax for everyone, and there are no offsetting fuel efficiency incentives or, as we would wish, tax cuts elsewhere.

I should like to clarify the situation for the hon. Member for Buckingham (Mr. Bercow), following his intervention. We Liberal Democrats have a rule in our environmental tax policy that environmental taxes should be offset by corresponding tax cuts elsewhere. Under the Conservatives and now under Labour, such measures are simply another way to raise taxes and pretend that they are being green. We do not support such deception.

The extra £500 million over three years for public transport is welcome, of course, but it will not revolutionise our transport system, and I doubt whether it will offset the cuts in local authority transport budgets. Today, £4.5 million of rural initiatives was announced for rural transport in Scotland. People are pointing out that local authorities do far more than that to support rural transport, and it is not at all clear whether those initiatives can make a difference. I urge people to bid for the schemes but, if they are successful, to put pressure on the Government to put in a lot more before too long.

[Mr. Bruce]

As time is pressing, I must say that we welcome the welfare reform package, but are disappointed that nothing is being done for pensioners—not only we, but pensioners, are disappointed. We commend to the Government our proposals, which would not deal with the whole problem, but giving an extra £5 per week to those over the age of 80—up from the present derisory 25p—would at least show a commitment to helping the most elderly and vulnerable pensioners. We shall want to probe the details of some of the other measures in the Budget, but we genuinely applaud the Government's direction and hope that the delivery will match the rhetoric.

The £1.4 million for working families tax credit is a substantial injection, but not everyone will be better off. Indeed, the Red Book points out that the number of families with high marginal deduction rates of 60 per cent. or more will increase by 33 per cent., to more than 1 million, which demonstrates the difficulties when one moves the thresholds. One may help people at the bottom end, but unfortunately one creates another category that needs help further up the scale. I hope that the Government will ultimately find ways to deal with that. When we debate the 10p rate of tax, we might be able to engage on more efficient ways to help people on low incomes.

At this stage of the Budget, it has to be said that there are some losers, for example, a married man with no children will lose part of his married couple's allowance with no corresponding benefit, but Budgets do not please everyone, I guess.

There are concerns about how fraud can be avoided and how the working families tax credit will be evaluated. It has been suggested that people might get round the system by taking in each other's children and finding a way to claim benefit in that way.

Finally, on a macro-economic point, I found the exchange on exchange rates interesting. The right hon. Member for Wokingham (Mr. Redwood) clearly enjoys opposition. He has a talent for it—after all, he only has to attack. He is not so good at telling us what he would do. How cheerfully the right hon. Gentleman disowns the Conservative party's policies both in government and in opposition. Obviously, he has been practising for opposition for the past 10 years. He opened his comments by saying that the exchange rate was too high, but gave no idea of how the Conservatives would bring it down. He tried to explain that they would not have got there in the first place.

The right hon. Member for Ashton-under-Lyne hit on the one issue that the right hon. Gentleman ignored, which is the euro effect. That we are not committing ourselves to the euro is an additional factor that encourages people to hold sterling and to force it up. I would not have expected the right hon. Member for Wokingham to endorse that policy, although I was interested that the right hon. and learned Member for Rushcliffe was not keen to answer my question about the operation of the independent central bank either. On that issue, the Conservatives would do best to keep quiet. Being the party of devaluation is a new role for them.

We want sensible economic policies, to provide stability in the long term. I plead with the Government seriously to consider a clear timetable for British entry into the single European currency, as that would do more than anything else to give manufacturers confidence. It would do so for two reasons. First, it would almost certainly reduce the immediate pressure on the pound and, secondly, in the long run, it would reduce the exchange rate risk for 60 per cent. of our foreign trade—something that seems to be lost on the Conservative party, or at least on its official leadership.

We shall support some aspects of the Budget, but it has a big hole at its heart, and the Government will not deliver on health and education unless they are prepared to tackle that.

7.4 pm

Mr. Giles Radice (North Durham): The right hon. and learned Member for Rushcliffe (Mr. Clarke) made a characteristically sturdy speech. Indeed, he showed why it was a mistake for the Conservative party not to have elected him as leader. He was a little reticent about his contribution to the overheating of the economy before the last election—I chided him about that before that election—but he certainly showed up the right hon. Member for Wokingham (Mr. Redwood). I give the right hon. Gentleman some advice—the shriller the tone, the less likely he is to be listened to. In the long term, the right hon. Gentleman's knockabout stuff will not do. It may be all right for a couple of years of opposition, but it is not persuasive, and he will have to do better.

I agree with the hon. Member for Gordon (Mr. Bruce) and my right hon. Friend the Member for Ashton-under-Lyne (Mr. Sheldon) about a single currency. However, some of my hon. Friends will be glad to hear that I shall not follow that line tonight as I want to concentrate on the Budget.

This is a good Budget, and it deserves the widespread praise that it has been given. To begin with, it has proved that consultation is a good idea. The pre-Budget report and the consultation that followed it improved a couple of measures. First, it made individual savings accounts a more effective system. The Government can no longer be accused of retrospective taxation, as they might have been had they not listened to the consultation. Secondly, the new working families tax credit has answered some of the criticisms of the right hon. and learned Member Rushcliffe precisely because there has been a debate about the issues and the Chancellor has answered most of the questions. That is why it will be an effective system. More generally, it is better for the Budget process to be open and for there to be a system whereby one can discuss policy details before those policies are announced. That is a plus and a good thing for our policy making.

I welcome some of the supply-side measures that the Chancellor introduced. I welcome the fact that he has managed a significant redistribution between the better and the worse-off without clobbering the middle classes, which is what people in some Conservative newspapers feared. I also welcome the fact that he has introduced measures to make work to work and employment pay—the working families tax credit, the reform of the national insurance contribution and the expansion of the new deal—and that he has helped children through the promise to increase child benefit next year and the extra help for younger children in poorer families. Incidentally, and sotto voce, the latter compensates for what happened with lone parent families before Christmas and I also welcome the Budget for that reason.

The Budget also contains extremely useful increases for education and health on top of the increases already announced for 1998-99. At times, the hon. Member for Gordon has been churlish about those increases, because they are a good sight larger than we promised and we shall be doing that in every Budget. The fact that a war chest is being built up at least means that there will be extra resources for health and education in every Budget. The hon. Gentleman should welcome that rather than rubbishing it.

The economy faces an uncertain outlook, hovering uneasily between overheating and recession. There are inflationary signs, a tightening of the labour market, and shortages of skilled workers. The Budget forecasts 3 per cent. inflation during the year. On the other hand, a slowdown in the economy is forecast; it is down by 0.25 per cent. on the pre-Budget forecast. That has been caused by the interest rate hike and budgetary policy but above all by the 25 per cent. rise in sterling. There is also the possible impact of the Asian crisis. It is an uncertain situation. Added to that, we have two economies: a depressed manufacturing economy and the service economy, which is still expanding. An interesting graph in this month's Goldman Sachs report shows that clearly.

How is the Chancellor reacting? He believes in long-term stability, which is a worthy objective, given what has happened in the recent past. We all remember the Lawson boom, which led to the Major-Lamont recession. The right hon. and learned Member for Rushcliffe remembers it well because he had to clear up some of the mess. It is right to want to get rid of stop-go and to turn our back on fine tuning, and I have heard the right hon. and learned Gentleman say that.

I support giving the operation of monetary policy to the Bank of England because, in the end, I do not think that politicians can be trusted. Even the right hon. and learned Member for Rushcliffe could not be trusted in the run-up to the general election. He knows that he should have put up interest rates, but he did not. It would have been done if the Bank of England had been in charge.

The Chancellor has imposed on himself the code for fiscal stability. First, there is the golden rule of borrowing only to fund investment. The second rule is that debt should remain at a sustainable level. Those are sensible rules. The Chancellor has been criticised—we have heard echoes tonight—for not taking enough out of the economy, for not having done enough to help the Monetary Policy Committee. We must examine that. The right hon. Member for Wokingham made that criticism, but he was clearly trying to evade the issue. He attacked the Government for increasing taxation but he also said that the Government had not taken enough out of the economy. That was a weak argument. As the Chancellor has said, there has been a 2 per cent. fiscal tightening over the past year, the biggest tightening of fiscal stance since Geoffrey Howe's 1981 Budget.

Part of that is the tightening that comes at the top of the cycle, when more VAT comes in. Interestingly, self-assessment has produced more money for the Treasury. As someone put it euphemistically, people have taken the opportunity to bring their affairs up to date. I do not know what they were doing before, but it is good news for the Treasury. The Chancellor has imposed consumer taxes, such as the two petrol tax increases, the tobacco and alcohol increase, and the two stamp duty increases for houses costing more than £250,000. There is also the mortgage tax relief reduction announced in July, which takes effect on 1 April, and the reduction of married couples' tax allowance from 15 to 10 per cent., which comes into effect next year.

Added to those taxes, there is a very tight position on spending. The hon. Member for Gordon accepted that. We have stuck to Tory spending plans in a way that no one expected us to—no one thought that it was possible. I hope that that means that we shall have a lot to spend in future, but we cannot be accused of having too lax a fiscal stance now. If we had taken the advice of some City columnists and some speakers tonight and put more taxes on the consumer, we could have plunged the economy into recession. The Chancellor was right not to do that.

To some extent, that policy leaves the strain on interest rates and the decisions of the Monetary Policy Committee. I support that idea. We have already rehearsed the difficulties that the committee faces with the economy overheating but also showing signs of going into recession. It is not surprising that that should produce divisions in the new committee. It is good that they are out in the open, so that we can read about them. They are in the inflation report and the minutes that are published six weeks after every meeting. I think that they should be published one week after. The delay is an unnecessary block to our knowledge.

There are three points of view in the debate. One lot argues that priority should be given to the danger of inflation and that interest rates should rise immediately. They are the hawks. Another lot—I think that it comprises only one person—says that the greater danger is tipping the economy into recession and that there should be no rise in interest rates. The third argument is the most difficult to sustain: the committee should give priority to the dangers from inflation but should wait and see. That is wrong because if, according to the inflation report, there are really dangers from inflation, the committee must act now. It will get into the worst of all worlds by waiting and seeing. That would mean only that those who wanted to hold sterling would buy even more and the pound would go higher, which, as everyone agrees, damages manufacturing industry. It may also mean that we would need higher interest rates later. We may have to do more later and so increase the danger of a so-called hard landing. We want to slow down the economy enough to slow inflation, without tipping it into recession. That is the trick.

It may be that, in April, the committee will say that recession is more likely and that inflationary pressures are being damped. However, if it really decides that the dangers lie more on the inflation side, it should put up interest rates and make people understand that interest rates will not rise further. That would be doing a service to the country and the economy.

This is a an excellent Budget. It is the Chancellor's second skilful Budget. I welcome the supply-side measures. If we are to get their full benefit, the policies need to be sustained by an appropriate macro-policy. The Chancellor has done his bit; his policies now need to be supported by wise decisions by the Monetary Policy Committee.

7.18 pm

Mr. David Davis (Haltemprice and Howden): It is a great pleasure to follow the hon. Member for North Durham (Mr. Radice). If I may return his slightly

[Mr. David Davis]

back-handed compliment to my right hon. and learned Friend the Member for Rushcliffe (Mr. Clarke), it is only a pity that he spoke from the Back Bench rather than the Front Bench. No doubt, that will come.

The hon. Gentleman made again the much-reiterated point that the Budget was originally billed as a once-in-a-generation, radical, reforming Budget. I believe that it is somewhat less than that. Indeed, given the comments of the hon. Member for Ealing, Acton and Shepherd's Bush (Mr. Soley) in a rather good speech, it will have less long-term impact than, for example, the early Geoffrey Howe Budgets or—I shall ignore his embarrassment—those of my right hon. and learned Friend the Member for Rushcliffe. Not only that, but what long-term impact it has will not necessarily be all good—anything but.

I do not wish to be over-harsh about the Budget, and I recognise that there are some commendable aspects to it, on which I shall speak shortly. I shall focus on employment and, in particular, the central policy proposal in the Budget—picked out by the right hon. Member for Ashton-under-Lyne (Mr. Sheldon)—the combined reform of national insurance, tax rates and benefits in an attempt to improve the incentives to work and to escape poverty.

That reform is not cheap: the first year of its operation will probably cost about £2.8 billion and the cost seems likely to grow thereafter. However, the unemployment trap and the poverty trap are undoubtedly the plague of modern European economies and it must be right to try to eliminate the monstrosity of people losing more as a result of taxes and lost benefit than they get in pay. The Budget attempts to tackle that and, according to the Red Book figures, reduces by 100,000 the number of low-paid families who face the loss of more than 80 per cent. of increases in pay and by a further 400,000 those who lose more than 70 per cent. All that is to the good—at least at face value—but I shall make some criticisms shortly both of how it is structured and of how it is paid for.

I agree that there is great moral and economic force in reducing the marginal economic taxes facing the poor, but my congratulations are limited and should not give much comfort. We should not miss the fact, already mentioned in the debate, that now more than a million families face marginal deduction rates of more than 60 per cent.—in fact, in most cases, 68 per cent. or 69 per cent.—under the new proposals. On the Chancellor's own figures, the policy puts a total of 250,000 more families in the poverty trap than were there before the reforms. In effect, the wage earner in each of those families, when he looks at his overtime pay, his bonus or his pay rise, must say to himself, "£1 for me and my family, £2 for the Government. £1 for me, £2 for the Chancellor."

That high 69 per cent.-plus marginal deduction, that loss of more than two thirds of poor families' increase in income, applied before the Budget reforms to people on gross pay of up to about £250 a week; now, that 69 per cent. marginal deduction rate applies to families with two children and an income of up to £320 a week. Again, those figures come straight from the Red Book. For those families, the depressing prospect of giving the Chancellor two thirds of any pay increase that they achieve will in future apply to families whose breadwinner, on the basis of a 40-hour week, earns up to £8 an hour, which is more than double any conceivable or plausible minimum wage level.

Put in simple terms, the poverty trap is being made a little less deep, but a great deal wider. More people will fall in and getting out will be a slightly less steep but much longer climb. All those people—more than a million families—still face that prospect under the new proposals. Few things provide a more dismal demonstration of the depressing arithmetic of the dependency culture than that reform. Those high rates of withdrawal are, of course, a disincentive to work and we face them for the foreseeable future under the Government's strategy. The reasons are hard and uncomfortable and are demonstrable by testing the working families tax credit strategy against its numerical limits.

High benefit withdrawal rates arise from two factors: high means-tested levels of benefit for the poor and low differentials between benefit levels and average earnings levels in society at large. Unless there is a massive change in the basis of our taxation, it is reasonable to assume that means-tested benefits to a worker on average earnings are zero; anything more than that creates a ridiculous dependency arrangement. That is true in most western societies—for example, the American earned income tax credit, on which the Government have based their policy, falls to zero at almost exactly the American median earnings. That means that the maximum range of income over which benefit is withdrawn is the difference between the earnings level from which the credit starts to be withdrawn, which the Budget proposes should be £90 a week, and the average wage, which in Britain today is about £370 a week. A family with two children receives £78.50 of working families tax credit. If the taper were extended right up to £370 a week, the net effective withdrawal rate would be 28 per cent. which, when added to tax and national insurance contributions, would give a withdrawal rate of 61 per cent.

What I have described would be hugely expensive, would drag more than half the population into the benefits system and would still have a withdrawal rate of more than 60 per cent. In other words, the laws of arithmetic—I have used nothing else—virtually dictate that, under the system that the Government have designed, the total tax and withdrawal rate for poor people cannot get below 60 per cent.; therefore, the strategy is flawed.

There are possible solutions. One is to allow the differential between average incomes and benefit levels to widen, but that is unlikely to commend itself to the Government. The second theoretical option would be a massive redistribution using higher taxes on the top half of the population to reduce them on the bottom half, but Labour tried that in the 1970s and it did not work. Finally, the Government could attempt to reduce underlying income tax rates in general by transferring the tax burden to indirect taxes, but they clearly do not intend to do that, as the Red Book shows the percentage of gross domestic product being taken in income tax climbing from 9.5 to 11 per cent. by 2002—by far the biggest proportion of the increasing tax burden is to be raised in that way.

Without any of those changes, it is impossible to get marginal deduction rates for a million poor families below 60 per cent., so while there are good aspects to the

changes, which I hope that I have picked out, the overall strategy is certainly very limited and potentially fatally flawed, because it will not deliver enough in the long run.

Mr. Jim Cousins (Newcastle upon Tyne, Central): The right hon. Gentleman sets out an undoubted problem, but does he not regard the situation that he describes as being far better than a situation in which 750,000 people keep 7p in every extra pound because the marginal withdrawal is 93 per cent. and a further 650,000 people are better off if they stop working? That is the inheritance from his Government.

Mr. Davis: The hon. Gentleman's figures do not tally with what appears in the Red Book—the 7 per cent. gain is certainly not right. What I am trying to point out is that, although some of the work in reducing the very high levels of withdrawal affecting around 100,000 people is worth while, the rest of the exercise has been to trade away the rights of a further 250,000 people by pulling them into the poverty trap. That cannot be a good long-term strategy.

Working families tax credit is based on the American EITC. It would be wrong of me to leave the subject without flagging up some critical practical problems that afflict the policy where it has been used, even though my right hon. and learned Friend the Member for Rushcliffe has already mentioned some of them. In America, the EITC is known for its administrative complexity, its weakness as an incentive provider and its proneness to fraud—it is the most fraud-prone benefit in the United States. Those three weaknesses are intertwined: complexity of the policy leads to administrative weakness, which leads to policy failure and to fraud. In this country, fraud takes between 6 per cent. and 16 per cent. of any welfare budget other than pensions, which amounts to between £4 billion and £5 billion of taxpayers' money lost each year. It would be a tragedy if, on top of its other problems, that problem were to afflict the WFTC as well.

The arguments on that subject in the Budget papers are very thin indeed. They recognise the problem, but do not make it at all clear how the complexity, delay and fraud issues are to be addressed. My right hon. and learned Friend the Member for Rushcliffe has pointed out that the apparently long delay between now and the initiation of the policy will probably not be enough for the tax authorities to deal with all the issues.

I have long argued that it is necessary to design fraud out of welfare systems at the point of policy creation. That does not appear to have been done yet, but it is vital even to the partial success of this policy that it be done. Therefore, I hope that the Chief Secretary will tell us how he intends to achieve it when he winds up the debate.

I shall return briefly to the funding of the reforms and to the macro-economic impact of that funding. To a large extent, the reforms have been funded in the medium term by the cash-flow effects of tax changes to the corporate sector. It is now widely understood that one impact of this and the previous Budget has been to damage pensions and savings—and incentives to pensions and savings—as well as to damage investment directly. It is no surprise that the impact of the two Labour Budgets, according to Treasury forecasts, is shown as reducing investment growth rates from 7.75 per cent. in 1997 to 3 per cent. by 2000. That is not a very good indicator of investment long-termism; nor will it help fundamental economic or employment growth.

That leads us to a rather awkward weakness of Labour's economic strategy, about which the argument has gone to and fro all evening. Last year, the Chancellor made the Bank of England independent. The primary characteristic of independent central banks is a focus on inflation almost to the exclusion of everything else. That has generally created a better-than-average inflation record in countries with independent banks—but it does not come cost free. All the studies show that such countries have sharper and deeper recessions than do countries with other arrangements. In other words, there are higher unemployment consequences.

The Chancellor has failed to design his Budget strategy in such a way as to take that into account: just the opposite in fact. By funding welfare increases—in effect, by abstracting cash from the corporate sector—he is moving a significant quantity of money from saving and investment into consumer spending. The response of the Bank is predictable. While it is theoretically independent of government, and no doubt calculates its money supply figures carefully, it does not operate in a vacuum and is not independent of what is happening all around it. It is far less likely to reduce interest rates when the newspapers are full of accounts of consumer spending booms. So this Budget is designed to encourage higher interest rates in the long term—with the consequential effects, as several of my hon. Friends have pointed out, on the pound.

As we know, the level of the pound will have a serious impact on manufacturing. My right hon. and learned Friend the Member for Rushcliffe has detailed some of the recent monthly figures. It takes a year or more for hedging and margin-cushioning effects on manufacturing to work their way out of the system. That means that the full impact is by no means yet visible. There may turn out to be a very sharp downturn—much sharper than the figures that we have heard may suggest.

Opening the debate, the President of the Board of Trade, in a remarkable polemic, argued that the problem would be dealt with by competing on quality. British industry has done a remarkable job of improving quality over the past 18 or 20 years, and that does not owe a great deal to any Labour Government. However, all our competitors also compete on quality. Where there are two quality competitors, the lowest price will win. That is a fact that our engineering firms understand all too well; I hope that we shall not suffer because of it in the immediate future.

Both this and the previous Budget have had the advantage of five years of economic growth greater than that of any comparable European country—twice that of France and Germany. We have also had the advantage of inflation and interest rates at 30-year lows, and of lower tax and regulatory burdens than those enjoyed by any other country in Europe—in short, the golden inheritance that has allowed the apparently healthy finances of this Budget.

Those finances should not be taken for granted. We have been talking in precise terms of fractions of a billion pounds. If the economy turns down badly, £2 billion or £3 billion surpluses will turn into £20 billion or £30 billion deficits. Unemployment, which was falling by 50,000 a month last year and by 18,000 a month this year, could be climbing by 50,000 a month in a couple of years' time. If that happens, the Budget's arithmetic will fall to pieces.

[Mr. Davis]

More than any other country, we in Britain depend on our ability to compete in world markets. Without markets, there are no profits to tax or jobs to take. Welfare to work will certainly fail if there is no work. The Chancellor's golden rule on borrowing would turn to lead in his hands if tax buoyancy vanished and demand-led expenditure soared.

I opened by saying that the Budget was less radical and dramatic than its billing. It would be a tragedy if its principal impact turned out to be the crippling of the economic engine on which all this welfare reform properly depends. The President of the Board of Trade said that this is a Government for the long term. I hope that British manufacturing industry will not have reason ruefully to remember Keynes's comment that, in the long term, we are all dead.

7.35 pm

Lorna Fitzsimons (Rochdale): I want to speak in the debate, not because I set myself up as someone who knows much about the economy but because what was announced in the Budget on Tuesday is having a real impact in my constituency. I want to make four points. One concerns the Budget process, which will be crucial to ensure that many people who used not to be enfranchised in Government Budget-making mechanisms now become enfranchised. That will surely be healthier for everyone. Secondly, I want to touch on the gains to poor people on benefits. Thirdly, I want to mention those in the benefit trap—the working poor. Many of my constituents find themselves in that situation. Lastly, I want to discuss small and medium enterprises. I came to the Chamber last Tuesday thinking that at least one of those groups would get something in the Budget. I certainly did not expect all of them—they make up a large part of my constituency—to benefit from the Budget.

The right hon. and learned Member for Rushcliffe (Mr. Clarke) discussed some of the problems that were discovered when we first floated the idea of the working families tax credit. Everyone can say what Canada and the United States do, but the green Budget allows people inside and outside Parliament to debate the merits of what has been learned from other models across the world, and to say how we want to develop our own. That is why we did not end up with a transfer from the purse to the wallet; nor will we end up with some of the worst aspects of the Canadian and American systems. Hon. Members need not take my word for this; after all, I am no expert on economics. They have only to read Jeffrey Liebman, the renowned US public policy expert, who expressed the same ideas in the *Financial Times* last Wednesday. Hence the importance of the green Budget, delivered sufficiently in advance to enable us all to engage in debate, formulate policy and think about the issues.

I have the privilege of chairing the Back-Bench women's group, which felt able to participate in the debate. We welcome the approach that the Treasury and related Ministries adopted to consulting us on the consequences of the policies that they were initiating. The Budget will have a phenomenal impact on women and children—not to mention small businesses. For the first time, we can truly say that, behind the Budget, there is a genuine understanding of the working lives of women and of child poverty. Child poverty is our direst legacy from the past 20 years. That is why this Budget is phenomenal. It manages not to squeeze people who are trying to do better, and it also manages to redistribute to people who need a helping hand.

The Budget redistributes to parents—single parents or couples—who, for whatever reason, want to stay at home, looking after their children, and enables them to do so. The way in which we have increased child benefit—one of the biggest increases in child benefit in two decades—recognises the importance and the cost of nurturing children, and acknowledges the in-built cost of children under the age of 11. That aspect deserves to receive credit, because, as was said when we had the debacle of the single-parent benefit debate, there is an important cost, and a knock-on cost to children, of rearing younger children.

Conservative commentators talk about increasing the poverty trap. Do they really understand what the poverty trap means? In my constituency, it means that people genuinely cannot afford to go out to work because there is no way—because of the way in which the intricate calculations are done in the benefit system—that they can afford to take the job that they are skilled enough and lucky enough to be offered.

With the working families tax credit and all the related help, including the increase in the level above which employers' national insurance contributions become payable, for the first time ever lots of my constituents can afford to stay in work and not penalise their families for choosing to do so. They welcome the moves in the Budget to start to make work pay for the previously work-poor.

Mr. Ian Bruce: I am grateful to the hon. Lady for giving way in such a passionate speech, but I am sure that she would not want to mislead anyone. Apart from the changes to single-parent benefits, which date from April 1998, the changes that the Government have announced will not be made until October 1999. I hope that she will ensure that her constituents realise that they must wait almost until the next century before any of those changes are introduced.

Lorna Fitzsimons: Yes, but no claimant loses anything now, and my constituents would never take lectures from Conservative Members about anything that they did for women and children in poverty. The Budget clearly says to my constituents—they have told me so, because I have had several meetings with large groups of them since the Budget statement was made—that, for the first time ever, the Government are no longer stigmatising them for being in poverty or trying to do better.

Some of my constituents have been allowed a real choice—whether to stay at home with their children or to go out to work. They feel that this is the first time that, in a Budget, a Chancellor has helped them by allowing them to make such a choice.

The other indicative policy change in the Budget was small, but important—the allocation of £10 million to a scheme to ensure that partners of jobseeker's allowance claimants, who previously were unregistered, under the Treasury rules, and in the unemployment statistics, get assistance in seeking work. For the first time ever, the Treasury has recognised that women's patterns of work

very much depend on their partner's pattern of work, and that, if they happen to be a partner of an unemployed JSA claimant, they get no help. There are roughly 11,000 women in that position.

That is one of the single biggest changes in the Budget. It shows that, for the first time ever, we have a Treasury that is no longer, in the glib phrases of some commentators last week, a "boy's zone", but is starting to conduct a gender impact analysis of the—*[Laughter.]* Conservative Members think that this is very funny, but their Front-Bench spokesperson on women, the hon. Member for Chesham and Amersham (Mrs. Gillan), was desperately trying to say that your Treasury actually invented it, so it is not that funny—you speak with forked tongue. The reality is that, if you are going to laugh at gender impact analysis—

Mr. Deputy Speaker (Mr. Michael J. Martin): Order. I am enjoying listening to the hon. Lady, but may I say to her, I do not have a Treasury—I honestly do not have one—so perhaps she will remember that.

Lorna Fitzsimons: I am sorry, Mr. Deputy Speaker. You will be well aware that, as women make up 52 per cent. of the population, it would be smart to have some form of analysis of how Government policy and Treasury policy affect them. Therefore, although some people would choose to laugh at it, I think this would be a very dim economic thing to do. That is why I welcome the Chancellor's move to change the focus of the Treasury and study the effect on 52 per cent. of the population of the Budget measures.

The measures affecting small and medium employers were very much welcomed. Rochdale—at least the portion of the borough that lies in my constituency—has more than 2,500 small and medium enterprises, the majority of which are small, and they very much welcome the Budget measures.

As most people know, Rochdale has a very strong manufacturing tradition and manufacturing base. Many of the small employers managed to duck the worst aspects of the second recession by changing their business focus to exports. One or two big businesses in Rochdale have been the pioneers of a superb export drive. They used a lot of their clout and a lot of their experience to re-educate many of the small employers into the benefits of exporting. Obviously, they are now suffering because of the strength of the pound, but the thing—

Mr. Ruffley: Will the hon. Lady give way?

Lorna Fitzsimons: No. May I just finish my point?

The one thing that employers are saying to me is, "Can you please get the Chancellor to make more positive statements about the single currency?" That is the point that my right hon. Friend the Member for Ashton-under-Lyne (Mr. Sheldon) was making. They wanted us to go ahead and make positive noises about the single currency.

Mr. Bercow *rose—*

Mr. Ruffley *rose—*

Lorna Fitzsimons: I give way to the hon. Member for Bury St. Edmunds (Mr. Ruffley).

Mr. Ruffley: If Government economic policy is so successful, can the hon. Lady explain to the House why manufacturing output has fallen for five successive months?

Lorna Fitzsimons: No. The point that I was making was the point that manufacturers in my constituency have asked me to make to Ministers. Those manufacturers understand the problem that the Government have in terms of the economy and the high pound. They are saying to Ministers, "We want you to make more positive comments about the single currency." The majority of small and medium employers in my constituency are subcontractors to big companies. They will need to be ready to deal with the single currency in 1999, because it will be a clause of their contract to do so—

Mr. Bercow: Will the hon. Lady give way?

Lorna Fitzsimons: No; I will not. This is important.

Those manufacturers will need to be ready, even if we do not join the single currency. They are saying, "If the majority of us will have to be ready, why are we, as a country, not making more positive noises about joining the single currency?" In their estimation, it would make the problem of the strength of the pound less damaging to them and it would give them ease in terms of long-term planning and in their relationships with their banks, their investors, and so on.

All I am doing is passing on a heartfelt message from the majority of employers in my constituency. That message is, please have the confidence to make more positive noises about the single currency.

There have been a lot of good points—

Mr. Bercow: Will the hon. Lady give way?

Lorna Fitzsimons: I will not, because I am just about to wind up.

Eminent Labour Members have made many good points about the strengths of the Budget. I welcome the fact that we have been able to do something about making work pay for the majority of my constituents, and about helping small and medium enterprises. Most of us did not hope to be able to do both in the same breath, in the same Budget, and we are very grateful. We want to work to ensure that the next Budget builds on that success.

7.47 pm

Mr. John Butterfill (Bournemouth, West): The Budget is like the curate's egg—good in parts. Some parts are very good indeed; I shall say something about those. Some parts are muddled; others are addled; others are downright bad.

[Mr. John Butterfill]

I am worried about the general thrust of the Government's taxation policy. The Chancellor seems to be constantly trying to find ways of raising taxation without anyone noticing. The worst possible example was the advance corporation tax change last year, which attacked the country's pension funds severely. Nothing in the Budget has remedied that.

This time, the Chancellor is announcing nominal reductions in corporation tax rates, but the cash flow changes in the tax system mean that there have been substantial increases in the tax that companies pay.

One aspect of the Red Book and the Budget speech that I find rather sinister is the reference to a review of the North sea oil tax regime. The hon. Member for Gordon (Mr. Bruce) mentioned that matter earlier. There is a real concern that, in looking for ways of raising taxes without anybody noticing, the Government may do serious damage to one of our most important industries. The problem is that the finds left in the North sea are not huge and easily exploitable; they are much smaller, complex oil deposits which are more expensive to mine. If it is much more expensive to operate in the United Kingdom, the oil companies could easily go elsewhere to Uzbekistan or wherever. I caution the Chancellor not to pursue that route because, although it may appear an attractive way of raising moneys in a manner that people will not notice, it will do much damage to the United Kingdom economy in the long term.

The Chancellor introduced one or two welcome measures for small business, and it would be churlish not to welcome them. For example, it is helpful that small businesses will be exempt from stage payments. We also welcome the fact that small businesses will receive 40 per cent. capital allowances in the first year. However, that is not always a tremendous asset—particularly for new and emerging businesses that do not have profits to shelter. Therefore, the impact of that measure will be very much less than the Chancellor would have us believe.

I also greatly welcome the changes to venture capital. I must declare an interest in that subject as I have been an adviser to the venture capital industry for many years—as the hon. Member for Delyn (Mr. Hanson) knows. The Government have made some worthwhile changes to an industry that does a great deal for the British economy. I am particularly pleased about the technical changes to transfer pricing and the enterprise investment scheme improvements. The Government have also introduced a £50 million venture capital fund for universities—although that is a rather small sum.

More important still is the Chancellor's commitment to look at ways of developing share incentives in order to attract executives into smaller, growing companies. A principal problem in the economy is that small companies that need to grow cannot attract quality people. Many such people are comfortably ensconced in their established jobs and do not wish to take the risk of moving to a smaller company, even though they could have an enormous impact on its development. I hope that that consultation will bear fruit in the future.

Unlike my right hon. and learned Friend the Member for Rushcliffe (Mr. Clarke), I am keen on the idea of capital gains tax reform, and I have for many years advocated a taper for capital gains tax. It has always seemed totally mad to have a tax system where the marginal rate of tax is the same for someone who has built up a business over 10 years as for someone who has made an overnight gain on the currency market. That position could not be sustained. Therefore, I believe that the introduction of the taper is worth while.

I have some reservations about the way in which the taper is supposed to operate. I believe that 10 years is too long, because it will hold investment in existing patterns and, in a dynamic economy, we may wish to change those patterns. Another effect of the taper, combined with the withdrawal of indexation, is that some entrepreneurs will pay more than they do under the present arrangements. For example, the withdrawal for non-business assets will reduce by 16 per cent. over 10 years—or 1.6 per cent. per annum—on a flat rate. The real rate is less than 1 per cent. per annum. If we take away indexation, we can see that the situation will be worse than if there were no taper and only indexation.

That is a problem as many of those who invest in developing businesses will not qualify for the business asset criterion. To qualify, people must have voting rights of 25 per cent. or more or they must be employed virtually full time in the business. I hope that the Chancellor will consider this matter in Committee, because some definitional changes must be made. For example, a financial partner will not invest in a business unless he ends up with more than 25 per cent. of the shares, which carry voting rights. That will act as a disincentive for entrepreneurs to bring in financial partners because the Government are, in effect, forcing them to give away more than 25 per cent. of the equity in return for the injection of finance. I am not sure that that is what the Chancellor intended when he drew up the rules. Therefore, I hope that he will consider an arrangement whereby someone coming in as a financial partner to a suitably qualified company will get the benefit of the business asset definition. I believe that the present definition leaves much to be desired.

I welcome the ISA changes and the regime for TESSAs and PEPs. I think that it is as well to thank a Government for changing their mind. It is easy to criticise Governments and say, "You only did it under pressure," but it sometimes takes political courage to admit that perhaps one's first ideas were not correct. It is worth paying credit to the Government for showing that courage.

I had intended to say quite a lot about the working families tax credit, but I do not think that I could improve in any way on the extraordinarily detailed and brilliant analysis of the problem by my right hon. Friend the Member for Haltemprice and Howden (Mr. Davis). The Government deserve some credit for examining the problem and for trying to do something about it. However, they are perhaps open to criticism for rushing in too quickly with a rather poorly thought-out scheme which could lead to all sorts of problems in the future. Apart from the scheme's technical difficulties and the other problems which my right hon. Friend outlined, I think that the Inland Revenue will have physical problems handling the work load. One prays that they do not recruit the people who are coming out of the Child Support Agency scheme.

I do not like the stamp duty changes in the Budget. Many Labour Members will claim that they will affect only the rich, but that is not quite true. The tax will be paid almost exclusively in the south of England, in

London and the home counties where house prices are very high. If you walk out the doors of this Chamber, Mr. Deputy Speaker, you will find that £200,000 will buy only a two-bedroomed flat in central London. It is by no means only the very wealthy who will pay that tax. It will lead to less mobility of labour, which is a real problem.

I am also a little concerned about the niche areas, such as tax relief for overseas giving. That sounds like a lovely idea with which we can all identify, but it means that people will be more inclined to give to charities that are involved in overseas giving and less inclined to give to domestic charities. I must again declare an interest—although it is not a financial one—as I am a member of the board of management of the People's Dispensary for Sick Animals. I predict that worthwhile domestic charities may experience problems when they find that their income has been diminished by the Chancellor's singling out a particular group of charities in that way.

Having said that, my fundamental criticism of the Budget is that it does not address the major problem in the British economy: the level of our interest rates and the impact that that has on the parity of the pound and the competitiveness of British industry and commerce as a whole.

When the Chancellor announced his proposals for perhaps joining the euro at some time, I asked him how he would approximate interest rates. Even though our long-term interest rates have come down a little, they are still virtually double those in the rest of Europe. The approximation of those interest rates is a real problem.

There are two underlying reasons for our interest rates being so much higher than those of most of our competitors. One is that there has been an historic suspicion that British Governments will not, at the end of the day, stand up to the rigours of counteracting inflation, and that, sooner or later, a Government will let things rip a little. There has therefore been a propensity for interest rates to nudge up. The other reason has been the conduct of macro-economic policy. Although the Chancellor has engaged in fiscal tightening over the past 12 months, it has been in entirely the wrong areas—not in the areas that will damp down consumer demand, but in the areas that discourage investment and saving. That gives all the wrong messages.

Unfortunately, those wrong messages which the Chancellor has been giving have not been addressed in the Budget. It is vital that they should be addressed sooner rather than later. If we continue down our present course, we will be in great danger. The Red Book makes it clear that it is not looking for the 3 per cent. level of growth in the economy that this Government inherited—indeed, it admits that next year the rate may be as low as 1.75 per cent. It says—more in hope, I think, than in reality—that the rate will go back over 2 per cent. in the subsequent years, but not much over 2 per cent. for the whole of the predicted life of the Government.

The danger is that matters could be much worse than that. There are already clear signs that manufacturing industry is going into recession, which will inevitably have a knock-on effect on the service sector. Some elements of the service sector are already finding it difficult to compete in overseas markets. We are in danger of a severe downturn in the British economy, with a real prospect of going back into recession in a year or 18 months. I hope that the Chancellor will do something to redress that.

8.2 pm

Mr. John Grogan (Selby): We have rightly heard much in recent days about the people's Budget, the people's priorities, the people's money and the people's Chancellor. I shall change the focus slightly for a few minutes by examining the effects of the Budget on what the Conservative Prime Minister, Lord Liverpool, referred to in the last century as the people's pleasures. Early in the 19th century he warned his party not to get too involved in the strictures of Calvinism and to leave the people's pleasures well alone. Fortunately, many of the people's pleasures that he sought to conserve are still with us today, and very robust they are—namely, beer and gambling.

I have boasted in the House before that I have more coal mines in my constituency, Selby, than there are in any other constituency in the country. I shall go a step further today and say that there is a greater concentration of breweries in my constituency than anywhere else. In the small market town of Tadcaster, there are three: Sam Smith's, John Smith's and Bass. There are no fewer than 1,700 businesses in my constituency. I have had a chance to visit only 40 so far, but by some miracle of fate I have managed to fit in visits to all three breweries.

Beer brewing and the associated pub trade employ almost 1 million people. The industry can play a crucial role for the Government in helping to implement the new deal. The increase in beer prices by 1p a pint effectively index-links beer duty in line with inflation. That has no doubt been done to protect Government revenues, and if the UK were a closed market, there would be much merit in that. However, what is obviously regarded as a catching-up measure for the Treasury further increases the differential in tax rates between ourselves and France, and produces an even greater incentive for fraud and smuggling.

The 6:1 beer duty differential, which has been increasing throughout the 1990s, is a denial of the European single market. UK duty on a typical pint is now 38p including VAT. The French equivalent is 6p—a difference of 32p a pint. Every day more than 1.4 million pints of beer are coming into Britain duty free from France. That daily invasion is equal to the weekly beer sales of 1,000 small pubs and adds up to a tax loss to the Treasury of more than £235 million.

The Chancellor referred in his speech to the review by Customs and Excise of fraud and beer smuggling. I await with interest the publication of that report, but the plain fact is that fraud and smuggling are rife. Her Majesty's Customs and Excise reports that there is evidence of organised networks that employ mules, or runners, to make several journeys each day to France to buy amounts of beer up to the level of 110 litres. Once back in Dover, the beer is transferred to other vehicles and transmitted onward all over the country.

A recent "Dispatches" programme on Channel 4 suggested that Yorkshire, my home county, is a centre for the bootlegging business. One of the key characters involved is apparently known colloquially as the Slug. As a Government we promised to be tough on the causes of crime. In the Slug's case the cause of crime may well have involved a deeply unhappy childhood, but it almost certainly also involves the massive differential in duty.

Before the election the Prime Minister, in an interview with *The Licensee*, discussed the merits of an independent investigation into the issue. That was a good idea then

[Mr. John Grogan]

and it is a good idea now. Certain economic models indicate that a cut in beer duty would increase revenues to the Government, because of the effect that it would have on the brewing industry.

As my right hon. and hon. Friends have pointed out, the Budget was historic, recasting the relationship between the tax and benefits systems, making work pay for all income levels and transforming the relationship between Labour and the business community. My right hon. Friend the Chancellor is assured of his place in history, but we on the Labour Back Benches have greater ambitions for him than that. We want him to be up there with the truly great Chancellors, so on top of what he has already achieved, if he could find it in himself to cut the price of beer in the next Budget, there would be no stopping him.

I shall say a word about buses, trains and rural transport. The Budget allocated £50 million for rural public transport and £500 million for public transport generally. That is welcome, but we must recognise that for 30 or 40 years or more, public transport subsidies have been largely weighted towards the urban areas, as opposed to the rural areas. The Tories ruthlessly cut the budgets, particularly in England, of the six passenger transport authorities in the urban areas. Even so, the authorities' budgets dwarfed support for public transport in rural areas.

In an urban area, for example, West Yorkshire passenger transport authority will spend almost £100 million next year on supporting public transport. In neighbouring North Yorkshire, the figure is just £1.6 million. Fares and concessions are much more generous in urban Britain than in rural Britain. That has some perverse effects.

For example, there are seven stations in my constituency of Selby. Instead of getting on a train at one of those stations, some commuters who live in the constituency drive across the border into West Yorkshire every morning, with all the impact that that has on the environment, and get on a train there to make a significant cost saving. Some pensioners retire to the market town of Wetherby, which is just outside my constituency in West Yorkshire, rather than to the market town of Tadcaster in my constituency, simply because of the public transport concessions. The Chancellor's statement was a welcome first step, but there are tremendous challenges ahead for the Deputy Prime Minister when he makes his statement on integrated public transport.

Finally, I shall say a word about the people's money and the exchange rate. The best thing that the Government could do to ease the pressure on the pound is to do everything in their power to make sure that the single currency and EMU are a success for the countries that join in the first wave. As holders of the presidency of the European Union, we have a crucial role to play in the coming weeks. I was delighted to see the positive efforts that were made during this weekend's ECOFIN summit in York.

If the single currency works, interest rates will fall across Europe, output will be boosted and the pressure on the pound and British interest rates will ease. Conversely, if the single currency runs into difficulties, there could be increased speculative pressure on the pound. I hope that before too long Britain can join the exchange rate mechanism in preparation for a decision on the single currency early in the next century.

I think that the Budget will be remembered ultimately for two things: first, for a rejection of trickle-down economics, or the trickle-down theory, that dominated the previous Government for 20 years. They took the view that to help the poorest 20 per cent. in society we had only to wait for wealth and income to trickle down. The Budget is a rejection of that approach. Secondly, it is a recasting of the relationship between business and the political parties. Now Labour is the party of enterprise and business.

I am delighted that the right hon. Member for Wokingham (Mr. Redwood) is embarking on business breakfasts and lunches. Every English breakfast that the right hon. Gentleman has and every continental breakfast that he rejects will tell the business community that it is now only the Labour party and the Labour Government whom it can trust with this country's economic future. I think that that will be the legacy of the Budget.

Several hon. Members *rose—*

Mr. Deputy Speaker: Order. I have no right to impose a time limit, but I would advise hon. Members to adopt a self-imposed rule of eight minutes apiece. If that is adopted, it will be possible to call almost every Member who wishes to contribute to the debate. I am in the hands of hon. Members.

8.11 pm

Mr. Ian Bruce (South Dorset): Thank you for calling me, Mr. Deputy Speaker. In the light of your advice, I shall have to speak that much quicker.

I am grateful to be able to take up the remarks by the hon. Member for Selby (Mr. Grogan), who made an extremely good speech. If I may say so—the Government Whip probably noticed this—the hon. Gentleman was somewhat critical of the Budget. However, he spoilt it all by doing the usual bit at the end, showing how sycophantic he is.

I have an opportunity to demonstrate my gratitude to the Labour party. Apparently it sent about 400 people to my constituency to have a south-west regional conference over the weekend. I understand that some Ministers and Labour Back-Bench Members attended it. As none of them wrote to tell me that he or she would be there, I was unable to write to welcome them and to tell them what they should be looking out for.

Whenever I speak in the Chamber, I sense that hon. Members rush to the statistics which set out the wonderful 77 votes that brought me into this place. I am grateful to Labour Members for smiling. It gives me great joy to know that I beat the Labour party by 77 votes.

It seems to me that many Labour Back Benchers fail to understand why they are here. They will probably get on better in their careers if they take on board what I am about to say. We are here, of course, to represent all our constituents. We are here also to hold the Executive to account. There are 17,678 people in my constituency who voted Labour, and in many ways they are more important than the 77 votes by which the local Labour party lost.

Mr. Battle: Next time.

Mr. Bruce: It is always interesting to hear the Minister and other Labour Members say, "Next time." It was always

the Liberal Democrats who used to say that. They thought that they would take five of the seats in Dorset at the general election. The Conservatives went into the election with six seats in Dorset and came out with eight. I have emphasised that there are many Labour voters in my constituency, and I wish to stress that I am in this place to represent all my constituents.

There are 17,678 incredibly disappointed people who thought that the health service would be helped by a Labour Government. Throughout the 18 years of Conservative Governments—there were not 20, but we will own up to 20 if that is wished of us. Perhaps the first two years of the Blair Administration are supposed to be part of a Tory Administration, but I rather doubt that.

Every year of Conservative government showed an increase of 3.1 per cent. above the rate of inflation in spending on the health service. On education, we always did better. Our record on social services and roads, for example, has been of benefit to the people.

We must remember that at every Budget the Chancellor of the day always has something in his gift box. He will say, "Last year, I said that I would spend only this much, but this year I shall increase that spending by £X billion." We have heard from many who have analysed the miserly sum that has gone into the health services in all of our constituencies under the current Administration.

What has local government been given? As for expenditure on education, for every extra £1 that we were supposed to have £1.40 has been taken away from social services, from the elderly and from expenditure on roads. In addition, we have enormous tax rises. Increases of three or four times the rate of inflation are the norm in Dorset.

In some ways, we were looking forward to asking, "If this is a wonderful new reforming Government that will help to create jobs, what will it do for regional policy?" The South Dorset economic partnership has announced that it is closing because it receives no funds to keep it going. That partnership was causing unemployment in the area to decrease month after month. We are starting now to see the turn-round of our economy, but we need the partnership if we are to continue to go ahead.

We have not heard yet how much the defence budget will be cut in real terms. I understand that that is shortly to be announced.

I thought that I would be able to congratulate the Government on one point. I went on radio and said, "It looks very much as if I as a fat-cat business man will benefit from the nice situation of reducing capital gains tax right down to 10 per cent." What did we find? We found that the Government were doing away with the capital gains retirement relief and introducing a 10 per cent. capital gains rate. The Chancellor was saying from the Dispatch Box that he was doing something for small business men when in fact he was increasing the amount of tax that he would take off such people after they had built up their businesses, retired, and sold out. That is an interesting little twist.

What about millennium gift aid? The Government have gone to the lottery month after month, saying, "We have decided that the lottery will pay for this or that Government policy." They are even saying now, "We would like you to give to charity and, by the way, we would like you to focus on education and poverty relief." Bearing in mind their policies, the Government want people to give to charity to bail them out.

I have difficulty in following the logic of many people when they talk about the stability of the pound. The pound that I have taken from my pocket is stable. We can all see that it is stable. If I put it flat down on the Bench, it stays where it is. Things are more difficult if it is placed on its edge. In relation to what is the pound supposed to be stable?

It is useful to look back to the speeches of Lord Shore of Stepney. He always talked very well about these matters. In fact, he had a speech which he delivered regularly in the House. As older Members will say, "If you get a good speech, stick to it." It is interesting that in 1990, when we had just entered the ERM, Lord Shore, as he now is, was predicting everything that is currently going wrong throughout Europe and how we would have to get out of the ERM.

Against that background, the Government are saying that they want to go into the European single currency. Yet they refuse to go into the ERM. People are asking, "How can we keep the pound stable?" Of course we can keep the pound stable if we go into the ERM and insist that our partners help to keep the pound at a stable level.

Why are we not doing that? I would have thought by now that we all understood that the rush to get a stable pound is an illusion. Against what is the pound stable? We can run our economy wonderfully well but what if we decide that we want zero growth? Is that stability? Is zero growth in employment or productivity stability? We are seeking not to have boom-and-bust economics. I understand that and accept that that is something we should be going for. Every time a British Chancellor says, "I'm going for a stable pound," he is saying stable in relation to the deutschmark or the dollar, and that depends on other people and the way in which they keep their currencies going.

One will never achieve total stability in currency, but one has to manage the economy. It was Lord Shore of Stepney—when in this place, and pretty much on this Bench—who said that giving the power to the Bank of England to set interest rates was total nonsense, because bankers can always keep to the narrow requirements of keeping a stable currency, or keeping inflation down, but they do not have the responsibility of managing the economy, which is so important and which the Government gave away almost on day one when they came to power. They believe that they can simply tell people, "It's not our fault that the pound is at an unsustainable level as far as our exports are concerned." They refuse to do anything about it.

What about the change to national insurance? If people pay average wages, they will more or less not be affected, but if they pay above average wages, they will subsidise those who pay below average wages. A Labour Government are suggesting that that is a good idea. I do not understand it, and we need an explanation of what is happening.

The hon. Member for Ealing, Acton and Shepherd's Bush (Mr. Soley) refused to accept that the ratio of taxes to GDP had gone up. He said that that was because of the windfall tax. He must look at the Red Book—the "Un-Red Book" as far as the Labour party is concerned. Even without the windfall tax, taxes have risen as a proportion of GDP and will continue to rise despite the fact that we shall lose the windfall tax from the figures.

What about child care? We all understand that the social security budget needs to be kept under control. I understand why the policy is not coming into effect

[Mr. Bruce]

until October 1999: the Government do not have a clue how they will introduce it. They say that they will give £5,060 a year—the 70 per cent. of the £7,800 a year that people would have to pay—to pay for child care, when an individual on a 30-hour week at £3.50 an hour will earn only £5,060. The Government will double that amount, with all the additional things in child care.

The previous Government got into a complete mess with the Child Support Agency. I have always said that and believe it to be true, but that mess was not predicted. That was not the criticism of the CSA. *[Interruption.]* Please look at what happened under the poll tax and the Child Support Agency. Learn from the mistakes that we made when in government. The whole idea that the state will take over child care for low-paid people is a mistake, because we tried to look at it when we were in government, and it just would not have worked.

The test of any Budget is whether it will create jobs. The Government do not even expect it to, yet that is what their policy is supposed to do. The only thing that I can see coming out of it is that nursery assistants in 2000 will have a boom. What about my farmers' incomes? What about the leisure industry, which will have to find the minimum wage? What about the defence industry? The number of its tanks will be halved, which will affect my constituents. What about pensioners, who are totally under the Government's hammer? What about education? Teachers will be sacked soon. What about health? The Government should expand the number of people in the health sector. None of that is coming out of the Budget, and I believe that we should reject it tonight.

8.23 pm

Mr. Peter L. Pike (Burnley): I am glad to have the opportunity to speak in the debate, because, for the first time in 15 years, I welcome the Government's Budget, as it is a change of direction and a positive move for the best. My constituency is in the top five in terms of numbers employed in the manufacturing sector, and a considerable number of my constituents are low paid. In 1983, Burnley elected me—by a slight majority—over the hon. Member for South Dorset (Mr. Bruce). It made a sensible decision.

The hon. Gentleman showed a £1 coin a few moments ago. It was the Tory party that said that it would allow the pound to float. We know what the floating pound did during the 18 years in which the Tories were in office—it sank. I have an old £1 note. Think about what that was worth in May 1979. Compared with the hon. Gentleman's £1 coin, there was massive inflation and erosion of the pound during the Tories' period in office.

The Budget is good for jobs, good for industry and good for Burnley. It is particularly good for the low-paid. It has to be considered with what we are doing on the national minimum wage, which is crucial in an area such as mine. The Budget must also be considered with what we have done about VAT on fuel.

The hon. Gentleman spoke about the national health service and education, and asked what we have done in the 10 months since we have been in office. People outside know what would have happened if a Tory Government had been elected on 1 May last year, and they are glad that we have a Labour Government. They know what VAT on fuel would have been. Let us remember that, before the general election, it would have gone up to 17.5 per cent. We kept it at 8 per cent., and have now reduced it to 5 per cent. That is crucial to the low-paid and those on low incomes.

I welcome the move to the working families tax credit, which is long overdue. We should have done that many years ago. Many people who are eligible for family credit do not claim it. It has one of the lowest take-up rates of any benefit. It is nonsense to expect people to take up the jobs advertised in the jobcentre and the newspapers if they end up worse off than when they were on benefit. The Budget is a move in the right direction.

The change to child care is long overdue. I welcome what the Government intend to do on that.

The cuts in corporation tax to 30 per cent., and the small business tax to 20 per cent., are welcome. I recognise that we need to have industry and commerce to create wealth for this country so that the Government can have money for the social dividend, to spend on education, the welfare state, the health service and all the other things that we want to see.

Last Wednesday, the *Lancashire Evening Telegraph* wrote:

"But there was a warm welcome from shops spokesman Rita Walsh, who said the Chancellor's measure would put cash into the pockets of the poor, providing a much-needed boost for retailers.

Mrs. Walsh, secretary of Burnley and District Chamber of Trade, said she had expected a balanced Budget, favouring the less well-off, and that is what the Chancellor had delivered."

That is important, as we must recognise that, when the poor get additional money, they spend it, because they need to—they cannot save it. The option for the poor to save is not really there. They need the money. They need to spend it, whether on food, clothing or whatever, to improve their standard of living.

Last Friday, I visited the Potterton Myson factory in Padiham, in my constituency. It has just announced a further 125 jobs as a result of consolidation and bringing some work from Warwick. It is wary about the value of the pound—DM3.06 to the pound makes trading difficult. It is the leading manufacturer in its field in this country, and it wants to be the leading manufacturer in Europe.

Industries in my constituency believe that we need to be in the euro as soon as possible, and they condemn the previous Government for having failed to get us into a position where we could join it at the start. They will in any event have to trade in it, so it is crucial that we join as soon as possible. I visited Smurfit in the afternoon, and people there expressed exactly the same view about the European currency. They are in the paper industry and have to compete with other Europeans, and they think it wrong that we will be left on the side.

One or two Conservative Members have mentioned interest rates. The right hon. and learned Member for Rushcliffe (Mr. Clarke) spoke. I think that he is condemned particularly on two counts. First, he did not move ahead on the euro. I do not believe that he had the power or the ability to do so, because he was a minority voice in his own party. Secondly, there was the question of interest rates. I think that the right hon. and learned Gentleman should have increased interest rates long before the general election. Why did he not do so? Because he put the political interests of the Conservative party above the interests of the country: I have no doubt of that.

I must utter one slight criticism of the Budget. I refer to duty on liquid petroleum gas. Lucas Aerospace, in my constituency, makes gas bottles for the vehicles involved, having developed its process from making cases for the multi-launcher rocket system. It has converted that technology, in one of the best defence diversifications. It believes that the market is growing; it also believes that the Government have failed to provide a sufficient incentive to persuade people to convert to the use of an environmentally friendly fuel. Italy has 2 million vehicles on liquid petroleum gas, while this country has only 2,000.

I remind Ministers that, after the introduction of unleaded fuel in this country, the Environment Select Committee produced a report—it was produced some years ago, under the chairmanship of Sir Hugh Rossi and during my membership—recommending a differential encouraging people to opt for unleaded fuel. In their first Budget, the Government introduced a very small differential. They were condemned by an emergency report from the Committee saying that they needed to do more. They increased the differential, which speeded up the conversion. I urge my colleagues to consider the matter, because I think we should be doing more.

I think it right to move the Contributions Agency to the Inland Revenue. They have been collected together and paid together for a long time, and I think it right for us to merge them in April 1999.

Unlike the hon. Member for Bournemouth, West (Mr. Butterfill), I think that what has been proposed for overseas aid is absolutely right. It is also in line with what my right hon. Friend the Secretary of State for International Development is doing, and demonstrates the Government's belief that, although we must act in this country, we also have responsibilities in the wider world, and are prepared to put our money where our mouth is.

8.32 pm

Mr. Howard Flight (Arundel and South Downs): I congratulate the Chancellor of the Exchequer on the rhetoric of his Budget, on his press coverage, and on certain measures—particularly the increase in child benefit, which strikes me as a simple move, unlikely to cause fraud, and intended to benefit families.

What worries me is the fact that the Budget was pretty thin on long-term strategy. It was a ragbag of measures. I also fear that, in many ways, the Chancellor has washed his hands of active economic policy. Much has already been said on the subject, but I want to make my point. Effectively, the Chancellor's actions say, "Yes, use the interest rate and the exchange rate as a manager of this economy. Allow higher interest rates and a higher exchange rate to take the strain and cool down the overheating."

That risks causing much the same results as we saw in the early 1980s and the early 1990s. It is also entirely inconsistent with standing up and saying, "This is a Budget for stability—a Budget for exchange rate stability." Sterling will appreciate further, but as and when the United Kingdom moves into recession, as it surely will by 2000, the sterling trade-weighted exchange rate will depreciate, and the exchange rate will be used as the only positive economic regulator.

The Budget also involved acts of what I would describe as disingenuousness—attempts to mislead the public into perceiving something good where there was actually something bad. Much has been said about that already. It was fine to reduce corporation tax rates, but accelerating payments will cost an extra £4.6 billion through to 2001, which was not so fine. As for mortgage tax relief, we had all forgotten that it had been cut to 10 per cent. only nine months ago.

The changes in capital gains tax have already been mentioned. In my view, they are much more arbitrary than the indexation arrangement that they will replace. There is an alleged new attractive rate for entrepreneurs. As my hon. Friend the Member for Bournemouth, West (Mr. Butterfill) said, most entrepreneurs cannot meet the criteria to qualify. I welcome the further thought that the Government will devote to the matter, but, as the measure stands, it really is empty. As for the changes to bed and breakfasting, I think that they are wrong, and will contribute to inefficiency in capital markets.

I suppose that I should declare an interest as a PEP investor as well as a PEP manager. Let me make just one simple point about that much-discussed subject. After all the hoo-hah, let us remember that it was possible to save £10,800 per annum in combined single-company and other PEPs and TESSAs; that has now been halved. In fact, the Chancellor has been very clever. He has gained credit for not implementing the £50,000 cap, but people have forgotten that the amount they can save has been halved.

Let me return briefly to the point about economic management. In the present circumstances, the only relatively painless option is to encourage savings. It would have been possible, for instance, to encourage building society windfalls to be saved last summer. That is part of the cause of the over-consumption that has got under way. As the Red Book shows, the Government are poised to produce a policy designed to reduce savings.

Let me make some points that have not already been made about welfare changes. I am worried about the way in which the national insurance changes will work. There are bunched areas within the £107 to £450-a-week wages level in which there are disincentives to employing people. I fear that we will follow the pattern of the United States, which will mean a tremendous increase in the number of companies employing part-time workers to cut national insurance costs, particularly as and when the economy turns down. That has happened in the United States for similar reasons. Although, at the lower end, the changes will be enormously welcome in creating jobs, I fear that there will be disincentives further up the line.

Much has been said about the working families tax credit. In certain American states where it appears to have been successful, there has been the stick of no benefits after one or two years as well as the carrot. I agree with other Conservative Members that these measures have been rushed in, in an attempt to copy Clinton, without having been thought through. My right hon. Friend the Member for Haltemprice and Howden (Mr. Davis) presented the situation brilliantly. He explained that the poverty trap was being increased to the limit with regard to the number of people with a 60 per cent. tax rate poverty trap.

I welcome the aims of the Budget, and hope that they will succeed, but I am worried about the increase of around 800,000 to 1.4 million in the number of people who will benefit under the working families tax credit. That strikes me as contrary to the Government's pledge

[Mr. Howard Flight]

to contain welfare expenditure. I am sure that, unless changed, the child care arrangements will naturally result in neighbours using neighbours—after all, people are human—and that the cost is likely to be closer to £5 billion than £1.25 billion a year. That may deserve further consideration before it becomes law.

For many ordinary people, petrol and, for a smoker such as myself, cigarettes are inelastic necessities, and much will be taken in duty on such items from less-well-off people; the net position of many people at the bottom of society will not be much better.

Evidence from the past three years shows that an increasing number of married mothers or mothers who live with a partner want to stay at home with their children as soon as they can afford to do so. As the vicar of my parish church preached yesterday, the Budget is wrong to offer fiscal encouragement to bring up someone else's children. Equality must surely be ensured between the two; children are better off with their mother until they are at least six or seven.

Little has been said about the proposed anti-avoidance provisions. Every business transaction will have to be given anti-avoidance clearance by the Revenue. Canada introduced a similar provision, but its Revenue fibbed when it said that it has only 240 officers: it has 600 highly paid, top men and women, who have to make complicated assessments. Our Revenue does not have such resources, but the last thing that we want is for businesses to move their headquarters elsewhere because of massive complications in securing anti-avoidance clearances on commercial transactions.

There is a crucial difference in Anglo-Saxon culture between avoidance and evasion. No man is bound to pay more tax than he need, but not paying what he should is against the law. In continental Europe, the difference is blurred, and anyone who conducts business there will find that a problem. I believe that there is an element in the Budget, whereby it is suggested that avoidance and evasion are the same. That is unhealthy for this country's commercial integrity.

Other hon. Members have dismissed the point, but I have ground through the figures, and have found that, before the Budget, taking into account the increases in the community charge, an average family has been paying an additional £780 in taxes since 1 May, and the figure has now increased to just over £1,000. I fear that this Government will repeat our mistakes, and that the average family will have a higher tax burden, yet the average family is expected to bring up children properly, set an example, support charities and be leaders in society.

There is no merit in constantly loading taxes on the average family. Benefits must be spread broadly to help the less well-off, and they must be financed from a growing economy, and not by raising taxes on average, ordinary families.

8.42 pm

Mr. Malcolm Chisholm (Edinburgh, North and Leith): The two central themes of the Budget can be found by focusing on two pages of the Red Book: page 68, which highlights the remarkable redistributive heart of the Budget, and page 83, which describes the primary objective of increasing the sustainable growth rate of the economy. The former may be more exciting, but the latter is just as important, because the Government's success in increasing the sustainable rate of growth will determine how much we can redistribute and how quickly we can expand public services.

I understand those who want a big-bang approach to public expenditure, but we must never forget the serious structural deficit that we inherited and which had to be dealt with. We shall not do anyone any favours if we increase public expenditure in an unsustainable and economically counter-productive way. I therefore welcome the first-ever framework for monetary and fiscal stability and the Budget's many specific measures to address the under-investment, instability and structural weaknesses that we inherited.

A contrary view to those positions—or, rather, a contrary confusion—was expressed by the right hon. Member for Wokingham (Mr. Redwood), who simultaneously criticised tax increases and advocated even greater tax rises. As Samuel Brittan wrote in the *Financial Times*,

> "It is just not realistic to suppose that any Chancellor would increase taxes and pile up cash surpluses because of some highly debateable belief that he would enable interest rates to come down."

It is difficult to be euphoric about macro-economics, so I shall leave the subject, but that word describes how I felt when I heard about the redistributive measures in the Budget. This is the first Budget for 20 years to redistribute towards the poor, especially towards poor families.

That is the exact opposite of what the Tories did for 18 years, under whom families, especially poor families, suffered most. That is clearly shown by a book, "Taxes Down, Taxes Up", which was published by the Institute for Fiscal Studies in 1994. The Chancellor understandably prefers to say that his proposal is a redistribution in favour of work, because those paying tax will begin to do so at 50 per cent. of average earnings instead of at 25 per cent. The changes to national insurance contributions and, above all, the working families tax credit, which contains a child care element, will lead to job creation and increased pay.

I was a little concerned before the Budget about the working families tax credit, and I still hope that the presumption is that it will be paid to the woman in a couple, but we all welcome the massive advance that the changes proposed in working families tax credit represent. It proposes a higher applicable amount than family credit, more support for younger children and a reduction in the problem of steep tapers.

The outstanding problem, as the Government know, is housing benefit. I urge them to make a low-rent policy a foundation of their housing and welfare-to-work policies. That must be their starting point for reform of housing benefit.

The Budget addressed many of the barriers to employment, of which child care was the greatest. This is the first Government in British history who regard child care as an essential part of economic policy as well as of children's policy and of equal opportunities policy. A lone-parent constituent told me a month ago that she had had to give up work because she was on maximum family credit and could therefore receive no child care support. Under our proposals, she and hundreds of thousands of others will have 70 per cent. of their child care costs paid.

Other barriers must be addressed. I welcome the introduction of a training element to the new deal for lone parents. I hope that it can be expanded in accordance with some of the suggestions of the Select Committee on Education and Employment. The gateway and other training, education, confidence-building and support measures should be opened to them.

I also welcome the linking rule, which deals with the work disincentive element of the original lone parent benefit cuts.

Not only those in work will benefit from the Budget. I particularly welcome the income-related benefits that will help children under 11. Recent research suggests that the gap between the amounts available to under-11s and over-11s is too big. The lone parent cuts in income support will be made up by next April, and for new claimants with more than one child under 11, the gap will be more than made up. I welcome the progress that has been made in that regard since December.

The problem that remains, however, is the time lag, and it applies also to lone parent in-work benefits. Changes will be made for lone parents in April, June and November 1998 and April 1999. I make the simple proposal that all the changes should be made simultaneously in April 1999. That would be more or less revenue neutral.

One other group not in work is pensioners. I welcome the large amount of money given to them in the summer Budget, but there is a problem with tenements. In certain Scottish cities, some pensioners have received £10 rather than £20 because of the way in which some tenement addresses are classified. I hope that that will not happen again, and that the Benefits Agency will ensure that the appropriate amount goes to every pensioner.

The Budget is a defining moment for the Government. I welcome its core themes of redistribution and sustainable growth. I am delighted that we are back on course to deliver old Labour objectives in a new Labour way.

8.50 pm

Mr. Edward Davey (Kingston and Surbiton): I want to focus on what the Budget tells us about the future direction of fiscal strategy. Like the hon. Member for Rochdale (Lorna Fitzsimons), I welcomed the pre-Budget report, which allowed consultation before the Budget. The amount of detail contained in the Red Book about the direction of fiscal policy is also welcome and remarkable.

The Red Book gives projections of expenditure and revenue. In his Budget speech, the Chancellor made much of the need to look forward. The proposed fiscal code will make detailed assumptions and projections about public finances. In future, we shall not need to be Mystic Megs to predict what the Chancellor is likely to say on Budget day.

An analysis of the Government's forecasts on fiscal policy shows that there is a positive story to tell. That begs the question why the Government are not taking more action on public services now. If the fiscal projections in the Red Book are correct, in the next three years the Chancellor will be able to say that there is a Budget surplus, that the Government are cutting taxes and that he wants massively to increase spending on public services. That is the message of the Red Book.

The number of sweepstakes on how often the Chancellor will use the word "prudent" in his Budget address will mushroom. He may be prudent in the future, but is his current approach to expenditure on public services prudent? Liberal Democrats argue that the bust-boom approach to funding of public services is imprudent, and will have a detrimental impact on the infrastructure of public services, on the lives of those who use services such as health and education, and on the careers of the professionals working in the services.

Why are the Government taking such an imprudent approach to the management of the public sector? Is it because of their manifesto pledge, about which we have heard so much? As my hon. Friend the Member for Gordon (Mr. Bruce) said, they have already broken that pledge because they have not kept to the agreed departmental ceilings. I believe that the reason has to do with the comprehensive spending review. I am glad that the Chief Secretary to the Treasury is present, because he may want to confirm or deny my contention.

The Government's approach to fiscal policy is based on realpolitik, and has damaging implications for public services. They have said to Whitehall and to the various spending Ministers, "There will be no money for you in the first two years, so you will have to concentrate on your comprehensive spending reviews." That may be a sensible pre-election strategy in the run-up to the next poll, but it is not a sensible way to manage public services.

The figures in the Red Book show that delaying the inevitable increase in funding for public services is unnecessary and ill advised. The Government are being highly pessimistic about the public sector borrowing requirement. Despite massive reductions in the PSBR in the past two or three years, it is projected to be in a small surplus in two years' time. We believe that it is likely to be in surplus next year, and in the following years there will be a much larger surplus than is projected.

The figures represent a large growth in public spending. Obscure note 3 of table 1.2 on page 11 of the Red Book says that public spending growth is assumed to be 2¼ per cent. in real terms. That is three times the growth for this year and that projected for next year. If such an increase in public spending is accounted for by the figures now, why not bring it forward a year, so that public sector managers can plan and invest properly and can make long-term decisions? Public services lack stability because the Government are not investing in them now.

Another reason why the PSBR is so pessimistically projected in the Red Book is that revenue forecasts are ridiculously low. The figures show that Customs and Excise is making incredibly low predictions for future VAT revenues. That may make a difference of more than £8 billion between now and the next election.

There is an assumption that no changes, apart from those already announced, will be made in future tax rates and allowances. As this Budget and the July Budget has shown, that is a highly unrealistic assumption.

Even if we take the Government's pessimistic approach to public finances, the figures predict a huge surplus. Between the financial years 1998–99 and 2002–03, there will be an accumulative Budget surplus of £123 billion. Despite that surplus, the Government are not prepared, for the coming financial year, to provide an extra £1 billion for health and an extra £1 billion for education. Why are

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they being so parsimonious when their figures suggest that they need not be? We know why the Government are building up this war chest.

I welcome the fiscal code that the Government intend to introduce, the whole point of which should be to introduce stability in the management of public finances. We support such a laudable aim, but why start off with such bogus and pessimistic assumptions? Governments of whatever colour seem to be depressed and suffering from psychological disorders. At the beginning of a Parliament they are pessimistic about how things will turn out, and in the Budget before the election they become optimistic, and suddenly the growth rate has increased and the PSBR has vanished. We are on some sort of mental roller-coaster, but government needs mental stability. Perhaps that would be slightly more boring, but it would be more honest. The Government should have started with honest assumptions in the Red Book.

I should like to comment on the detail of the proposed fiscal code. The Government derive much of their thinking on the code from the experience of the New Zealand Government's fiscal responsibility legislation. However, they have missed some key elements in that legislation, one of which is vital in the context of the Government's war chest. The New Zealand measure requires the Treasury to publish four to six weeks before an election the assumptions behind the Budget and the fiscal projections. If the Government were sincere about taking politics out of fiscal policy to produce a more stable approach, they would include such a provision. I hope that they will do that in Committee.

When Liberal Democrats comment on Government policy, the Government say, "You are imprudent. It is right for the Government to be cautious. Look what happened to the Tories in the mid-1980s, when they cut taxes in the belief that they had reached fiscal nirvana. It is right for us to get away from such Victorian mismanagement." Liberal Democrats agree that the Government should not repeat Tory mistakes. We call not for £6 billion of tax cuts but for £1 billion to £2 billion extra for the public services now. That is a sensible approach and is not lacking in caution.

The Government are making a serious mistake. Trying to turn round the public services after years of mismanagement by the Tories is like trying to turn the Titanic.

Mr. Ian Bruce: It is like refloating it.

Mr. Davey: I am afraid that the hon. Gentleman is right. The Secretary of State for Health has problems with waiting lists. The pledge to reduce them by 100,000 has not materialised: they have increased by 100,000. Time and resources are required, and if the Government delay investment in the health service, tackling the problems will be that much more difficult. The same applies to class sizes. We should reflect on the day-to-day realities of managing public services. Professional staff are the core of our schools and hospitals, and if they are not properly funded, they will go away and graduates will not go into medicine or teaching. There will be massive recruitment problems.

This morning, at a primary school in my constituency, the head teacher told me about the massive problem not just in Kingston and Surbiton but throughout the country of recruiting deputy heads and head teachers. Because of the hassle of ever-growing administration, it is not financially viable. If the Government do not invest in our public services, they will lose the support of the staff, the people who make things happen. That is the danger of delaying investment.

On a slightly more positive note, the Government's approach to future fiscal policy by the use of consultation papers and comprehensive spending reviews should be supported. For example, the consultation paper on the reform of the tax and benefits system and the report from the chief executive of Barclays bank contained some welcome ideas. It is clear that the Government took the easy elements of that consultation paper and put them in the Budget, but Mr. Taylor outlined more difficult choices that the Government may have to face. I shall not go into details, but I hope that the Government will allow an early debate on those matters, so that we can get to grips with some of the tricky issues that are well set out in those consultation papers.

It is ironic that although the Government are trying to take a longer-term view of economic policy, have given control of interest rates to the Bank of England, have published a fiscal code and are trying to widen and rationalise debate on economic policy, the Budget is one of the most political Budgets of all time. There were many leaks before the Budget about the possibility of hitting the middle class, but it was not hit. I do not condemn the Government for not hitting it, but those leaks show the political tone and the background of the Budget.

The timing of the tax and spending decisions in the Budget is political. Some of the taxes will hit us now, so that the Chancellor can draw cash to the Treasury's coffers, but spending will occur in three or four years—close to the next general election. Why could not child benefit have been increased from April? The only reason for the delay is the Government's political planning. There are political calculations in the PSBR forecast and in the Government's bust-boom approach to the public services over the life of this Parliament. It will become clear that the Government's political judgment is wrong. It will take a long time to turn round the public services, but the ambition should be to have the world's best public services. The Government say that they have new ambitions for Britain, but they are not prepared to invest in our public services. Their words are hollow.

9.4 pm

Mr. Andrew Love (Edmonton): I listened carefully to the closely argued speech of the hon. Member for Kingston and Surbiton (Mr. Davey) and I still cannot tell whether he and his party are optimistic or pessimistic about the Budget. I am optimistic. We have been in government for almost a year, and perhaps this is an appropriate time to take stock of our stewardship of the economy and of the Chancellor's Budget judgment of where we are going.

Everyone has said that the Budget is neutral, and from the achievements so far and from the Treasury projections it is easy to see why people say that. Inflation is at 3 per cent. and is set to reduce to 2.5 per cent. in 1999 and beyond. That is the target range that has been set for the Monetary Policy Committee. The public sector borrowing requirement is £5 billion, which is some £14 billion lower than the figure that was projected by the previous

Government, and it is due to be in balance by the millennium. According to the Red Book, we are well on the way to fulfilling the golden rule of the economic cycle that was introduced by the Chancellor in July.

Growth is running at 2 to 2.5 per cent. and is to be held within the range of 1.75 to 2.75 per cent. over the next two years. That is at or near the trend growth rate for the economy. According to the Red Book, the debt to GDP ratio will be 52 per cent. this year and will decline to 47 per cent. by the millennium. That more than fulfils the fiscal rules that were set by the Chancellor in July. Of course, the Chancellor's fiscal stance is only one aspect of the Budget and in some respects it is not the most important. The Budget is emphatically for jobs and families and it will stand or fall on the Chancellor's judgment about refashioning the welfare state.

The signs are modestly optimistic. The headlines and the editorial comment in the press the day after the Budget were consistently favourable. Even the *Daily Mail*, which sees itself as the voice of middle Britain, pronounced the Budget "sound and sober". The only body that simply refuses to find anything good to say about the Budget proposals is the Conservative party, which persists with the fiction of a golden legacy, conveniently forgetting that it did not appear very golden to the electorate in May.

Critical to the success of the Budget will be the measures to deal with the poverty trap. I welcome the Chancellor's endorsement of child benefit as one of the pillars of a modern tax and benefit system. He has also reaffirmed that the benefit will remain universal and continue to be paid directly to the parent with primary responsibility for the children. That is all to be welcomed.

Many low-paid families will also benefit from the introduction of the working families tax credit, which will replace family credit and is designed to provide a minimum guaranteed income to families on low pay. In the process, it will turn a benefit into a tax credit and help to overcome the stigma that continues to ensure that around 30 per cent. of people who are eligible for family credit simply do not claim it. However, payment through the tax system brings its own problems, which have been recognised by including an option for the working families tax credit to be paid to either parent.

The third policy change that will boost the earnings of the low-paid is the reduction in national insurance contributions. That is calculated to be worth £65 a year and will benefit a significant number of the low-paid. The combination of all three changes will provide a powerful boost to the incomes of many families, but we have to recognise that the changes will interact with other benefits, notably housing benefit, and that this is but a first step—a radical and imaginative first step—in developing the new welfare state.

I should like to give a special mention to one of the smaller initiatives that is tucked away in the Budget. The announcement of a £50 million venture capital fund will be warmly welcomed in my constituency. The Lee Valley business innovation centre is sited there and, in association with Middlesex university, supports many small businesses in the area. In association with the local authority, the centre is developing a science park. The university challenge fund—to promote enterprise and high-tech growth—is just what it needs to turn scientific discoveries into commercially viable projects. It will help to unlock the talents and ingenuity in our universities and to channel them into the creation of wealth and jobs.

I should like to comment on the Government's long-term ambition to secure economic stability and the role in that objective of the code for fiscal stability. The code will enshrine the need for transparency and accountability in Britain's economic policy framework. It will strengthen the credibility of fiscal and debt management, much as the new monetary policy framework has done for the setting of interest rates. It will be underpinned by detailed reporting arrangements and proper accounting methods. The code demonstrates again the Government's commitment to maintaining and strengthening the credibility of their economic policies.

The Budget is both prudent and ambitious. It creates stability, but begins the task of modernising the tax and benefit system. That purpose is worth supporting, and I commend the Budget to the House.

9.11 pm

Mr. John Bercow (Buckingham): The Budget is a triumph of style over substance, yet no hon. Member should doubt for one moment that the substance is deeply damaging—to taxpayers, to country dwellers and to the economy as a whole. In the short time available, I shall deal with each of those three points.

First, let us address the subject of taxation. Earlier in the debate, we witnessed the interesting spectacle of revisionism rampant on the Labour Benches, as Government Back Benchers misrepresented the record of past promises, to distort the reality of what has transpired since the general election. We need to be explicit about what was said by Labour Front Benchers before the election.

The Prime Minister said—it was reported in the *Financial Times* on 21 September 1996—that there was no plan to increase taxes at all. In April 1997, an explicit statement was made by the then shadow Chancellor that Labour had no public spending commitments that would require extra taxes. Therefore, there was a reference to no plans for increases in taxes at all and a second reference to no requirement for extra taxes. It was not simply a question—as the President of the Board of Trade implied—of a commitment not to raise rates of income tax. The commitment was clear and explicit: Labour said that it had no plans to increase tax at all. Those pledges have been betrayed. That trust has been broken. The Government have reneged on the many words on this subject that were uttered before the general election.

What we know now from the Red Book is that taxes will rise from 38.1 to 40.1 per cent. of gross domestic product by 2002-03. The Budget increases taxes. The Government then positively intend to increase taxes in each and every one of the succeeding four years. That is the plan, and that is the policy that the Government will deliver. It means that the proportion of GDP raised from income tax will rise from 9.5 to 11.1 per cent. Whatever the mirrors deployed by the Chief Secretary to the Treasury in responding to the debate, he cannot gainsay the reality of the written word of the Red Book and the financial statement.

Let it be clearly understood that the Government believe that Britons are taxed too little and should be taxed more. That is what the Government intend. They believe that not only individuals but businesses are too lightly taxed. The first signal of the intention further to raise business taxes came in the Budget, which contains a

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net increase in business taxation of £2.2 billion. That will not increase employment, it will reduce it; it will not enhance competitiveness, it will undermine it; it will not make our country more prosperous, it will make us relatively and, potentially, absolutely poorer. Those are the consequence of the Government's policies, even if they are not the intention.

The Chief Secretary should not deny for one moment the intention, set out in the Budget, to increase employer national insurance contributions for higher-paid workers. Earlier, the President of the Board of Trade was challenged to explain how that increase in taxes upon business could help the process of employing higher-paid workers, could assist their retention, and could advance the cause of high-technology and knowledge-based companies in the international marketplace as they seek to develop. Answer came there none, as the right hon. Lady was visibly under pressure, flummoxed and deprived of any coherent answer to the attack that was made. I recognise that the Chief Secretary is an altogether more sophisticated operator, so I hope that he will manage a better reply than the right hon. Lady was able to give.

That is the reality of the increase in taxation, although I readily concede that the Prime Minister was supremely ignorant of the contents of the Budget delivered last week by his Chancellor—an ignorance that he displayed not only in front of the House, but in front of millions of television viewers during Prime Minister's Question Time last week. That is the first criticism we make. Labour has two favourite sports, new Labour as much as old Labour. One is to raise taxes and the other is, by a variety of ingenious means and devices, to create new taxes.

The second criticism, specifically representing the concerns expressed to me by my constituents, is the Government's attack on country dwellers. That comes in the form of a dramatic, swingeing increase in road fuel duty. The Government have imposed an additional burden of £2.75 billion on people in rural communities who drive cars. Let no one underestimate the scale of that imposition. A rural dweller with a car, who has the temerity to drive it 20,000 miles per year—that is not uncommon or untypical—will face an increased burden of £160 per year as a consequence of the Government's measures. That is damaging; it does not provide a work incentive for those who need a car to travel to work; it does not do anything to encourage the inhabitants of rural communities. It is the latest instalment in a systematic and inconsiderate attack by an urban-dominated Government on the inhabitants of our rural communities.

If the Chief Secretary believes that that is amusing, he should think again. The number of times that Conservative Members heard that grievance expressed on the countryside march was too numerous to count. If the urban Minister thinks that that is insignificant, he is insensitive and can in no sense claim to speak for a one-nation Administration.

The Institute of Directors, in its characteristically restrained and understated fashion, said that the two increases in road fuel duty in less than a year were regrettable. How right it was. For the Chancellor of the Exchequer to offer, as a sop to those whom he has just clobbered, a £50 million rural transport fund—supposedly to bolster public transport services in the countryside—borders on an insult. If it is to mean anything, why did he not set a target for the increase in public transport services that would result from that policy? How many more journeys does he expect that there will be? What decline in the reliance on the car will result from that infusion of funds?

If the Chancellor of the Exchequer and the Chief Secretary cannot estimate what the change in behaviour will be, we can deduce only that they have not got a clue and perhaps do not seriously intend a change of policy. They have patronisingly given rural dwellers a proverbial pat on the head—the fund amounts to nothing more than that. That is why the anger of rural communities will continue to be visited on the heads of the Administration.

As I said, the Budget will damage the economy. I do not expect the Chief Secretary—or the Financial Secretary, one of the great authorities on tax and excise duties, who is now present on the Treasury Bench—to take that assessment from me. I invite them instead to take it from a distinguished economist, Professor Doug McWilliams, formerly of the Confederation of British Industry and now of the Centre for Economic and Business Research, who predicted that the Government's policies would have damaging consequences. He said that there would be a 5.6 per cent. reduction in non-Government investment in our economy relative to what would have happened if the Conservative Administration had continued; that there would be a £3.8 billion reduction in gross domestic product relative to what would have been achieved under the Conservatives; and that there would be a relative decline in output. He confidently predicted that the Government's misguided and uninformed policies would, by 2002-03, result in 95,000 more people being unemployed than would otherwise have been.

In their Budget, the Government have nothing of which to be proud and much of which to be ashamed. That is why Conservative Members will take pleasure in voting against the Budget tonight. It is bad for the economy, bad for communities and bad for Britain—it deserves to be rejected.

9.22 pm

Mr. David Heathcoat-Amory (Wells): This debate, which has lasted for four days, has been very revealing. The string and the wrapping paper have come off the Budget, which now looks much less attractive than it did last Tuesday. *The Economist* said:

"The fact is that the Budget was a muddle . . . it lacked an organising idea."

Today's debate has again failed to supply an organising idea to the Chancellor's intentions. Last Wednesday and Thursday, the Government could not even provide enough speakers from their own ranks to support the Budget, and the debate had to be carried on by a series of speakers from the Opposition.

There was much waffle in the Budget statement. The Chancellor said that it was the people's Budget—it was the people's this and the people's that. He said:

"The Chancellor is above all the guardian of the people's money."—[*Official Report*, 17 March 1998; Vol. 308, c. 1099.]

That is a bit rich coming from someone who has agreed in principle—if, as he hopes, we join the European currency—to hand over control of foreign currency and gold reserves to the European central bank in Frankfurt.

If the Budget had an attempt at an organising aim, it was to get people off welfare and into work. We share that aim. Indeed, the social security reforms pushed through by my right hon. Friend the shadow Chancellor were all designed to make work more attractive, and when we had the money we always reduced the burden of direct taxation on the low-paid.

The difference between us and the present Government is that, in office, we did more to achieve that aim. We not only reformed the welfare state but delivered an economy—the golden economic legacy referred to by my right hon. and hon. Friends throughout the debate—in which unemployment was low and falling. One of the crucial ways in which we did that was by creating a flexible labour market.

The Chancellor claims those achievements as his own, to the extent of lecturing other member states of the European Union on the subject of the need for flexibility in labour markets. He is a cadet member of the Robin Cook school of diplomacy, and his remarks create almost as much resentment as the Foreign Secretary's. Other member states know that, when the Chancellor was in opposition, not only did he do nothing to create the flexible labour market but he opposed all the measures which we enacted over 18 years to achieve it.

European Union member states can see through the Chancellor's rhetoric and know that in practice he is increasing the burden of taxation on businesses, while relying on those businesses to supply new jobs. The Government's welfare-to-work programme will increase the demand for new jobs, but their company taxation will hit the supply.

Behind that contradiction is the lingering belief that the Government create the jobs. That point was well made by my right hon. and learned Friend the Member for Rushcliffe (Mr. Clarke): it is not Government but business that creates jobs, and if we tax businesses we will damage employment.

The Red Book, and the information that we have managed to extract since it was published, shows that the burden of taxation on the business sector will approach £25 billion. Admittedly, that includes the windfall tax, about which the Government warned us before taking office, but even if that is taken out we still have more than £20 billion of extra taxation on the productive sector of the economy, on which the Government rely to provide the jobs that people will be asked to seek.

There is a further paradox over savings. Everyone should know that the only realistic alternative to welfare is private savings and long-term pension provision. Last year, the Chancellor attacked pension funds, taking out about £5 billion annually. He has done nothing to correct that in this Budget. Indeed, he has added to the problem by a botched attack on PEPs and TESSAs and, indeed, by the new annual limit on savings, which is nothing like as generous as the one that applied previously.

Under PEPs and TESSAs, a saver could put by £10,800 a year; under the ISAs, which will eventually replace them, the limit will be £5,000. It is not surprising that, again according to the Red Book, the savings ratio is due to fall further. In our last year in office, the savings ratio was 11 per cent. It is due to fall steadily to the end of the century, down to 9 per cent. That is a direct result of the very policies that the Chancellor has already introduced and did nothing to correct in this Budget.

There is another point about savings. Not only is it crazy to hit savings when one is trying to reform the welfare state, but, relatively, it encourages consumption, which has made the burden of the Bank of England that much heavier. It has forced the Bank to increase interest rates to compensate, which has led directly to the high pound, of which we have heard much during this debate. The Chancellor had washed his hands of high interest rates. Well, he has indeed divested himself of decisions about interest rates, but he cannot divest himself of responsibility for monetary policy—that remains with the Chancellor.

When the Bank of England Bill was considered by the House, we warned that there could be a mismatch between taxation and interest rate policy. That has happened and the victim is manufacturing and exporting industry. The confusion in the Monetary Policy Committee has added to the problem. The known splits in the committee are creating an expectation of further interest rate rises.

The Chancellor has compounded that error, or could be about to, by his attitude towards the euro. The drachma has already entered the exchange rate mechanism under the British chairmanship. Now, the Chancellor simply has to reverse his apparent attitude of weakness towards the euro by insisting on a rigid and strict application of the entry criteria. If not, the very weakness of the anticipated euro in the markets will again make the pound relatively stronger and do further damage. The damage done by the strong pound was constantly referred to in the debate, particularly on the Labour Benches. The Chancellor cannot be indifferent to that. The performance of the real economy is every bit as important as the welfare reforms that form the centrepiece of the Budget. The Chancellor cannot simply create rules for himself or divest himself of decisions and then say that the outcome of those decisions has nothing to do with him.

Against that economic background, we can assess the welfare-to-work programme and the working families tax credit in more detail. It is not at all clear that the tax credit as proposed will provide the claimed incentives, and that is the judgment not merely of Conservative Members but of the independent Institute for Fiscal Studies, which is intensely sceptical about what will happen in practice when the credit is introduced.

The Chancellor is indifferent to a lot of things—he said that he was indifferent to the family structure that the working families tax credit would promote. Conservative Members are not indifferent to it. I agreed with the remarks of my hon. Friend the Member for Arundel and South Downs (Mr. Flight). We oppose the switch from the married couple's allowance to the indiscriminate tax credit as proposed in this Budget. We are also worried about the complexity of the scheme, in particular the burden that it will place on business. Such a scheme will work only if it is comprehensible to the participants—not only the people who will get the credit, but those who will administer it in the business and small business sectors.

My right hon. Friend the Member for Haltemprice and Howden (Mr. Davis) analysed the details of marginal withdrawal rates with great skill. In particular, he drew attention to the experience in the United States, where the system is subject to much fraud. He is absolutely right. Fraud must be designed out of a welfare system, and we are in danger of creating a system in which fraud is designed in.

[Mr. David Heathcoat-Amory]

We know that the system will be expensive, although the true cost is not fully disclosed. Perhaps an example is the child care credit, which is an important element of the overall scheme. At times, it appears that the Budget is not so much a Budget for children as one for child minders. Some perverse incentives could be set up. For instance, a young mother could take a part-time job as a child minder. She would then become eligible for more than £100 a week in child care credit, so that her own children could be looked after by other child minders, perhaps in the same child care centre at which she worked. We could create a situation where everyone was paid to look after everyone else's children, which is practically the definition of a nanny state. I am sure that that is not the intention of the system, but if the history of the welfare state teaches us anything, it is that good intentions are not enough. They often lead to unintended consequences and unplanned incentives. Almost always, the cost turns out to be much higher than originally predicted.

At the end of this debate, let us finally have an answer to the question constantly posed by Conservative Members about who will get the working families tax credit if a couple disagrees about who should get it. What will happen if the mother believes that she needs it to support the family budget, but the man insists that he needs what I think Martin Taylor called the psychological incentive of having it paid through his wage packet? It is a simple system if they both agree—it can go to the mother or the father—but, if they disagree, as we know they sometimes will, who will get the tax credit? Can we have a simple, straightforward answer to a simple, straightforward question?

On public expenditure, little can be gleaned from the Red Book until more analysis is done. However, I pick up the point made by the hon. Member for Gordon (Mr. Bruce)—although I did not completely follow his figures—that the Government will spend in 1998–99, the next financial year, less in real terms than we had predicted that we would spend. He mentioned a figure of more than £6 billion, but I cannot get the amount up to that. I went to the Library, which confirmed a very significant drop in the real level of public expenditure from what we had planned because of higher inflation under this Government. The Government are not increasing total public expenditure or even maintaining it; they are cutting it. It is not surprising that NHS waiting lists are increasing and that they have broken that promise.

There is nothing in the Budget for pensioners, except, of course, the tax increases. They are the forgotten people of this Budget. All the tax increases are certainly coming their way. The fuel duty increases hit not only cars but heating oil, the duty on which went up by 9 per cent. The duty on tobacco and alcoholic drinks went up. We froze the duty on alcohol in our last two Budgets, and reduced it for spirits.

The hon. Member for Selby (Mr. Grogan) spoke graphically about the problems of smuggling. I know exactly what he is talking about. It is a genuine problem. The hon. Gentleman knows that the Government announced a study into smuggling which has not been published. He may be as keen as we are to get a copy, under the public's right to know, openness, accountability and all that, to find out what his Government are doing about it. On the face of it, they are only ratcheting up even further the differential between continental duty rates, which are low, and ours, which are already high. That makes the problem worse.

There is also a problem regarding fuel, although that is not smuggled—at least not on such a scale. It is estimated that the motorist faces another £7 billion-worth of duty on road fuels during the lifetime of the Parliament. Diesel is especially badly hit; not only is that mad from an environmental point of view, because diesel produces less carbon dioxide for every mile travelled than petrol, but it is extremely bad news for industry as, yet again, industrial costs are raised. It is the same with stamp duty. The Government pretend that stamp duty is paid by people in large houses, but that is not true: three quarters of the stamp duty increase will be paid by businesses. The Government are gradually eroding the United Kingdom's strength as a low-tax, low-cost European economy.

The subject of capital gains tax was comprehensively and knowledgeably covered by my hon. Friends the Members for South Dorset (Mr. Bruce) and for Bournemouth, West (Mr. Butterfill). They are right to say that the new system will be extremely complex—there are 34 different rates—and it will probably invite many avoidance schemes. The revenue raised from it is supposed to be approximately neutral, which is to say that the changes are not supposed to be of net benefit to the Exchequer. That will happen only if inflation remains low, and we know that inflation is not remaining low, because the Chancellor, in his Red Book, predicts that he will not hit his own inflation target until at least the end of next year. If that failure on inflation persists, the capital gains tax reform will turn into a fraud on savers and investors.

I summarise the Budget as follows: it is a Budget that does nothing to correct the mistakes of last year, but actually compounds them. The mistake of taxing businesses and savings will be bad for employment, bad for inflation, bad for interest rates and bad for welfare reforms. The tax reforms in the Budget do not measure up to the absurdly inflated claims that it was a "once in a generation" Budget. It has been proved in the debate that the reforms are complex, expensive and most unlikely to achieve the desired effects. The Budget concealed as much as it revealed and, above all, it confirmed that the Labour party broke all its pre-election promises on taxation. We shall oppose it.

9.41 pm

The Chief Secretary to the Treasury (Mr. Alistair Darling): I shall start by referring to the former Chancellor, the right hon. and learned Member for Rushcliffe (Mr. Clarke), which is more than the shadow Chief Secretary has done. I apologise to the right hon. and learned Gentleman for not being able to be in the Chamber to hear his speech; as I told him earlier, I had to be elsewhere when he caught the Deputy Speaker's eye. I make the same apology to the Liberal Democrat economic spokesman, the hon. Member for Gordon (Mr. Bruce). It is unfortunate that both were called at around the same time. I also pay tribute to all my hon. Friends on the Labour Back Benches who have supported the Government, especially my hon. Friend the Member for Luton, South (Ms Moran), who wanted to speak but, unfortunately, time was against her. It is frustrating to sit listening to the whole Budget debate, only to find that one has been pipped at the post.

The Budget is widely recognised as being radical and reforming. It builds on our determination to deliver economic stability, which is built on a commitment to prudent monetary and fiscal rules. We have made a commitment to low inflation, because we believe that stability is the essential precondition for long-term sustainable growth. It is a Budget to encourage work and to make work pay. It is the biggest modernisation of the tax and benefits system for 20 years. We are extending the new deal and providing child care support—recognising, unlike the previous Government, that the labour market has changed dramatically in the past 20 years. The Budget encourages enterprise: we are continuing our reform of business taxation to boost investment and especially to encourage small developing businesses. We are encouraging savings, promoting research and development and helping universities to develop their research into profitable production.

The Budget builds a fairer society: it supports families, and protects the environment. Rigorous control of public spending has allowed us to invest more in schools, hospitals and transport. We are supporting families by increasing child benefit by the largest amount since its introduction almost 20 years ago. We have helped pensioners: this winter, we not only cut VAT on domestic fuel, whereas the Conservatives would have increased it to 17.5 per cent., but gave pensioners a major package of help. Pensioners received £20 and the poorest received £50, which is something that would not have happened but for the change of Government. This is also a Budget that demonstrates the new Labour Government's belief that fairness and enterprise go hand in hand. It is a Budget that delivers our political and economic objective, which is to raise the long-term sustainable growth rate, to increase employment, to promote a fairer society, and to reduce the inequality which grew during the term of office of the Tory Government.

I want to start with the question of stability. We listened to the right hon. Member for Wokingham (Mr. Redwood) referring to the golden age of Conservative rule. It seems to me that the Tory party continues to delude itself about the past. The right hon. Gentleman talked about a golden age for the countryside. People remember what the Conservatives did to the countryside: the deregulation of buses, the closing of post offices, and BSE which ruined many farmers. People also remember the 22 tax rises designed to pay for economic failure. They remember the high interest rates. So much for a golden age.

Our inheritance was a national debt that had doubled in six years because of Tory economic failure. We will not repeat the mistakes of the late 1980s, when the economic signals were misread, when a surplus became a £50 billion deficit, when inflation hit double figures, when interest rates doubled in two years, and when an "economic miracle" turned into the deepest recession since the war.

Whenever they are asked about public spending, Liberal Democrats tell us to spend more on education, transport, the police, law and order, benefits, councils and just about everything else. Frankly, their position is incredible—although I do understand it. They have decided to become the old tax-and-spend party, only without the taxation bit. There is a stateable case for tax and spend, but tax and spend without the tax is an implausible stance.

There is no question of our building a war chest. We are ensuring that the public finances are maintained in a stable way so that we can provide the public services that we all want. We are still dealing with what we inherited: spending £25 billion a year to service the debt that the Tories left behind. That is more than we are spending on schools.

Last July my right hon. Friend the Chancellor began the process of cutting that debt. In May of last year we found that the Tories had pledged to spend £19 billion more than they were going to get in. That was typical of their approach to the economy. We have cut that gap. We have cut the deficit this year to £5 billion and we will move into balance in two years' time.

So we are providing the stability that brings with it long-term job opportunities. We are providing low inflation. We inherited inflation heading for 4 per cent.—way above the Government's target of 2.5 per cent. That is why we had to take action to bring inflation down. Thanks to our reforms to the Bank of England, we now have the most open and accountable monetary policy framework in the world. More than that, we have the lowest long-term interest rates for 33 years. The last time they were so low was under a Labour Government in the 1960s.

We are providing a stable platform for the future. If we are to achieve an efficient and fair society we need to encourage work, to increase employability and to make work pay. Not just here, but right across the world, the same lessons are being learnt. The modern work force needs to be highly skilled, trained, motivated and adaptable. In a world where people will have many jobs between starting out in the labour market and retirement, it is the Government's job to encourage those who can work to do so, and to foster an environment where people can see the benefits of their work.

Mr. Kenneth Clarke: The right hon. Gentleman appears to have finished with macro-economics already, having dusted down his election speeches yet again. Before he relies too much on mythical figures, such as the £19 billion deficit to which we were supposedly pledged and the 4 per cent. inflation which was supposedly looming, will he deal with current reality? I refer to the underlying inflation rate of 2.6 per cent. which the right hon. Gentleman inherited. I also ask what he proposes to do about the considerable strength of sterling, which has dominated today's debate and which is doing great damage to our manufacturing base. What is he going to do about five successive months of falling industrial production? What does he propose to do to prevent a manufacturing recession and an excessive slowdown of the economy? Or has the right hon. Gentleman not yet noticed these developments?

Mr. Darling: I realise that the right hon. and learned Gentleman does not like to be reminded that he left us with a deficit that cost £25 billion per year to service, and that he left us in a position where inflation was heading to 4 per cent. and above, because he had ignored the advice of the Bank of England to do anything about it in the six months before the general election. He will also bear it in mind that sterling appreciated far more before 1 May 1997 than it has since.

Manufacturing industry will recognise that the Government are taking action to ensure that we look to the long term and achieve long-term economic stability—

[Mr. Darling]

that we do not return to the boom and bust that we inherited. In addition, unlike the previous Government, we will not be buffeted around by short-term pressures, reacting to the day's headlines.

This Government are prepared to take the right steps in the country's long-term interests, so people broadly support the stance that my right hon. Friend the Chancellor has taken. His judgment in the Budget was right. There is significant fiscal tightening, amounting to almost 2 per cent. of national income, and most commentators recognise that my right hon. Friend made the right judgment.

Mr. Kenneth Clarke: Will the right hon. Gentleman give way?

Mr. Darling: I shall give way once, but then I shall return to the subject of encouraging work—something that the previous Government did nothing about either.

Mr. Clarke: The Chief Secretary is extremely generous and I am indebted to him for his courtesy, but do I take that long rant to mean that he has no idea what to do about strong sterling and does not think that it has anything to do with him or the Chancellor?

Mr. Darling: To put it succinctly, in language that the right hon. and learned Gentleman will understand, he was wrong and we are right in the position that we are taking.

I return to the subject of encouraging people into work, because the centrepiece of the Budget is reform to the national insurance system to remove barriers to work for the low-paid, and to cut the compliance costs on business. As a result, all employees pay £66 less per year from 1999. Employer and employee national insurance contribution entry fees and the steps in employer national insurance contributions will be abolished.

We are extending the new deal for young people; for the long-term unemployed; and for the partners of the unemployed, who have been excluded from help until now. We are extending the new deal for those communities that have seen the worst, and fared the worst, in the past 18 years. We are extending the new deal to disabled people.

We are introducing the working families tax credit, which will help make work pay, and we are taking other measures to reduce child poverty.

Mr. Ian Bruce: Will the right hon. Gentleman give way?

Mr. Darling: Perhaps in a moment.

I find Conservative Members' attitude difficult to understand. They say that they think that the working families tax credit might be right in principle, and yet they almost seem to wish that it would fail from the start. The right hon. Member for Haltemprice and Howden (Mr. Davis) asked about the working families tax credit. If he looks at the Red Book, he will see that not only are we helping far more people than the family credit system was meant to help, but, whereas most of the people on family credit found marginal deduction rates of 70 per cent., under the scheme that we are proposing only a quarter of the people have higher marginal deduction rates. In other words, we are reducing the cost that people face when they enter work.

Mr. Bruce: Will the right hon. Gentleman give way?

Mr. Darling: In a moment.

The working families tax credit guarantees every working family an income of at least £180 a week. No family working full-time with earnings less than £220 a week will pay income tax. When people see the benefits that the WFTC will bring, they will see that working families now keep more of their money and that there is more of an incentive to enter work. When they take into account the reforms that we are making in the labour market, the increase in child tax credit and the provision of child care assistance—something that was never done under the previous Government—people will realise that the Government are taking action in ways that the previous Government never did.

Mr. Bruce *rose—*

Mr. Darling: I shall give way once to a man with a majority of 77, and hear what he has to say.

Mr. Bruce: If this measure is so good, why do people have to wait until October 1999 for the change? *[Interruption.]*

Mr. Darling: My hon. Friends are asking why the country had to wait 18 years for this sort of reform.

We are determined to tackle child poverty. We inherited a situation where one child in three is brought up in poverty—what an indictment of one of the most industrialised countries in the world. We have introduced significant reforms, including the increase in child benefit by £2.50 from next year, that will ensure that we have a fair and efficient society.

We have also introduced a Budget for enterprise. Reform to make work pay must be accompanied by an environment that encourages jobs. It must be very galling for the Conservatives to find that, despite their criticisms, nobody outside the Conservative party agrees with them. Our reforms to company taxation have been widely welcomed inside and outside the House.

Mr. Peter Lilley (Hitchin and Harpenden) *rose—*

Mr. Darling: I shall give way in a moment. We have reformed corporation tax by cutting the rate to the lowest level ever, and we have said that it will not increase. We have cut the rates of tax being paid by small business, and we shall see major growth in employment in the small business sector in the future. We have examined ways of improving research and development and we have reformed the capital gains tax system.

I am about to give way for the last time to the shadow Chancellor. One of the things that business likes most about the Labour party is its positive and constructive attitude to Europe—something that the shadow Chancellor and his right hon. and hon. Friends will never have.

Mr. Lilley: I am grateful to the Chief Secretary for giving way. He said that nobody agrees with our critique

of the Budget. Is he not aware that the TUC has forecast that, as a direct result of the Chancellor's tightening of fiscal policy and his monetary and exchange rate policies, unemployment will rise by 100,000 during the rest of the year?

Mr. Darling: At last year's Tory party conference, the Tories tried to tell us that much of the past 18 years had been a ghastly mistake. They claimed that they were a caring party and that they were sorry for everything they had done. The right hon. Gentleman now says that the TUC is the friend of the Tory party, but that claim has no credibility whatsoever.

I emphasise the fact that, because we have exercised prudent control on public spending this year, we have been able to carry forward £1½ billion to next year. As we are prudent, we have allocated half a billion pounds to the reserve. However, we have also made more money available for schools, the health service and transport in the coming year. We are showing how, by conducting a root-and-branch examination of all public spending and by rooting out waste and inefficiency, the Government have been able to redirect money to our priorities in this Parliament and beyond. We shall see a great deal more of that during this Parliament.

Prudent management of public spending has allowed us to allocate more money to our priorities. An extra £250 million for schools brings the total new money invested in schools since the election to £2½ billion—that is more money than the Liberal Democrats ever promised. We have been able to increase the amount of money going to the health service by an additional £2 billion. That money would not have been available but for the new Labour Government. We have been able to put money into public transport, and we are beginning to make up the backlog of investment needed in the London underground system, which was so neglected by the previous Government.

Last July, the Chancellor took the first steps towards modernising the British economy, ensuring that we have economic stability and reducing the huge levels of debt that we inherited from the previous Government. We have reformed the Bank of England. We have yet to hear the Conservatives' position on the Bank of England, but most people recognise that that was a useful and a good reform. We are modernising the welfare state, and this Budget is a further step change along the way. We have extended the new deal, financed by the windfall levy on the privatised utilities. We are reforming the tax and benefit system and we are ensuring that work pays. We are making sure that help goes where it is needed. We are redirecting assistance to families with children, giving children the start in life that we promised them and that we know they need.

Of course, modernising the welfare state goes hand in hand with encouraging enterprise. Enterprise and fairness go together. We are helping business; we are encouraging investment; we are reducing business tax and red tape. We are redirecting public funds to where they are needed, in schools, hospitals and transport. We are making sure that spending follows this Government's priorities in this Parliament and beyond.

This is a radical and reforming Budget. We are committed to a fairer society. We are committed to reversing the inequalities over which the Tories presided. We want a more productive, high-employment economy. This is a new Labour Budget and, step by step, we are delivering our manifesto promises. This is a Budget for enterprise and fairness, a Budget that has set new ambitions for Britain. I commend it to the House.

Question put and agreed to.

Resolved,

That it is expedient to amend the law with respect to the National Debt and the public revenue and to make further provision in connection with finance; but this Resolution does not extend to the making of any amendment with respect to value added tax so as to provide—

(a) for zero-rating or exempting a supply, acquisition or importation;

(b) for refunding an amount of tax;

(c) for varying any rate at which that tax is at any time chargeable; or

(d) for any relief, other than a relief which—

(i) so far as it is applicable to goods, applies to goods of every description, and

(ii) so far as it is applicable to services, applies to services of every description.

MADAM SPEAKER *then, pursuant to paragraph (3) of Standing Order No. 51 (Ways and Means motions), put forthwith the Questions necessary to dispose of the further motions.*

2. BEER (RATE OF DUTY)

Motion made, and Question put,

That provision may be made increasing the rate of duty set out in section 36(1) of the Alcoholic Liquor Duties Act 1979.

The House divided: Ayes 350, Noes 147.

Division No. 216] **[10 pm**

AYES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Allan, Richard
Allen, Graham
Anderson, Donald *(Swansea E)*
Anderson, Janet *(Rossendale)*
Armstrong, Ms Hilary
Ashdown, Rt Hon Paddy
Ashton, Joe
Atherton, Ms Candy
Baker, Norman
Ballard, Mrs Jackie
Barnes, Harry
Barron, Kevin
Battle, John
Bayley, Hugh
Beckett, Rt Hon Mrs Margaret
Beith, Rt Hon A J
Bell, Martin *(Tatton)*
Bell, Stuart *(Middlesbrough)*
Benn, Rt Hon Tony
Bennett, Andrew F
Benton, Joe
Bermingham, Gerald
Berry, Roger
Best, Harold
Blair, Rt Hon Tony
Blears, Ms Hazel
Blizzard, Bob
Blunkett, Rt Hon David
Borrow, David
Bradley, Peter *(The Wrekin)*
Brake, Tom
Brand, Dr Peter
Breed, Colin
Brinton, Mrs Helen
Brown, Rt Hon Gordon *(Dunfermline E)*
Brown, Rt Hon Nick *(Newcastle E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Bruce, Malcolm *(Gordon)*
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnett, John
Burstow, Paul
Byers, Stephen
Cable, Dr Vincent
Cabom, Richard
Campbell, Alan *(Tynemouth)*
Campbell, Menzies *(NE Fife)*
Campbell-Savours, Dale
Canavan, Dennis
Cann, Jamie
Caplin, Ivor
Caton, Martin
Chaytor, David
Chidgey, David

Chisholm, Malcolm
Church, Ms Judith
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Cohen, Harry
Coleman, Iain
Colman, Tony
Connarty, Michael
Cook, Frank *(Stockton N)*
Cooper, Yvette
Corbett, Robin
Corbyn, Jeremy
Corston, Ms Jean
Cousins, Jim
Cox, Tom
Cryer, John *(Hornchurch)*
Cummings, John
Cunliffe, Lawrence
Cunningham, Jim *(Coventry S)*
Cunningham, Ms Roseanna *(Perth)*
Dafis, Cynog
Dalyell, Tam
Darling, Rt Hon Alistair
Darvill, Keith
Davey, Edward *(Kingston)*
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Rt Hon Ron *(Caerphilly)*
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dismore, Andrew
Dobson, Rt Hon Frank
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Drew, David
Drown, Ms Julia
Dunwoody, Mrs Gwyneth
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Ellman, Mrs Louise
Ennis, Jeff
Ewing, Mrs Margaret
Fearn, Ronnie
Field, Rt Hon Frank
Fisher, Mark
Fitzpatrick, Jim
Fitzsimons, Lorna
Flint, Caroline
Flynn, Paul
Foster, Rt Hon Derek
Foster, Don *(Bath)*
Foster, Michael J *(Worcester)*
Foulkes, George
Fyfe, Maria
Galbraith, Sam
Galloway, George
Gapes, Mike
George, Andrew *(St Ives)*
George, Bruce *(Walsall S)*
Gibson, Dr Ian
Gilroy, Mrs Linda
Godman, Norman A
Golding, Mrs Llin
Gorrie, Donald
Graham, Thomas
Grant, Bernie
Griffiths, Jane *(Reading E)*
Grocott, Bruce
Grogan, John
Gunnell, John
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hancock, Mike
Hanson, David
Harman, Rt Hon Ms Harriet
Harris, Dr Evan
Heal, Mrs Sylvia
Healey, John
Heath, David *(Somerton & Frome)*
Henderson, Doug *(Newcastle N)*
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hewitt, Ms Patricia
Hill, Keith
Hinchliffe, David
Hodge, Ms Margaret
Hoey, Kate
Home Robertson, John
Hoon, Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Kevin *(Doncaster N)*
Hughes, Simon *(Southwark N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Jackson, Helen *(Hillsborough)*
Jamieson, David
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Helen *(Warrington N)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Martyn *(Clwyd S)*
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keetch, Paul
Kemp, Fraser
Kennedy, Charles *(Ross Skye)*
Kennedy, Jane *(Wavertree)*
Kidney, David
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kirkwood, Archy
Kumar, Dr Ashok
Ladyman, Dr Stephen
Lawrence, Ms Jackie
Laxton, Bob
Lepper, David
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Livsey, Richard
Llwyd, Elfyn
Lock, David
Love, Andrew
McAvoy, Thomas
McCabe, Steve
McCartney, Ian *(Makerfield)*
McDonagh, Siobhain
Macdonald, Calum
McDonnell, John
McFall, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
McLeish, Henry
Maclennan, Rt Hon Robert
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWilliam, John
Mahon, Mrs Alice
Mandelson, Peter
Marek, Dr John
Marsden, Paul *(Shrewsbury)*
Marshall–Andrews, Robert
Martlew, Eric
Maxton, John
Meale, Alan
Michael, Alun
Michie, Bill *(Sheff'd Heeley)*
Milburn, Alan
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morgan, Alasdair *(Galloway)*
Morgan, Ms Julie *(Cardiff N)*
Morgan, Rhodri *(Cardiff W)*
Morris, Ms Estelle *(B'ham Yardley)*
Morris, Rt Hon John *(Aberavon)*
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Naysmith, Dr Doug
Oaten, Mark
O'Hara, Eddie
Olner, Bill
O'Neill, Martin
Öpik, Lembit
Palmer, Dr Nick
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pope, Greg
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Prescott, Rt Hon John
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quin, Ms Joyce
Quinn, Lawrie
Radice, Giles
Rapson, Syd
Raynsford, Nick
Reed, Andrew *(Loughborough)*
Reid, Dr John *(Hamilton N)*
Rendel, David
Robertson, Rt Hon George *(Hamilton S)*
Robinson, Geoffrey *(Coventry NW)*
Rogers, Allan
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Ruddock, Ms Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Salmond, Alex
Sanders, Adrian
Savidge, Malcolm
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Rt Hon Chris *(Islington S)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Smith, Sir Robert *(W Ab'd'ns)*
Soley, Clive
Spellar, John
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stinchcombe, Paul
Stoate, Dr Howard
Strang, Rt Hon Dr Gavin
Straw, Rt Hon Jack
Stringer, Graham
Stunell, Andrew
Sutcliffe, Gerry
Swinney, John
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Taylor, Matthew *(Truro)*
Temple–Morris, Peter
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Tonge, Dr Jenny
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tyler, Paul
Wallace, James
Walley, Ms Joan
Wareing, Robert N
Watts, David
Webb, Steve
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Mrs Betty *(Conwy)*
Willis, Phil
Wills, Michael
Wilson, Brian
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Woolas, Phil
Wray, James
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Ayes:
Mr. Jon Owen Jones and Mr. Clive Betts.

NOES

Ainsworth, Peter *(E Surrey)*
Amess, David
Ancram, Rt Hon Michael
Arbuthnot, James
Atkinson, Peter *(Hexham)*
Baldry, Tony
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Body, Sir Richard
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Brady, Graham
Brazier, Julian
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Burns, Simon
Butterfill, John
Cash, William
Chapman, Sir Sydney *(Chipping Barnet)*
Chope, Christopher
Clappison, James
Clark, Rt Hon Alan *(Kensington)*
Clark, Dr Michael *(Rayleigh)*
Clarke, Rt Hon Kenneth *(Rushcliffe)*
Clifton-Brown, Geoffrey
Collins, Tim
Colvin, Michael
Cormack, Sir Patrick
Cran, James
Curry, Rt Hon David
Davis, Rt Hon David *(Haltemprice)*
Day, Stephen
Dorrell, Rt Hon Stephen
Duncan, Alan
Duncan Smith, Iain
Emery, Rt Hon Sir Peter
Evans, Nigel
Faber, David
Fabricant, Michael
Fallon, Michael
Flight, Howard
Forth, Rt Hon Eric
Fowler, Rt Hon Sir Norman
Fraser, Christopher
Gibb, Nick
Gill, Christopher
Gillan, Mrs Cheryl
Goodlad, Rt Hon Sir Alastair
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Gummer, Rt Hon John
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hayes, John
Heath, Rt Hon Sir Edward
Heathcoat-Amory, Rt Hon David
Heseltine, Rt Hon Michael
Hogg, Rt Hon Douglas
Horam, John
Howard, Rt Hon Michael
Hunter, Andrew
Jack, Rt Hon Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Johnson Smith, Rt Hon Sir Geoffrey
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lilley, Rt Hon Peter
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Luff, Peter
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
McIntosh, Miss Anne
MacKay, Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
Madel, Sir David
Major, Rt Hon John
Malins, Humfrey
Mates, Michael
Maude, Rt Hon Francis
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Moss, Malcolm
Nicholls, Patrick
Norman, Archie
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Prior, David
Randall, John
Redwood, Rt Hon John
Robathan, Andrew
Robertson, Laurence *(Tewk'b'ry)*
Roe, Mrs Marion *(Broxbourne)*
Rowe, Andrew *(Faversham)*
Ruffley, David
St Aubyn, Nick
Sayeed, Jonathan
Shephard, Rt Hon Mrs Gillian
Simpson, Keith *(Mid-Norfolk)*
Soames, Nicholas
Spelman, Mrs Caroline
Spicer, Sir Michael
Spring, Richard
Stanley, Rt Hon Sir John
Steen, Anthony
Streeter, Gary
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, Rt Hon John D *(Strangford)*
Taylor, John M *(Solihull)*
Taylor, Sir Teddy
Townend, John
Tredinnick, David
Trend, Michael
Tyrie, Andrew
Viggers, Peter
Walter, Robert
Wardle, Charles
Waterson, Nigel
Wells, Bowen
Whitney, Sir Raymond
Widdecombe, Rt Hon Miss Ann
Wilkinson, John
Willetts, David
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Noes:
Mr. John Whittingdale and Mr. Oliver Heald.

Question accordingly agreed to.

3. SPARKLING WINE, MADE-WINE AND CIDER (RATES OF DUTY)

Resolved,

That the Alcoholic Liquor Duties Act 1979 shall be amended as follows—

(1) In Part I of the Table of rates of duty in Schedule 1, in column 2 of the fourth entry, for "201.50" there shall be substituted "161.20".

(2) In section 62(1A)(a), for "£37.54" there shall be substituted "£45.05".

(3) This Resolution shall have effect as from 6 o'clock in the evening of 17th March 1998.

And it is hereby declared that it is expedient in the public interest that this Resolution should have statutory effect under the provisions of the Provisional Collection of Taxes Act 1968.

4. WINE AND MADE-WINE (RATES OF DUTY)

Resolved,

That provision may be made increasing the rates of duty set out in the Table in Schedule 1 to the Alcoholic Liquor Duties Act 1979.

5. CIDER (RATES OF DUTY)

Resolved,

That provision may be made increasing the rates of duty set out in section 62(1A) of the Alcoholic Liquor Duties Act 1979.

6. BEER (DRAWBACK)

Resolved,

That provision may be made repealing section 42 of the Alcoholic Liquor Duties Act 1979.

7. HYDROCARBON OIL (PRODUCTION IN THE UNITED KINGDOM)

Resolved,

That provision may be made charging excise duty on hydrocarbon oil produced in the United Kingdom.

8. HYDROCARBON OIL (RATES OF DUTIES AND REBATES)

Motion made, and Question put,

That—

(1) In section 6(1A) of the Hydrocarbon Oil Duties Act 1979—
- (a) in paragraph (a), for "0.4510" there shall be substituted "0.4926";
- (b) in paragraph (b), for "0.3928" there shall be substituted "0.4299"; and
- (c) in paragraph (c), for "0.4028" there shall be substituted "0.4499".

(2) In section 11(1) of that Act—
- (a) in paragraph (a), for "£0.0200" there shall be substituted "£0.0218"; and
- (b) in each of paragraphs (b) and (ba), for "£0.0258" there shall be substituted "£0.0282".

(3) In section 13A(1A) of that Act—
- (a) in paragraph (a), for "0.0150" there shall be substituted "£0.0050"; and
- (b) in paragraph (b), for "£0.0482" there shall be substituted "£0.0527".

(4) In section 14(1) of that Act, for "£0.0200" there shall be substituted "£0.0218".

(5) This Resolution shall have effect as from 6 o'clock in the evening of 17th March 1998.

And it is hereby declared that it is expedient in the public interest that this Resolution should have statutory effect under the provisions of the Provisional Collection of Taxes Act 1968.

The House divided: Ayes 302, Noes 197.

Division No. 217] **[10.15 pm**

AYES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Allen, Graham
Anderson, Donald *(Swansea E)*
Anderson, Janet *(Rossendale)*
Armstrong, Ms Hilary
Ashton, Joe
Atherton, Ms Candy
Barnes, Harry
Barron, Kevin
Battle, John
Bayley, Hugh
Beckett, Rt Hon Mrs Margaret
Bell, Martin *(Tatton)*
Bell, Stuart *(Middlesbrough)*
Benn, Rt Hon Tony
Bennett, Andrew F
Benton, Joe
Bermingham, Gerald
Berry, Roger
Best, Harold
Blair, Rt Hon Tony
Blears, Ms Hazel
Blizzard, Bob
Blunkett, Rt Hon David
Borrow, David
Bradley, Peter *(The Wrekin)*
Brinton, Mrs Helen
Brown, Rt Hon Gordon *(Dunfermline E)*
Brown, Rt Hon Nick *(Newcastle E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Byers, Stephen
Caborn, Richard
Campbell, Alan *(Tynemouth)*
Campbell–Savours, Dale
Canavan, Dennis
Cann, Jamie
Caplin, Ivor
Caton, Martin
Chaytor, David
Chisholm, Malcolm
Church, Ms Judith
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Cohen, Harry
Coleman, Iain
Colman, Tony
Connarty, Michael
Cook, Frank *(Stockton N)*
Cooper, Yvette
Corbett, Robin
Corbyn, Jeremy
Corston, Ms Jean
Cousins, Jim
Cox, Tom
Cryer, John *(Hornchurch)*
Cummings, John
Cunliffe, Lawrence
Cunningham, Jim *(Cov'try S)*
Dalyell, Tam
Darling, Rt Hon Alistair
Darvill, Keith
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Rt Hon Ron *(Caerphilly)*
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dismore, Andrew
Dobson, Rt Hon Frank
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Drew, David
Drown, Ms Julia
Dunwoody, Mrs Gwyneth
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Ellman, Mrs Louise
Ennis, Jeff
Field, Rt Hon Frank
Fisher, Mark
Fitzpatrick, Jim
Fitzsimons, Lorna
Flint, Caroline
Flynn, Paul
Foster, Rt Hon Derek
Foster, Michael J *(Worcester)*
Foulkes, George
Fyfe, Maria
Galbraith, Sam
Galloway, George
Gapes, Mike
George, Bruce *(Walsall S)*
Gibson, Dr Ian
Gilroy, Mrs Linda
Godman, Norman A
Golding, Mrs Llin
Graham, Thomas
Grant, Bernie
Griffiths, Jane *(Reading E)*
Grocott, Bruce
Grogan, John
Gunnell, John
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hanson, David
Harman, Rt Hon Ms Harriet
Heal, Mrs Sylvia
Healey, John
Henderson, Doug *(Newcastle N)*
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hewitt, Ms Patricia
Hill, Keith
Hinchliffe, David
Hodge, Ms Margaret
Hoey, Kate
Home Robertson, John
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Jackson, Helen *(Hillsborough)*
Jamieson, David
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Helen *(Warrington N)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Martyn *(Clwyd S)*
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Kidney, David
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kumar, Dr Ashok
Ladyman, Dr Stephen
Lawrence, Ms Jackie
Laxton, Bob
Lepper, David
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Lock, David
Love, Andrew
McAvoy, Thomas
McCabe, Steve
McCartney, Ian *(Makerfield)*
McDonagh, Siobhain
Macdonald, Calum
McDonnell, John
McFall, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
McLeish, Henry
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWilliam, John
Mahon, Mrs Alice
Mandelson, Peter
Marek, Dr John
Marsden, Paul *(Shrewsbury)*
Marshall–Andrews, Robert
Martlew, Eric
Maxton, John
Meale, Alan
Michael, Alun
Michie, Bill *(Sheff'd Heeley)*
Milburn, Alan
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morgan, Ms Julie *(Cardiff N)*
Morgan, Rhodri *(Cardiff W)*
Morris, Ms Estelle *(B'ham Yardley)*
Morris, Rt Hon John *(Aberavon)*
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Naysmith, Dr Doug
O'Hara, Eddie
Olner, Bill
O'Neill, Martin
Palmer, Dr Nick
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pope, Greg
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Prescott, Rt Hon John
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quin, Ms Joyce
Quinn, Lawrie
Radice, Giles
Rapson, Syd
Raynsford, Nick
Reed, Andrew *(Loughborough)*
Reid, Dr John *(Hamilton N)*
Robertson, Rt Hon George *(Hamilton S)*
Robinson, Geoffrey *(Cov'try NW)*
Rogers, Allan
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Ruddock, Ms Joan
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Savidge, Malcolm
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Rt Hon Chris *(Islington S)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Spellar, John
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stinchcombe, Paul
Stoate, Dr Howard
Strang, Rt Hon Dr Gavin
Straw, Rt Hon Jack
Stringer, Graham
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Temple–Morris, Peter
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Timms, Stephen

Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Vaz, Keith
Walley, Ms Joan
Wareing, Robert N
Watts, David
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Mrs Betty *(Conwy)*
Wills, Michael
Wilson, Brian
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Woolas, Phil
Wray, James
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Ayes:
Mr. Jon Owen Jones and
Mr. Clive Betts.

NOES

Ainsworth, Peter *(E Surrey)*
Allan, Richard
Amess, David
Ancram, Rt Hon Michael
Arbuthnot, James
Ashdown, Rt Hon Paddy
Atkinson, Peter *(Hexham)*
Baker, Norman
Baldry, Tony
Ballard, Mrs Jackie
Beith, Rt Hon A J
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Body, Sir Richard
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Brady, Graham
Brake, Tom
Brand, Dr Peter
Brazier, Julian
Breed, Colin
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Bruce, Malcolm *(Gordon)*
Burnett, John
Burns, Simon
Burstow, Paul
Butterfill, John
Cable, Dr Vincent
Campbell, Menzies *(NE Fife)*
Cash, William
Chapman, Sir Sydney *(Chipping Barnet)*
Chidgey, David
Chope, Christopher
Clappison, James
Clark, Rt Hon Alan *(Kensington)*
Clark, Dr Michael *(Rayleigh)*
Clarke, Rt Hon Kenneth *(Rushcliffe)*
Clifton-Brown, Geoffrey
Collins, Tim
Colvin, Michael
Cormack, Sir Patrick
Cran, James
Cunningham, Ms Roseanna *(Perth)*
Curry, Rt Hon David
Davis, Cynog
Davey, Edward *(Kingston)*
Davis, Rt Hon David *(Haltemprice)*
Day, Stephen
Dorrell, Rt Hon Stephen
Duncan, Alan
Duncan Smith, Iain
Emery, Rt Hon Sir Peter
Evans, Nigel
Ewing, Mrs Margaret
Faber, David
Fabricant, Michael
Fallon, Michael
Fearn, Ronnie
Flight, Howard
Forth, Rt Hon Eric
Foster, Don *(Bath)*
Fowler, Rt Hon Sir Norman
Fraser, Christopher
George, Andrew *(St Ives)*
Gibb, Nick
Gill, Christopher
Gillan, Mrs Cheryl
Goodlad, Rt Hon Sir Alastair
Gorrie, Donald
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Gummer, Rt Hon John
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hancock, Mike
Harris, Dr Evan
Hayes, John
Heath, David *(Somerton & Frome)*
Heath, Rt Hon Sir Edward
Heathcoat-Amory, Rt Hon David
Heseltine, Rt Hon Michael
Hogg, Rt Hon Douglas
Horam, John
Howard, Rt Hon Michael
Hughes, Simon *(Southwark N)*
Hunter, Andrew
Jack, Rt Hon Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Johnson Smith, Rt Hon Sir Geoffrey
Jones, Nigel *(Cheltenham)*
Keetch, Paul
Kennedy, Charles *(Ross Skye)*
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Kirkbride, Miss Julie
Kirkwood, Archy
Laing, Mrs Eleanor
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lilley, Rt Hon Peter
Livsey, Richard
Lloyd, Rt Hon Sir Peter *(Fareham)*
Llwyd, Elfyn
Loughton, Tim
Luff, Peter
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
McIntosh, Miss Anne
MacKay, Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
Madel, Sir David
Major, Rt Hon John
Malins, Humfrey
Mates, Michael
Maude, Rt Hon Francis
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Morgan, Alasdair *(Galloway)*
Moss, Malcolm
Nicholls, Patrick
Norman, Archie
Oaten, Mark
Öpik, Lembit
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Prior, David
Randall, John
Redwood, Rt Hon John
Rendel, David
Robathan, Andrew
Robertson, Laurence *(Tewk'b'ry)*
Roe, Mrs Marion *(Broxbourne)*
Ross, William *(E Lond'y)*
Rowe, Andrew *(Faversham)*
Ruffley, David
Russell, Bob *(Colchester)*
St Aubyn, Nick
Salmond, Alex
Sanders, Adrian
Sayeed, Jonathan
Shephard, Rt Hon Mrs Gillian
Simpson, Keith *(Mid-Norfolk)*
Smith, Sir Robert *(W Ab'd'ns)*
Smyth, Rev Martin *(Belfast S)*
Soames, Nicholas
Spelman, Mrs Caroline
Spicer, Sir Michael
Spring, Richard
Stanley, Rt Hon Sir John
Steen, Anthony
Streeter, Gary
Stunell, Andrew
Swayne, Desmond
Swinney, John
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, Rt Hon John D *(Strangford)*
Taylor, John M *(Solihull)*
Taylor, Matthew *(Truro)*
Taylor, Sir Teddy
Tonge, Dr Jenny
Townend, John
Tredinnick, David
Trend, Michael
Tyler, Paul
Tyrie, Andrew
Viggers, Peter
Wallace, James
Waller, Robert
Wardle, Charles
Waterson, Nigel
Webb, Steve
Wells, Bowen
Whitney, Sir Raymond
Widdecombe, Rt Hon Miss Ann
Wilkinson, John
Willetts, David
Willis, Phil
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Noes:
Mr. John Whittingdale and
Mr. Oliver Heald.

Question accordingly agreed to.

9. HYDROCARBON OIL (ULTRA LOW SULPHUR DIESEL)

Resolved,

That—

(1) In section 1 of the Hydrocarbon Oil Duties Act 1979, for subsection (6) there shall be substituted the following subsection—

"(6) 'Ultra low sulphur diesel' means gas oil—

(a) the sulphur content of which does not exceed 0.005 per cent. by weight or is nil;

(b) the density of which does not exceed 835 kilograms per cubic metre at a temperature of 15° C; and

(c) of which not less than 95 per cent. by volume distils at a temperature not exceeding 345° C."

(2) This Resolution shall have effect as from 6 o'clock in the evening of 17th March 1998.

And it is hereby declared that it is expedient in the public interest that this Resolution should have statutory effect under the provisions of the Provisional Collection of Taxes Act 1968.

10. Hydrocarbon oil (mixing of heavy oil)

Resolved,

That—

(1) In section 20AAA of the Hydrocarbon Oil Duties Act 1979, after subsection (2) there shall be inserted the following subsection—

"(2A) Where—

(a) a mixture of heavy oils is produced in contravention of Part IIA of Schedule 2A to this Act, and

(b) the mixture is not produced as a result of approved mixing,

a duty of excise shall be charged on the mixture."

(2) In subsection (3) of that section, after "subsection (1)" there shall be inserted "or (2A)".

(3) In section 20AAB of that Act, in subsection (1), after "section 20AAA(1)" there shall be inserted "or (2A)".

(4) In Schedule 2A to that Act, after paragraph 7 there shall be inserted the following paragraph—

"Part IIA

Unrebated heavy oil

7A. A mixture of heavy oils is produced in contravention of this paragraph if such a mixture is produced by mixing—

(a) ultra low sulphur diesel in respect of which, on its delivery for home use, a declaration was made that it was intended for use as fuel for a road vehicle; and

(b) heavy oil of any other description in respect of which, on its delivery for home use, such a declaration was made."

(5) In paragraph 9 of that Schedule, after sub-paragraph (1) there shall be inserted the following sub-paragraph—

"(1A) Subject to paragraph 10 below, duty charged under subsection (2A) of section 20AAA of this Act shall be charged at the rate for heavy oil in force at the time when the mixture is produced."

(6) This Resolution shall have effect as from 6 o'clock in the evening of 17th March 1998.

And it is hereby declared that it is expedient in the public interest that this Resolution should have statutory effect under the provisions of the Provisional Collection of Taxes Act 1968.

11. Tobacco products (rates of duty)

Resolved,

That provision may be made increasing the rates of duty set out in the Table in Schedule 1 to the Tobacco Products Duty Act 1979.

12. Rates of gaming duty

Resolved,

That provision may be made increasing the rates at which gaming duty is charged.

13. Amusement machine licence duty (rates of duty)

Resolved,

That—

(1) In section 23 of the Betting and Gaming Duties Act 1981, for the Table in subsection (2) there shall be substituted the following Table—

TABLE

(1) Period (in months) for which licence granted	*(2) Machines that are not gaming machines*	*(3) Gaming machines that are small-prize machines or are five-penny machines without being small-prize machines*	*(4) Other machines*
	£	£	£
1	30	80	220
2	50	150	425
3	75	220	615
4	95	285	800
5	120	345	970
6	140	400	1,125
7	160	450	1,270
8	185	500	1,405
9	205	540	1,525
10	225	580	1,635
11	240	615	1,730
12	250	645	1,815

(2) This Resolution shall apply in relation to any amusement machine licence for which an application is received by the Commissioners of Customs and Excise after 17th March 1998.

And it is hereby declared that it is expedient in the public interest that this Resolution should have statutory effect under the provisions of the Provisional Collection of Taxes Act 1968.

14. Amusement machine licence duty (excepted machines)

Resolved,

That—

(1) In section 21(3A) of the Betting and Gaming Duties Act 1981, for paragraphs (b) and (c) there shall be substituted the following paragraphs—

"(b) a five-penny machine which is a small prize machine; or

(c) a thirty-five-penny machine which is not a prize machine or which, if it is a prize machine, is not a gaming machine.".

(2) This Resolution has effect in relation to the provision of an amusement machine at any time on or after 1st April 1998.

And it is hereby declared that it is expedient in the public interest that this Resolution should have statutory effect under the provisions of the Provisional Collection of Taxes Act 1968.

15. Vehicle excise duty (old vehicles)

Resolved,

That provision may be made confining the exemption in paragraph 1A of Schedule 2 to the Vehicle Excise and Registration Act 1994 to vehicles constructed before 1st January 1973.

16. VEHICLE EXCISE DUTY (PAYMENTS IN RESPECT OF VOID LICENCES)

Resolved,

That provision may be made amending section 35A of the Vehicle Excise and Registration Act 1994.

17. ASSESSMENTS FOR EXCISE DUTY PURPOSES

Resolved,

That provision may be made about assessing and recovering amounts for purposes of excise duty.

18. VALUE ADDED TAX (DEEMED SUPPLIES)

Resolved,

That—

(1) Paragraph 5 of Schedule 4 to the Value Added Tax Act 1994 shall be amended as follows.

(2) In sub-paragraph (2)(a), for "is" there shall be substituted "of acquiring or, as the case may be, producing the goods was".

(3) After sub-paragraph (2) there shall be inserted the following sub-paragraph—

"(2A) For the purposes of determining the cost to the donor of acquiring or producing goods of which he has made a gift, where—

(a) the acquisition by the donor of the goods, or anything comprised in the goods, was by means of a transfer of a business, or a part of a business, as a going concern,

(b) the assets transferred by that transfer included those goods or that thing, and

(c) the transfer of those assets is one falling by virtue of an order under section 5(3) (or under an enactment re-enacted in section 5(3)) to be treated as neither a supply of goods nor a supply of services,

the donor and his predecessor or, as the case may be, all of his predecessors shall be treated as if they were the same person."

(4) In sub-paragraph (5), for "is" there shall be substituted "or any of his predecessors is a person who (disregarding this paragraph) has or will become".

(5) After that sub-paragraph there shall be inserted the following sub-paragraph—

"(5A) In relation to any goods or anything comprised in any goods, a person is the predecessor of another for the purposes of this paragraph if—

(a) that other person is a person to whom he has transferred assets of his business by a transfer of that business, or a part of it, as a going concern;

(b) those assets consisted of or included those goods or that thing; and

(c) the transfer of the assets is one falling by virtue of an order under section 5(3) (or under an enactment re-enacted in section 5(3)) to be treated as neither a supply of goods nor a supply of services;

and references in this paragraph to a person's predecessors include references to the predecessors of his predecessors through any number of transfers."

(6) The preceding provisions of this Resolution apply to any case where the time when the goods are transferred or disposed of or, as the case may be, put to use, used or made available for use is on or after 17th March 1998.

And it is hereby declared that it is expedient in the public interest that this Resolution should have statutory effect under the provisions of the Provisional Collection of Taxes Act 1968.

19. VALUE ADDED TAX (PLACE OF SUPPLY ORDERS)

Resolved,

That—

(1) In the Value Added Tax Act 1994 the following section shall be inserted after section 97—

"Place of supply orders: transitional provision

97A.—(1) This section shall have effect for the purpose of giving effect to any order made on or after 17th March 1998 under section 7(11), if—

(a) the order provides for services of a description specified in the order to be treated as supplied in the United Kingdom;

(b) the services would not have fallen to be so treated apart from the order;

(c) the services are not services that would have fallen to be so treated under any provision re-enacted in the order; and

(d) the order is expressed to come into force in relation to services supplied on or after a date specified in the order ('the commencement date').

(2) Invoices and other documents provided to any person before the commencement date shall be disregarded in determining the time of the supply of any services which, if their time of supply were on or after the commencement date, would be treated by virtue of the order as supplied in the United Kingdom.

(3) If there is a payment in respect of any services of the specified description that was received by the supplier before the commencement date, so much (if any) of that payment as relates to times on or after that date shall be treated as if it were a payment received on the commencement date.

(4) If there is a payment in respect of services of the specified description that is or has been received by the supplier on or after the commencement date, so much (if any) of that payment as relates to times before that date shall be treated as if it were a payment received before that date.

(5) Subject to subsection (6) below, a payment in respect of any services shall be taken for the purposes of this section to relate to the time of the performance of those services.

(6) Where a payment is received in respect of any services the performance of which takes place over a period a part of which falls before the commencement date and a part of which does not—

(a) an apportionment shall be made, on a just and reasonable basis, of the extent to which the payment is attributable to so much of the performance of those services as took place before that date;

(b) the payment shall, to that extent, be taken for the purposes of this section to relate to a time before that date; and

(c) the remainder, if any, of the payment shall be taken for those purposes to relate to times on or after that date."

(2) In section 6 of the Value Added Tax Act 1994, after subsection (14) there shall be inserted the following subsection—

"(14A) In relation to any services of a description specified in an order under section 7(11), this section and any regulations under this section or section 8(4) shall have effect subject to section 97A."

And it is hereby declared that it is expedient in the public interest that this Resolution should have statutory effect under the provisions of the Provisional Collection of Taxes Act 1968.

20. VALUE ADDED TAX (BAD DEBT RELIEF)

Resolved,

That provision may be made amending section 36 of the Value Added Tax Act 1994.

21. VALUE ADDED TAX (LONG LEASES IN SCOTLAND)

Resolved,

That provision may be made amending section 96 of the Value Added Tax Act 1994.

22. INCOME TAX (CHARGE AND RATES FOR 1998-99)

Motion made, and Question put,

That income tax shall be charged for the year 1998-99, and for that year—

(a) the lower rate shall be 20 per cent.;

(b) the basic rate shall be 23 per cent.; and

(c) the higher rate shall be 40 per cent.

And it is hereby declared that it is expedient in the public interest that this Resolution should have statutory effect under the provisions of the Provisional Collection of Taxes Act 1968.

The House proceeded to a Division—

Mr. Nick St. Aubyn (Guildford) (*seated and covered*): On a point of order, Madam Speaker. I am afraid that I have not been present throughout the debate, but I know that the Liberal Democrats have criticised not only this Government but the previous Government time and again for raising taxes—

Madam Speaker: Order. That is not a point of order for the Chair. Continue with the Division.

The House having divided: Ayes 300, Noes 43.

Division No. 218] **[10.27 pm**

AYES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Allen, Graham
Anderson, Donald *(Swansea E)*
Anderson, Janet *(Rossendale)*
Armstrong, Ms Hilary
Ashton, Joe
Atherton, Ms Candy
Barnes, Harry
Barron, Kevin
Battle, John
Bayley, Hugh
Beckett, Rt Hon Mrs Margaret
Bell, Stuart *(Middlesbrough)*
Benn, Rt Hon Tony
Bennett, Andrew F
Benton, Joe
Bermingham, Gerald
Berry, Roger
Best, Harold
Blears, Ms Hazel
Blizzard, Bob
Blunkett, Rt Hon David
Borrow, David
Bradley, Peter *(The Wrekin)*
Brinton, Mrs Helen
Brown, Rt Hon Gordon *(Dunfermline E)*
Brown, Rt Hon Nick *(Newcastle E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Byers, Stephen
Caborn, Richard
Campbell, Alan *(Tynemouth)*
Campbell-Savours, Dale
Canavan, Dennis
Cann, Jamie
Caplin, Ivor
Caton, Martin
Chaytor, David
Chisholm, Malcolm
Church, Ms Judith
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Cohen, Harry
Coleman, Iain
Colman, Tony
Connarty, Michael
Cook, Frank *(Stockton N)*
Cooper, Yvette
Corbett, Robin
Corbyn, Jeremy
Corston, Ms Jean
Cousins, Jim
Cox, Tom
Cryer, John *(Hornchurch)*
Cummings, John
Cunliffe, Lawrence
Cunningham, Jim *(Cov'try S)*
Dalyell, Tam
Darling, Rt Hon Alistair
Darvill, Keith
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Rt Hon Ron *(Caerphilly)*
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dismore, Andrew
Dobson, Rt Hon Frank
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Drew, David
Drown, Ms Julia
Dunwoody, Mrs Gwyneth
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Ellman, Mrs Louise
Ennis, Jeff
Field, Rt Hon Frank
Fisher, Mark
Fitzpatrick, Jim
Fitzsimons, Lorna
Flint, Caroline
Flynn, Paul
Foster, Rt Hon Derek
Foster, Michael J *(Worcester)*
Foulkes, George
Fyfe, Maria
Galbraith, Sam
Galloway, George
Gapes, Mike
George, Bruce *(Walsall S)*
Gibson, Dr Ian
Gilroy, Mrs Linda
Godman, Norman A
Golding, Mrs Llin
Graham, Thomas
Grant, Bernie
Griffiths, Jane *(Reading E)*
Grocott, Bruce
Grogan, John
Gunnell, John
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hanson, David
Harman, Rt Hon Ms Harriet
Heal, Mrs Sylvia
Healey, John
Henderson, Doug *(Newcastle N)*
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hewitt, Ms Patricia
Hill, Keith
Hinchliffe, David
Hodge, Ms Margaret
Hoey, Kate
Home Robertson, John
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Jackson, Helen *(Hillsborough)*
Jamieson, David
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Helen *(Warrington N)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Martyn *(Clwyd S)*
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Kidney, David
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kumar, Dr Ashok
Ladyman, Dr Stephen
Lawrence, Ms Jackie
Laxton, Bob
Lepper, David
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Lock, David
Love, Andrew
McAvoy, Thomas
McCabe, Steve
McCartney, Ian *(Makerfield)*
McDonagh, Siobhain
Macdonald, Calum
McDonnell, John
McFall, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
McLeish, Henry
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWilliam, John
Mahon, Mrs Alice
Mandelson, Peter
Marek, Dr John
Marsden, Paul *(Shrewsbury)*
Marshall-Andrews, Robert
Martlew, Eric
Maxton, John
Meale, Alan
Michael, Alun
Michie, Bill *(Sheff'd Heeley)*
Milburn, Alan
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morgan, Ms Julie *(Cardiff N)*
Morgan, Rhodri *(Cardiff W)*
Morris, Ms Estelle *(B'ham Yardley)*
Morris, Rt Hon John *(Aberavon)*
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Naysmith, Dr Doug
O'Hara, Eddie
Olner, Bill
O'Neill, Martin
Palmer, Dr Nick
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pope, Greg
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Prescott, Rt Hon John
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quin, Ms Joyce
Quinn, Lawrie
Radice, Giles
Rapson, Syd

Raynsford, Nick
Reed, Andrew *(Loughborough)*
Reid, Dr John *(Hamilton N)*
Robertson, Rt Hon George *(Hamilton S)*
Robinson, Geoffrey *(Co'try NW)*
Rogers, Allan
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Ruddock, Ms Joan
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Savidge, Malcolm
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Rt Hon Chris *(Islington S)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Spellar, John
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stinchcombe, Paul
Stoate, Dr Howard
Strang, Rt Hon Dr Gavin
Straw, Rt Hon Jack
Stringer, Graham
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Temple-Morris, Peter
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Vaz, Keith
Walley, Ms Joan
Wareing, Robert N
Watts, David
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Mrs Betty *(Conwy)*
Wills, Michael
Wilson, Brian
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Woolas, Phil
Wray, James
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Ayes:
Mr. Jon Owen Jones and
Mr. Clive Betts.

NOES

Allan, Richard
Ashdown, Rt Hon Paddy
Baker, Norman
Ballard, Mrs Jackie
Beith, Rt Hon A J
Bell, Martin *(Tatton)*
Brake, Tom
Brand, Dr Peter
Breed, Colin
Bruce, Malcolm *(Gordon)*
Burnett, John
Burstow, Paul
Cable, Dr Vincent
Campbell, Menzies *(NE Fife)*
Chidgey, David
Davis, Cynog
Fearn, Ronnie
Foster, Don *(Bath)*
George, Andrew *(St Ives)*
Gorrie, Donald
Hancock, Mike
Harris, Dr Evan
Heath, David *(Somerton & Frome)*
Hughes, Simon *(Southwark N)*
Jones, Nigel *(Cheltenham)*
Keetch, Paul
Kennedy, Charles *(Ross Skye)*
Kirkwood, Archy
Livsey, Richard
Llwyd, Elfyn
Maclennan, Rt Hon Robert
Oaten, Mark
Öpik, Lembit
Rendel, David
Russell, Bob *(Colchester)*
Sanders, Adrian
Smith, Sir Robert *(W Ab'd'ns)*
Taylor, Matthew *(Truro)*
Tonge, Dr Jenny
Tyler, Paul
Wallace, James
Webb, Steve
Willis, Phil

Tellers for the Noes:
Mr. Edward Davey and
Mr. Andrew Stunell.

Question accordingly agreed to.

23. INCOME TAX (ADDITIONAL RELIEF IN RESPECT OF CHILDREN)

Resolved,

That—

(1) In subsection (1)(c) of section 259 of the Income and Corporation Taxes Act 1988, for "man" and "wife" there shall be substituted, respectively, "individual" and "spouse".

(2) In subsection (4) of that section, after "relief under this section" there shall be inserted "by virtue of subsection (1)(a) above".

(3) In section 261A(3) of that Act, for "a man" there shall be substituted "an individual".

(4) This Resolution has effect for the year 1997-98 and subsequent years of assessment.

And it is hereby declared that it is expedient in the public interest that this Resolution should have statutory effect under the provisions of the Provisional Collection of Taxes Act 1968.

24. CORPORATION TAX (CHARGE AND RATE FOR 1998)

Resolved,

That, for the financial year 1998, corporation tax shall be charged at the rate of 31 per cent.

25. CORPORATION TAX (SMALL COMPANIES RATE FOR 1998)

Resolved,

That, for the financial year 1998—

(a) the small companies' rate shall be 21 per cent.; and

(b) the fraction mentioned in section 13(2) of the Income and Corporation Taxes Act 1988 shall be one fortieth.

26. CORPORATION TAX (DUE AND PAYABLE DATE)

Motion made, and Question put,

That provision may be made for and in connection with altering the date on which corporation tax and amounts treated as corporation tax become due and payable.

The House divided: Ayes 339, Noes 147.

Division No. 219] **[10.39 pm**

AYES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, Robert *(Co'try NE)*
Allan, Richard
Allen, Graham
Anderson, Donald *(Swansea E)*
Armstrong, Ms Hilary
Ashdown, Rt Hon Paddy
Ashton, Joe
Atherton, Ms Candy
Baker, Norman
Ballard, Mrs Jackie
Barnes, Harry
Barron, Kevin
Battle, John
Bayley, Hugh
Beckett, Rt Hon Mrs Margaret
Beith, Rt Hon A J
Bell, Martin *(Tatton)*
Bell, Stuart *(Middlesbrough)*
Benn, Rt Hon Tony
Bennett, Andrew F
Benton, Joe
Bermingham, Gerald
Berry, Roger
Best, Harold
Betts, Clive
Blears, Ms Hazel
Blizzard, Bob
Blunkett, Rt Hon David
Borrow, David
Bradley, Peter *(The Wrekin)*
Brake, Tom
Brand, Dr Peter
Breed, Colin
Brown, Rt Hon Gordon *(Dunfermline E)*
Brown, Rt Hon Nick *(Newcastle E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Bruce, Malcolm *(Gordon)*
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnett, John
Burstow, Paul
Byers, Stephen
Cable, Dr Vincent
Caborn, Richard
Campbell, Alan *(Tynemouth)*
Campbell, Menzies *(NE Fife)*
Campbell-Savours, Dale
Canavan, Dennis
Cann, Jamie
Caplin, Ivor
Caton, Martin
Chaytor, David
Chidgey, David
Chisholm, Malcolm
Church, Ms Judith
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Cohen, Harry
Coleman, Iain
Colman, Tony
Connarty, Michael
Cook, Frank *(Stockton N)*
Cooper, Yvette
Corbett, Robin

Corbyn, Jeremy
Corston, Ms Jean
Cousins, Jim
Cox, Tom
Cryer, John *(Hornchurch)*
Cummings, John
Cunliffe, Lawrence
Cunningham, Jim *(Cov'try S)*
Dalyell, Tam
Darling, Rt Hon Alistair
Darvill, Keith
Davey, Edward *(Kingston)*
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Rt Hon Ron *(Caerphilly)*
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dismore, Andrew
Dobson, Rt Hon Frank
Donohoe, Brian H
Doran, Frank
Drew, David
Drown, Ms Julia
Dunwoody, Mrs Gwyneth
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Ellman, Mrs Louise
Ennis, Jeff
Fearn, Ronnie
Field, Rt Hon Frank
Fisher, Mark
Fitzpatrick, Jim
Fitzsimons, Lorna
Flint, Caroline
Flynn, Paul
Foster, Rt Hon Derek
Foster, Don *(Bath)*
Foster, Michael J *(Worcester)*
Foulkes, George
Fyfe, Maria
Galbraith, Sam
Galloway, George
Gapes, Mike
George, Andrew *(St Ives)*
George, Bruce *(Walsall S)*
Gibson, Dr Ian
Gilroy, Mrs Linda
Godman, Norman A
Golding, Mrs Llin
Gorrie, Donald
Graham, Thomas
Grant, Bernie
Griffiths, Jane *(Reading E)*
Grocott, Bruce
Grogan, John
Gunnell, John
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hancock, Mike
Hanson, David
Harman, Rt Hon Ms Harriet
Harris, Dr Evan
Heal, Mrs Sylvia
Healey, John
Heath, David *(Somerton & Frome)*
Henderson, Doug *(Newcastle N)*
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hewitt, Ms Patricia
Hill, Keith
Hinchliffe, David
Hodge, Ms Margaret
Hoey, Kate
Home Robertson, John
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Kevin *(Doncaster N)*
Hughes, Simon *(Southwark N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Jackson, Helen *(Hillsborough)*
Jamieson, David
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Helen *(Warrington N)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Jon Owen *(Cardiff C)*
Jones, Martyn *(Clwyd S)*
Jones, Nigel *(Cheltenham)*
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keetch, Paul
Kemp, Fraser
Kennedy, Charles *(Ross Skye)*
Kennedy, Jane *(Wavertree)*
Kidney, David
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kirkwood, Archy
Kumar, Dr Ashok
Ladyman, Dr Stephen
Lawrence, Ms Jackie
Laxton, Bob
Lepper, David
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Livsey, Richard
Lock, David
Love, Andrew
McAvoy, Thomas
McCabe, Steve
McDonagh, Siobhain
Macdonald, Calum
McDonnell, John
McFall, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
McLeish, Henry
Maclennan, Rt Hon Robert
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWilliam, John
Mahon, Mrs Alice
Mandelson, Peter
Marek, Dr John
Marsden, Paul *(Shrewsbury)*
Marshall–Andrews, Robert
Martlew, Eric
Maxton, John
Meale, Alan
Michael, Alun
Michie, Bill *(Sheff'd Heeley)*
Milburn, Alan
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morgan, Ms Julie *(Cardiff N)*
Morgan, Rhodri *(Cardiff W)*
Morris, Ms Estelle *(B'ham Yardley)*
Morris, Rt Hon John *(Aberavon)*
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Naysmith, Dr Doug
Oaten, Mark
O'Hara, Eddie
Olner, Bill
O'Neill, Martin
Öpik, Lembit
Palmer, Dr Nick
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pope, Greg
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quin, Ms Joyce
Quinn, Lawrie
Radice, Giles
Rapson, Syd
Raynsford, Nick
Reed, Andrew *(Loughborough)*
Reid, Dr John *(Hamilton N)*
Rendel, David
Robertson, Rt Hon George *(Hamilton S)*
Robinson, Geoffrey *(Cov'try NW)*
Rogers, Allan
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Ruddock, Ms Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Sanders, Adrian
Savidge, Malcolm
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Rt Hon Chris *(Islington S)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Smith, Sir Robert *(W Ab'd'ns)*
Soley, Clive
Spellar, John
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stinchcombe, Paul
Stoate, Dr Howard
Strang, Rt Hon Dr Gavin
Straw, Rt Hon Jack
Stringer, Graham
Stunell, Andrew
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Taylor, Matthew *(Truro)*
Temple–Morris, Peter
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Tonge, Dr Jenny
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tyler, Paul
Vaz, Keith
Wallace, James
Walley, Ms Joan
Wareing, Robert N
Watts, David
Webb, Steve
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Mrs Betty *(Conwy)*
Willis, Phil
Wills, Michael
Wilson, Brian
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Woolas, Phil
Wray, James
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*

Tellers for the Ayes:
Janet Anderson and Mr. Jim Dowd.

NOES

Ainsworth, Peter *(E Surrey)*
Ancram, Rt Hon Michael
Arbuthnot, James
Atkinson, Peter *(Hexham)*
Baldry, Tony
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Body, Sir Richard
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Brady, Graham
Brazier, Julian
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Burns, Simon
Butterfill, John
Cash, William
Chapman, Sir Sydney *(Chipping Barnet)*
Chope, Christopher
Clappison, James

Clark, Rt Hon Alan *(Kensington)*
Clark, Dr Michael *(Rayleigh)*
Clarke, Rt Hon Kenneth *(Rushcliffe)*
Collins, Tim
Colvin, Michael
Cormack, Sir Patrick
Cran, James
Curry, Rt Hon David
Davis, Rt Hon David *(Haltemprice)*
Day, Stephen
Dorrell, Rt Hon Stephen
Duncan, Alan
Duncan Smith, Iain
Emery, Rt Hon Sir Peter
Evans, Nigel
Faber, David
Fabricant, Michael
Fallon, Michael
Flight, Howard
Forth, Rt Hon Eric
Fowler, Rt Hon Sir Norman
Fraser, Christopher
Gibb, Nick
Gill, Christopher
Gillan, Mrs Cheryl
Goodlad, Rt Hon Sir Alastair
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Gummer, Rt Hon John
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hayes, John
Heath, Rt Hon Sir Edward
Heathcoat-Amory, Rt Hon David
Heseltine, Rt Hon Michael
Hogg, Rt Hon Douglas
Horam, John
Howard, Rt Hon Michael
Hunter, Andrew
Jack, Rt Hon Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Johnson Smith, Rt Hon Sir Geoffrey
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lilley, Rt Hon Peter
Lloyd, Rt Hon Sir Peter *(Fareham)*
Lloyd, Elfyn
Loughton, Tim
Luff, Peter
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
McIntosh, Miss Anne
MacKay, Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
Madel, Sir David
Major, Rt Hon John
Malins, Humfrey
Mates, Michael
Maude, Rt Hon Francis
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Moss, Malcolm
Nicholls, Patrick
Norman, Archie
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Prior, David
Randall, John
Redwood, Rt Hon John
Robathan, Andrew
Robertson, Laurence *(Tewk'b'ry)*
Roe, Mrs Marion *(Broxbourne)*
Ross, William *(E Londy)*
Rowe, Andrew *(Faversham)*
Ruffley, David
St Aubyn, Nick
Sayeed, Jonathan
Shephard, Rt Hon Mrs Gillian
Simpson, Keith *(Mid-Norfolk)*
Smyth, Rev Martin *(Belfast S)*
Soames, Nicholas
Spelman, Mrs Caroline
Spicer, Sir Michael
Spring, Richard
Stanley, Rt Hon Sir John
Streeter, Gary
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, Rt Hon John D *(Strangford)*
Taylor, John M *(Solihull)*
Taylor, Sir Teddy
Townend, John
Tredinnick, David
Trend, Michael
Tyrie, Andrew
Viggers, Peter
Walter, Robert
Waterson, Nigel
Wells, Bowen
Whitney, Sir Raymond
Widdecombe, Rt Hon Miss Ann
Wilkinson, John
Willetts, David
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Noes:
Mr. John Whittingdale and Mr. Oliver Heald.

Question accordingly agreed to.

27. ADVANCE CORPORATION TAX AND TAX CREDITS

Resolved,

That provision may be made in relation to—

(a) the set-off of advance corporation tax against liability to corporation tax; and

(b) tax credits.

28. INTEREST PAYABLE UNDER THE TAX ACTS

Resolved,

That provision may be made imposing charges to tax in relation to interest payable under the Tax Acts to companies.

29. RENTS AND OTHER RECEIPTS FROM LAND

Resolved,

That provision may be made about the taxation of rents and other receipts from land.

30. COMPUTATION OF PROFITS AND LOSSES

Resolved,

That provision may be made as to the computation of profits and losses for tax purposes.

31. REMUNERATION IN THE FORM OF SHARES OR SECURITIES

Resolved,

That provision may be made about shares or securities acquired by a person as a director or employee.

32. SUB-CONTRACTORS IN THE CONSTRUCTION INDUSTRY

Resolved,

That provision may be made amending Chapter IV of Part XIII of the Income and Corporation Taxes Act 1988.

33. CONSTRUCTION WORKERS SUPPLIED BY AGENCIES

Resolved,

That—

(1) In section 134 of the Income and Corporation Taxes Act 1988, subsection (5)(c) shall cease to have effect.

(2) In section 559 of the Income and Corporation Taxes Act 1988, in subsection (1), for "subsection (2) below" there shall be substituted "the following provisions of this section"; and after subsection (1) there shall be inserted the following subsection—

"(1A) Subsection (1) above shall not apply to any payment made under the contract in question that is chargeable to income tax under Schedule E by virtue of section 134(1)."

(3) Paragraphs (1) and (2) above have effect in relation to—

(a) any payments made on or after 6th April 1998 other than any made in respect of services rendered before that date; and

(b) any payments made before 6th April 1998 in respect of services to be rendered on or after that date.

(4) Subject to paragraph (9) below, paragraph (5) below applies if—

(a) a construction trade is being carried on by a person ('the sub-contractor') at the end of the year 1997–98; and

(b) there are receipts of that trade which, but for section 134(5)(c) of the Income and Corporation Taxes Act 1988, would have fallen to be treated for the year 1997–98 as the emoluments of an office or employment.

(5) Where this paragraph applies, then, subject to paragraphs (7) and (8) below—

(a) the trade shall be deemed to have been permanently discontinued at the end of the year 1997–98; and

(b) to the extent (if any) that the trade includes activities in addition to the rendering of services falling by virtue of this Resolution to be treated as the duties of an office or employment, a new trade shall be deemed to have been set up and commenced on 6th April 1998.

(6) Paragraph (7) below applies if—

(a) a construction trade ("the old trade") is deemed by virtue of paragraph (5)(a) above to have been permanently discontinued; and

(b) a construction trade ("the new trade")—

(i) is deemed by virtue of paragraph (5)(b) above to have been set up and commenced; or

(ii) (where sub-paragraph (i) above does not apply) is actually set up and commenced in the year 1998–99.

(7) Where this paragraph applies then, notwithstanding the deemed discontinuance, the old trade and the new trade shall be treated as the same for the purposes of section 385 of the Income and Corporation Taxes Act 1988.

(8) An officer of the Board shall not become entitled by virtue of anything in this Resolution to give a direction under paragraph 3(2) of Schedule 20 to the Finance Act 1994 in the case of a person whose trade is deemed under paragraph (5) above to cease on 5th April 1998.

(9) Paragraph (5) above does not apply if the sub-contractor by notice to an officer of the Board otherwise elects.

(10) An election under paragraph (9) above—

(a) if it relates to a trade carried on by an individual, must be included in a return under section 8 of the Taxes Management Act 1970 which is made and delivered in that individual's case on or before the day on which it is required to be made and delivered under that section; and

(b) if it relates to a trade carried on by persons in partnership, must be included in a return under section 12AA of that Act which is made and delivered in the partners' case, or in the case of any one or more of them, on or before the day specified in relation to that return under subsection (2) or (3) of that section.

(11) In this Resolution "construction trade" means a trade consisting in or including the rendering of services under contracts relating to construction operations (within the meaning of Chapter IV of Part XIII of the Income and Corporation Taxes Act 1988).

And it is hereby declared that it is expedient in the public interest that this Resolution should have statutory effect under the provisions of the Provisional Collection of Taxes Act 1968.

34. Employment termination benefits and retirement benefits

Resolved,

That provision may be made about the taxation of benefits received—

(a) in connection with the termination, or a change in the duties of, an office or employment; or

(b) under a non-approved retirement benefits scheme.

35. Benefits in kind (car fuel)

Resolved,

That—

(1) In section 158 of the Income and Corporation Taxes Act 1988, for the Tables in subsection (2) there shall be substituted—

TABLE A

Cylinder capacity of car in cubic centimetres	*Cash equivalent*
1,400 or less	£1,010
More than 1,400 but not more than 2,000	£1,280
More than 2,000	£1,890

TABLE AB

Cylinder capacity of car in cubic centimetres	*Cash equivalent*
2,000 or less	£1,280
More than 2,000	£1,890

TABLE B

Description of car	*Cash equivalent*
Any car	£1,890

(2) This Resolution shall have effect for the year 1998–99 and subsequent years of assessment.

And it is hereby declared that it is expedient in the public interest that this Resolution should have statutory effect under the provisions of the Provisional Collection of Taxes Act 1968.

36. Travelling expenses

Resolved,

That provision may be made amending section 198(1) of the Income and Corporation Taxes Act 1988 and related provisions.

37. Profit-related pay

Resolved,

That provision may be made about cases where profit periods for the purposes of profit-related pay overlap or are to be taken to overlap.

38. Foreign earnings deduction

Resolved,

That—

(1) Section 193(1) of the Income and Corporation Taxes Act 1988 shall cease to have effect.

(2) Before that section there shall be inserted—

"Foreign earnings deduction for seafarers

192A.—(1) Where in any year of assessment—

(a) the duties of an employment as a seafarer are performed wholly or partly outside the United Kingdom, and

(b) any of those duties are performed in the course of a qualifying period (within the meaning of Schedule 12) which falls wholly or partly in that year and consists of at least 365 days,

then, in charging tax under Case I of Schedule E on the amount of the emoluments from that employment attributable to that period, or to so much of it as falls in that year of assessment, there shall be allowed a deduction equal to the whole of that amount.

(2) In subsection (1) employment 'as a seafarer' means an employment consisting of the performance of duties on a ship (or of such duties and others incidental to them).

(3) For the purposes of this section a 'ship' does not include—

(a) any offshore installation within the meaning of the Mineral Workings (Offshore Installations) Act 1971, or

(b) what would be such an installation if the references in that Act to controlled waters were to any waters.

(4) Schedule 12 has effect for the purpose of supplementing this section.".

(3) The references in the Income and Corporation Taxes Act 1988 to section 193(1) shall be amended as follows—

(a) in section 19(1), in Case I of Schedule E, the words from "and to section 193(1)" to the end shall be omitted;

(b) in paragraph 10 of Schedule 11, after "193(1)" there shall be inserted "or 192A";

(c) in section 132(3) and paragraphs 1, 1A, 2(1), 3(1) and (3), 5 and 6 of Schedule 12, for "193(1)" there shall be substituted "192A".

(4) In Schedule 12 to that Act—

(a) in paragraph 3(2)—

(i) in paragraph (a) for "62" there shall be substituted "183", and

(ii) in paragraph (b) for "one-sixth" there shall be substituted "one-half";

(b) in paragraph 5—

(i) for "vessel or aircraft" there shall be substituted "ship (within the meaning of section 192A)", and

(ii) in paragraphs (a) and (b) for "voyage or journey" there shall be substituted "voyage"; and

(c) paragraphs 3(2A) and 7 shall be omitted.

(5) Paragraphs (1) to (4) of this Resolution shall have effect in relation to—

(a) emoluments attributable to qualifying periods beginning on or after 17th March 1998, and

(b) emoluments attributable to qualifying periods beginning before 17th March 1998 which are received on or after that date.

(6) Nothing in those paragraphs shall affect the question what deduction (if any) falls to be made under section 193(1) of the Income and Corporation Taxes Act 1988 in the case of emoluments attributable to a qualifying period beginning before 17th March 1998 and received before that date.

(7) For the purposes of paragraphs (5) and (6) of this Resolution the question whether emoluments are attributable to a qualifying period beginning before 17th March 1998 shall be determined without reference to any arrangements entered into on or after that date.

And it is hereby declared that it is expedient in the public interest that this Resolution should have statutory effect under the provisions of the Provisional Collection of Taxes Act 1968.

39. PAYE (TRADE DEBTS)

Resolved,

That—

(1) In relation to any asset provided on or after 2nd July 1997 and before 6th April 1998, section 203F of the Income and Corporation Taxes Act 1988 shall have effect with the following two modifications.

(2) The first modification is the insertion in subsection (2), before the word "and" at the end of paragraph (b), of the following paragraph—

"(ba) an asset not falling within paragraph (a) or (b) above which consists in the rights of an assignee, or any other rights, in respect of a trade debt that is or may become due to the employer;".

(3) The second modification is the insertion in subsection (3), before the word "and" at the end of paragraph (a), of the following paragraph—

"(aa) in the case of an asset falling within subsection (2)(ba) above, the amount of the debt;".

(4) The preceding provisions of this Resolution shall be deemed, in accordance with paragraphs (5) and (6) below, to have come into force on 2nd July 1997.

(5) Subject to paragraph (6) below, this Resolution shall not be taken to have changed—

(a) the amounts which were deductible by any person under section 203 of the Income and Corporation Taxes Act 1988 at any time on or before 17th March 1998; or

(b) the amounts which should have been accounted for to the Board under section 203J(3) of that Act at any time on or before 5th April 1998.

(6) Where, by virtue of this Resolution, any employer would (but for paragraph (5) above) be treated as having been under an obligation at any time on or before 17th March 1998 to make deductions from payments made by the employer of, or on account of, an employee's assessable income—

(a) sections 203 and 203J of the Income and Corporation Taxes Act 1988, and

(b) the provisions of any regulations under section 203 of that Act,

shall have effect as if the employer were obliged (subject to section 203J(3) of that Act) to make those deductions from any payments that are so made on or after 24th March 1998 and before 6th April 1998.

(7) Expressions used in paragraph (6) above and in section 203J of the Income and Corporation Taxes Act 1988 have the same meanings in that paragraph as in that section.

And it is hereby declared that it is expedient in the public interest that this Resolution should have statutory effect under the provisions of the Provisional Collection of Taxes Act 1968.

40. PAYE (NON-CASH BENEFITS ETC.)

Resolved,

That provision may be made—

(a) extending the circumstances in which a person is to be treated for the purposes of PAYE regulations as having made a payment; and

(b) amending section 144A of the Income and Corporation Taxes Act 1988.

41. ENTERPRISE INVESTMENT SCHEME ETC

Resolved,

That provision (including provision having retrospective effect) may be made amending Chapter III of Part VII of the Income and Corporation Taxes Act 1988 and sections 150, 150A and 150B of, and Schedule 5B to, the Taxation of Chargeable Gains Act 1992.

42. VENTURE CAPITAL TRUSTS

Resolved,

That provision (including provision having retrospective effect) may be made amending section 842AA of, and Schedules 15B and 28B to, the Income and Corporation Taxes Act 1988.

43. RELIEF FOR LOAN TO BUY INTEREST IN CLOSE COMPANY

Resolved,

That provision may be made amending section 360 of the Income and Corporation Taxes Act 1988.

44. RELIEF FOR LOSSES ON CERTAIN UNLISTED SHARES

Resolved,

That provision may be made amending section 576 of the Income and Corporation Taxes Act 1988.

45. Group relief

Resolved,

That provision (including provision having retrospective effect) may be made about relief under Chapter IV of Part X of the Income and Corporation Taxes Act 1988.

46. Life policies etc

Resolved,

That provision may be made in relation to policies of life insurance, contracts for life annuities and capital redemption policies.

47. Insurance companies (provisional repayments)

Resolved,

That provision may be made in relation to Schedule 19AB to the Income and Corporation Taxes Act 1988.

48. Pension schemes etc

Resolved,

That provision (including provision having retrospective effect) may be made about—

(a) the approval of schemes for the purposes of Part XIV of the Income and Corporation Taxes Act 1988; and

(b) cases in which an approval for those purposes has been given or has ceased to have effect.

49. Futures and options

Resolved,

That provision (including provision having retrospective effect) may be made amending Schedule 5AA to the Income and Corporation Taxes Act 1988.

50. Exchanges of securities etc

Resolved,

That provision may be made—

(a) for sections 471 and 472 of the Income and Corporation Taxes Act 1988 to cease to have effect; and

(b) for section 473 of that Act to apply in relation to shares instead of securities.

51. Double taxation relief on foreign interest and dividends

Resolved,

That provision may be made amending Chapter II of Part XVIII of the Income and Corporation Taxes Act 1988.

52. Notification of adjustment of foreign tax

Resolved,

That—

(1) In section 806 of the Income and Corporation Taxes Act 1988, after subsection (2) there shall be inserted the following subsections—

"(3) Subject to subsection (5) below, where—

(a) any credit for foreign tax has been allowed to a person under any arrangements, and

(b) the amount of that credit is subsequently rendered excessive by reason of an adjustment of the amount of any tax payable under the laws of a territory outside the United Kingdom,

that person shall give notice in writing to an officer of the Board that an adjustment has been made that has rendered the amount of the credit excessive.

(4) A notice under subsection (3) above must be given within one year from the time of the making of the adjustment.

(5) Subsections (3) and (4) above do not apply where the adjustment is one the consequences of which in relation to the credit fall to be given effect to in accordance with regulations made under—

(a) section 182(1) of the Finance Act 1993 (regulations relating to individual members of Lloyd's); or

(b) section 229 of the Finance Act 1994 (regulations relating to corporate members of Lloyd's).

(6) A person who fails to comply with the requirements imposed on him by subsections (3) and (4) above in relation to any adjustment shall be liable to a penalty of an amount not exceeding the amount by which the credit allowed has been rendered excessive by reason of the adjustment."

(2) This Resolution has effect in relation to adjustments made on or after 17th March 1998.

And it is hereby declared that it is expedient in the public interest that this Resolution should have statutory effect under the provisions of the Provisional Collection of Taxes Act 1968.

53. Transfer pricing (new regime)

Resolved,

That provision for the purposes of income tax and corporation tax may be made, in place of sections 770 to 773 of the Income and Corporation Taxes Act 1988, in relation to cases where provision is made or imposed as between any two persons which would not have been made as between independent enterprises.

54. Exchange gains and losses and financial instruments

Resolved,

That provision may be made about the application in relation to any transaction of sections 135, 136, 136A and 137 of the Finance Act 1993 and section 167 of the Finance Act 1994.

55. Controlled foreign companies

Resolved,

That provision may be made in relation to controlled foreign companies.

56. Corporation tax (change of ownership)

Resolved,

That provision (including provision having retrospective effect) may be made for the payment of unpaid tax, by persons other than the company liable, in cases where there has been a change in the ownership of a company and corporation tax assessed on that company or an associated company remains unpaid.

57. Corporation tax self-assessment, etc

Resolved,

That provision may be made about corporation tax self-assessment and other matters relating to the management of that tax.

The references in this Resolution to corporation tax include any amount treated as if it were corporation tax.

58. Chargeable gains (rate for trustees etc)

Resolved,

That provision may be made about the rate of capital gains tax in respect of gains accruing to trustees and personal representatives.

59. Chargeable gains (indexation and taper relief)

Resolved,

That provision may be made amending the Taxation of Chargeable Gains Act 1992—

(a) to restrict entitlement to indexation allowance; and

(b) for purposes connected with the introduction of taper relief, to restrict the availability of other reliefs.

60. CHARGEABLE GAINS (POOLING AND IDENTIFICATION)

Resolved,

That provision may be made for the purposes of the Taxation of Chargeable Gains Act 1992—

(a) limiting the circumstances in which different assets are to be treated as parts of a single asset; and

(b) setting out new rules for the identification of assets disposed of.

61. CHARGEABLE GAINS (STOCK DIVIDENDS)

Resolved,

That provision may be made for the purposes of the Taxation of Chargeable Gains Act 1992 about stock dividends.

62. CHARGEABLE GAINS (NON-RESIDENTS)

Resolved,

That provision may be made for the purposes of capital gains tax in relation to individuals who, having ceased to be resident or ordinarily resident in the United Kingdom, again become so resident or ordinarily resident.

63. CHARGEABLE GAINS (OFFSHORE SETTLEMENTS)

Resolved,

That provision (including provision having retrospective effect) may be made imposing charges under the Taxation of Chargeable Gains Act 1992 on the beneficiaries and settlors of settlements where there has been a time when the trustees of the settlement, or of a settlement from which property comprised in the settlement directly or indirectly derives—

(a) have not been resident or ordinarily resident in the United Kingdom, or

(b) have fallen for the purposes of any double taxation relief arrangements to be regarded as resident in a territory outside the United Kingdom.

64. CHARGEABLE GAINS (TRANSFERS WITHIN A GROUP ETC.)

Resolved,

That provision may be made, for the purposes of the taxation of chargeable gains, about—

(a) the persons who are companies for the purposes of sections 170 to 181 of the Taxation of Chargeable Gains Act 1992;

(b) transfers between companies within a group; and

(c) schemes of reconstruction or amalgamation involving the transfer of a business.

65. CHARGEABLE GAINS (ABOLITION OF RELIEFS)

Resolved,

That provision may be made repealing Chapter IA of Part V and sections 254 and 255 of the Taxation of Chargeable Gains Act 1992.

66. CHARGEABLE GAINS (PRE-ENTRY GAINS)

Resolved,

That provision may be made amending the Taxation of Chargeable Gains Act 1992 so as to restrict the amounts which, where a company has joined a group, may be set against chargeable gains accruing to the company before it joined the group.

67. INHERITANCE TAX (PROPERTY OF HISTORIC INTEREST ETC)

Resolved,

That provision may be made about—

(a) the designation of property for the purposes of any exemption under the Inheritance Tax Act 1984 or for the purposes of section 258 of the Taxation of Chargeable Gains Act 1992;

(b) the undertakings given for any of those purposes or for the purposes of any exemption under the Finance Act 1976 or the Finance Act 1975; and

(c) the conditions for exemption under section 27 of the Inheritance Tax Act 1984.

68. INHERITANCE TAX (GIFTS FOR PUBLIC BENEFIT)

Resolved,

That provision may be made repealing section 26 of the Inheritance Tax Act 1984.

69. INSURANCE PREMIUM TAX

Resolved,

That provision may be made for the purposes of insurance premium tax—

(a) in relation to premiums taxable at the higher rate; and

(b) in relation to taxable intermediaries.

70. LANDFILL TAX

Resolved,

That provision may be made applying section 1 of the Collection of Taxes Act 1968 to landfill tax.

71. STAMP DUTY (CONVEYANCES AND TRANSFERS ON SALE)

Resolved,

That the following provisions shall have effect for the period beginning 24th March 1998 and ending 31 days after the earliest of the dates mentioned in section 50(2) of the Finance Act 1973—

(1) Section 55 of the Finance Act 1963 and section 4 of the Finance Act (Northern Ireland) 1963 shall each be amended in accordance with the provisions of paragraphs (2) and (3) below.

(2) In subsection (1)(d), for "£1.50p" there shall be substituted "£2".

(3) In subsection (1)(e), for "£2" there shall be substituted "£3".

(4) This Resolution shall apply to instruments executed on or after 24th March 1998, except where the instrument in question is executed in pursuance of a contract made on or before 17th March 1998.

And it is hereby declared that it is expedient in the public interest that this Resolution should have statutory effect under the provisions of section 50 of the Finance Act 1973.

72. GAS VALUATION

Resolved,

That provision (including provision having retrospective effect) may be made amending paragraph 3A of Schedule 3 to the Oil Taxation Act 1975, paragraph 12 of Schedule 2 to the Oil Taxation Act 1983 and section 493 of the Income and Corporation Taxes Act 1988.

73. EUROPEAN SINGLE CURRENCY

Resolved,

That provision may be made for the modification, in connection with the adoption of a single currency by other member States of the European Community, of enactments and subordinate legislation relating to matters under the care and management of the Commissioners of Inland Revenue.

74. RELIEF FROM TAX (INCIDENTAL AND CONSEQUENTIAL CHARGES)

Resolved,

That it is expedient to authorise any incidental or consequential charges to any duty or tax (including charges having retrospective effect) which may arise from provisions designed in general to afford relief from taxation.

PROCEDURE (FUTURE TAXATION)

Resolved,

That, notwithstanding anything to the contrary in the practice of the House relating to the matters which may be included in Finance Bills, any Finance Bill of the present Session may contain the following provisions taking effect in a future year—

(a) provision modifying the effect of sections 256, 257C and 347B of the Income and Corporation Taxes Act 1988;

(b) provision for charging corporation tax for the financial year 1999 and with respect to the rates of that tax for that year and the fraction mentioned in section 13(2) of the Income and Corporation Taxes Act 1988;

(c) provision for and in connection with the abolition of advance corporation tax;

(d) provision for the repeal of sections 26 and 27 of the Income and Corporation Taxes Act 1988;

(e) provision as to the computation of profits and losses for tax purposes;

(f) provision for reducing, in the case of cars capable of running on road fuel gas, the cash equivalents of the benefits chargeable to tax under section 157 of the Income and Corporation Taxes Act 1988;

(g) provision preventing the opening of tax-exempt special savings accounts after 5th April 1999;

(h) provision relating to tax credits;

(i) provision relating to the taxation of payments representative of dividends and other distributions of companies;

(j) provision about the attribution of gains to the settlors of settlements created before 19th March 1991;

(k) provision phasing out retirement relief under sections 163 and 164 of, and Schedule 6 to, the Taxation of Chargeable Gains Act 1992.

FINANCE (No. 2) BILL [*MONEY*]

Queen's recommendation having been signified—

Resolved,

That, for the purposes of any Act of the present Session relating to finance, it is expedient to authorise—

(a) the payment out of money provided by Parliament of sums payable by the Secretary of State by virtue of provisions of that Act relating to vehicle excise and registration;

(b) the making out of the Consolidated Fund of repayments of gas levy and of payments of interest on such repayments;

(c) any increase attributable to any provision of that Act relating to the Debt Management Account in the sums payable out of money provided by Parliament;

(d) any increase attributable to any provision of that Act relating to that Account in the sums payable out of or into the National Loans Fund or the Consolidated Fund;

(e) payments out of or into that Account.

Bill ordered to be brought in upon the foregoing resolutions: And that the Chairman of Ways and Means, Mr. Chancellor of the Exchequer, Mr. Secretary Prescott, Mr. Secretary Straw, Mr. Secretary Blunkett, Secretary Margaret Beckett, Mr. Secretary Dobson, Secretary Harriet Harman, Mr. Alistair Darling, Mr. Geoffrey Robinson, Mrs. Helen Liddell and Dawn Primarolo do prepare and bring it in.

FINANCE (No. 2) BILL

Dawn Primarolo accordingly presented a Bill to grant certain duties, to alter other duties, and to amend the law relating to the National Debt and the Public Revenue, and to make further provision in connection with Finance: And the same was read the First time; and ordered to be read a Second time tomorrow, and to be printed [Bill 156].

PETITIONS

Green Belt (Development)

10.53 pm

Mrs. Marion Roe (Broxbourne): This petition of 170 signatures—*[Interruption.]*

Madam Speaker: Order. Hon. Members who are leaving the Chamber should do so quietly. A lady is on her feet trying to present a petition.

Mrs. Roe: Thank you, Madam Speaker.

This petition, with 170 signatures, is from the residents of Northaw and Cuffley and surrounding areas in my constituency in Hertfordshire, and is entitled "Save our Countryside". It reads:

The petition of the residents of Cuffley and Northaw declares that we are concerned about the decisions to sanction plans for new development throughout the countryside.

My constituents have been appalled by the decision of the Labour Secretary of State for the Environment, Transport and the Regions not to intervene in the Liberal Democrat and Labour-controlled Hertfordshire county council's structure plan proposals to build 10,000 houses on green-belt land to the west of Stevenage near my constituency. That area of green belt will be destroyed by that major housing development in spite of the Government's claims before the general election to be committed to protecting the environment. The whole point of green-belt land is that it is not an elastic idea.

The petition continues:

The petitioners therefore request that the House of Commons urge the Secretary of State for the Environment, Transport and the Regions to ensure that more homes are built in city areas instead of the countryside or green belt, to breathe new life into our cities and to protect valuable countryside for future generations.

The petition has my whole-hearted support.

To lie upon the Table.

Disabled People (Benefits)

10.55 pm

Dr. Brian Iddon (Bolton, South-East): I want to present a petition on behalf of 342 people of Bolton who have either suffered long-term mental illness or who are friends or relatives of such a person, which seeks to protect their welfare benefits. It reads:

The petitioners therefore request that the House of Commons

1) Seek clarification from Government as to the plans that are being proposed and ask the Government to recognise the levels of concern and anxiety that the proposals have caused to people.

2) Urges the Secretary of State for Social Security to look for alternative ways of addressing the costs of the welfare state in preference to victimising the most vulnerable members of our society.

To lie upon the Table.

Local Government (Experimental Arrangements)

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Allen.]*

10.56 pm

Dr. Phyllis Starkey (Milton Keynes, South-West): When I first applied for this debate, it was to be a celebration of the start of the passage through the House of the Local Government (Experimental Arrangements) Bill, which has been promoted in the other place by Lord Hunt and in this House by my hon. Friend the Member for Southampton, Test (Dr. Whitehead). However, I understand that that Bill was opposed on Friday by the Conservative Whips, so this debate is more in the nature of a lament for opportunities denied, or at least delayed.

Local government in the United Kingdom, unlike that in most European countries, has no separate or independent constitutional position. The powers, functions and financing of local authorities can be altered by statute, and the Crown in Parliament could abolish them altogether.

Under the previous Government, it sometimes appeared to those of us who were then in local government that abolition was the ultimate agenda. The previous Government increasingly controlled the finances, both capital and revenue, of local councils, stripped away their ability to provide affordable housing and, through compulsory competitive tendering, tried to end the role of councils as direct service providers.

Under the previous Government, there was an increasing number of areas in which local government was simply made an agent of central Government. The expansion of the quango state removed whole functions from local government. In spite of all that, local government—predominantly, although not exclusively, Labour local government—began to reinvent and modernise local democracy.

The key features of most progressive Labour councils were their commitment to quality services, to working in partnership with the private and voluntary sectors, and to making democracy in their localities more participative. They concentrated on making public services high-quality and user-friendly. For example, York council pioneered the citizens charter, which was taken over by the previous Government. Councils also pioneered customer guarantees and tenant consultation and user panels and, instead of the paternalistic provision of monolithic services for people, developed the provision of flexible services with the people.

Councils pioneered partnership, developing a facilitating role with the other players in community governance. They increasingly saw themselves not only as service providers but as facilitators and advocates for local communities, using their democratic legitimacy to take a leadership role. They also pioneered a variety of forms of more participative democracy, using citizens' juries and representative panels of citizens such as the Kirklees talkback scheme, neighbourhood forums with delegated budgets and tenant management co-operatives.

The council in Milton Keynes runs a health forum that brings together local NHS providers, the council and the voluntary sector to plan health services. The council consulted young people in Milton Keynes before the unitary council came into effect, to ensure that it provided the services that young people wanted and identified a need for. It set up a benchmark survey of more than 1,000 local residents, backed up by citizens' panels, to consult on its budget priorities. It also set up a scrutiny committee, chaired by the main opposition group on the council, the Liberal Democrats.

Since the general election, the atmosphere has become distinctly more promising for local government. Unlike their predecessor, the new Labour Government are committed to renewing local democracy. There have been important symbols and signs of the new approach. The Government signed the European charter of local self-government, which recognises the independent democratic legitimacy of local government. They have brought into being a central-local concordat which recognises that central and local government are mutually dependent and sets out meetings at least twice a year between the Deputy Prime Minister, Cabinet and other Ministers, and leading members of the Local Government Association. The Government are committed to giving local authorities new powers to promote the economic, social and environmental well-being of their communities.

Lord Hunt's Bill was part of the new approach. It would have allowed councils to experiment with more effective forms of internal decision making, enabling them to give much greater clarity of direction to their programmes while retaining proper accountability to the local electorate. It was permissive, not prescriptive, and would have allowed councils to experiment in the way appropriate to them by developing cabinet-style government, decision making by lead members, or an elected mayor. I leave my hon. Friend the Member for Southampton, Test to talk in more detail about the events of Friday's Second Reading.

Many councils have already started to develop improved internal arrangements of the sort that would be permitted by the Hunt Bill. Several London boroughs have well-developed plans, including Hammersmith and Fulham, Barnet and Islington, as have several metropolitan boroughs and unitary councils such as Bradford, Kirklees, Southampton and Leicester.

Milton Keynes unitary council was also hoping to exploit the opportunity of the Bill in two particular ways. Milton Keynes is a city with a young population. The council had attempted to set up an innovative departmental structure that split children's from adult social services and then brought together all services relating to children. Children's social services, education, leisure, and arts and museums were to be brought into the same structure, to deliver proper, comprehensive services to meet the needs of children and young people. Unfortunately, the current rules for social services committees demand complex management arrangements that add nothing to service delivery.

The second way in which Milton Keynes council had hoped to use the opportunities of the Hunt Bill was to introduce a cabinet system that would have simplified the complex committee structure set up by the unitary council, and allowed councillors to concentrate their time and resources on delivering services rather than on keeping the committee system going. I am sorry to have to say that some of these sensible measures are being opposed by some Liberal Democrat councillors. I am

[Dr. Phyllis Starkey]

particularly sorry because I know that, when the Bill was discussed in the Lords, it was supported by several Liberal Democrat—and, indeed, Conservative—peers.

I should like to quote from the speech of Baroness Maddock on 17 December. She said that she shared Lord Hunt's

"desire to make local government much more accountable; much more accessible, particularly for constituents; and more attractive so that people will put themselves forward as councillors to serve their communities."—[*Official Report, House of Lords*, 17 December 1997; Vol. 584, c. 693.]

Some peers expressed concerns about the need for effective scrutiny of the new proposals, but those concerns were addressed in amendments before the Bill completed its stages in the Lords. I hope that those Liberal Democrats in the Lords and in the Local Government Association who support the Bill will use their power to persuade their colleagues on Milton Keynes council to stop opposing the Labour administration's attempts to modernise and simplify local democracy.

I hope that my hon. Friend the Minister will join me in regretting the steps taken on Friday to delay the Local Government (Experimental Arrangements) Bill. As I understand it, those steps will prevent the Bill from progressing to Committee stage, where genuine concerns that Opposition Members might have about the detail of the Bill could have been addressed. It would be helpful to all those progressive forces in local government that wish to bring local decision making into the 21st century if the Minister could say what steps the Government are proposing to introduce the sort of changes outlined in Lord Hunt's Bill, so that the proposed experiments can go ahead.

11.5 pm

Dr. Alan Whitehead (Southampton, Test): I should like to add my support to the case made by my hon. Friend the Member for Milton Keynes, South-West (Dr. Starkey). I was delighted to be able to pick up the Local Government (Experimental Arrangements) Bill when it came to this House from another place. It went through that other place with all-party support; indeed, several concerns expressed earlier in the Bill's passage were alleviated on Report, when all parties participated in drafting amendments to ensure that the Bill reached this House in a form that commanded a wide range of support, and that was genuinely innovative in terms of local government.

The Bill is permissive, as my hon. Friend said. No local authority is forced to undertake the measures contained in the Bill, yet it allows local authorities, if they wish, to experiment with different—

Mr. Deputy Speaker (Mr. Michael J. Martin): Order. It may be helpful to the hon. Gentleman if I tell him that he cannot speak in detail about a Bill that is going before either this House or the other place. He can speak about the topic, but not about the Bill in detail.

Dr. Whitehead: Thank you, Mr. Deputy Speaker. I shall try to make my remarks more general.

The Bill was significant because local government has historically thrived on local innovation, not only because local is best in many areas of policy, but because good practice is best spread by example and local government needs to learn by its own experience, not by experiences imposed on it by others.

The problem of local government over the past 20 years is that central Government have all too often reacted to the problems that are sometimes thrown up by local government practice by exercising their prerogative to second-guess what local government is doing and by passing legislation, often in minute detail, to prescribe what local government can and cannot do. That has led to an atmosphere and a feeling prevalent in local government that it is always second-guessed and subject to decrees from above, and that its energies, innovation and experience are all too often ignored.

We must resolve not to do that again: it is bad for local government, and bad for democracy as a whole. If people believe that voting in local government is a waste of time, it is hardly surprising if their cynicism spreads to national politics.

I welcomed the recent comments of the Leader of the Opposition when he spoke to Conservative local councillors at Kensington town hall. I did not agree with everything he had to say, but I detected a welcome change of heart. He said that he considered local government to be important and that what it had to say was relevant for local and national purposes. He declared, on behalf of his party, a new beginning in the relationship between the centre and the local in the realm of local government.

For all these reasons, I was dismayed when my private Member's Bill last Friday was objected to by a Conservative Whip. Local government of all party persuasions wants that Bill on the statute book. It wants the freedom to do the things suggested in the Bill, and it wants to make a new start of the type that the Leader of the Opposition suggested at Kensington town hall was on offer. This House, regardless of party, should not deny local government that opportunity.

I have set the date of 24 April for another attempt at a Second Reading for the Bill. That provides a month for mature reflection. I hope that the Government tonight will give the assurances that the Opposition need to allow the Bill to proceed. I also hope that the Opposition will prove big enough to allow the Bill to go into Committee, where we can discuss the details that need discussion, to ensure that the Bill gives local government the opportunities it deserves.

11.10 pm

The Minister for Local Government and Housing (Ms Hilary Armstrong): I congratulate my hon. Friend the Member for Milton Keynes, South-West (Dr. Starkey) on securing the debate, and my hon. Friend the Member for Southampton, Test (Dr. Whitehead) on supporting her.

This evening marks a rather remarkable event. It is some time since the House, in an Adjournment debate, has considered innovation and the future shape of local government, and whether central Government should allow experimentation in that area. It is also some time since so many Members attended an Adjournment debate on such an issue. That signals the importance of the subject to Members of this Parliament, an unprecedented number of whom served in local government before coming here. That experience drives them to recognise that central Government have, for far too long, tried to shackle local government and not allow it to develop in response to the aims and ambitions of local people.

The Government are now pushing forward their agenda to enable local government to change its relationship with central Government, and with local people. For far too long, local government has had to look to central Government for its legitimacy, its opportunities to act, and approval for what it can spend money on.

This Government came to power on a manifesto making it abundantly clear that we are committed to democratic renewal in local government. That is why we recently published a consultation paper on local democracy and community leadership, as part of modernising local government. It is why we have been keen to encourage councils to begin to plan for change in a structured way that emerges from the all-party discussions of the past five or six years. Those discussions were reflected in the Bill that recently passed through the other place.

However, we do so not because we believe that it would be good for our party, but because we believe that it is healthy for democracy and better for local government, and therefore, in the long-term, better for government as a whole. The more we have a revived and a living democracy at local level, the more people become involved and interested in what government is up to at other levels, which is very healthy.

The issue of experimental arrangements for democratic renewal in local government has always been a cross-party one; I urge that it should not now become a partisan issue. We have been pleased, therefore, that cross-party initiatives have guided the way in which the topic has been handled.

In July 1993, a report of the working party on the internal management of local authorities in England, entitled "Community Leadership and Representation: Unlocking the Potential", said:

"the Secretary of State for the Environment should take powers to allow, in consultation with local government, experimental changes to their internal management arrangements proposed by individual local authorities; legislation would allow approval of experiments subject to suitable safeguards."

That working party existed during the previous Parliament and under the auspices of the previous Administration.

Following the working party's report, a Select Committee on Relations Between Central and Local Government was established in the other place, and in July 1996 it published its report, "Rebuilding Trust". The all-party Select Committee in the other place took the view that

"local authorities need to be allowed to experiment on the lines of the Scandinavian free commune system. This would include the freedom to experiment with ideas such as elected mayors and local referenda and new approaches to the provision of services and other responsibilities."

In November 1996, the previous Administration responded to the report, and welcomed that part of it. They welcomed the Committee's examination of the subject, identifying the report as an important contribution to the debate about the nature of local government in Britain.

The Government's response at that time was:

"on freedom to experiment with internal structure and voting arrangements, the Government accepts the general principle of the Committee's recommendation that local authorities should be able to experiment with internal working arrangements."

In other words, the idea that we are discussing tonight was specifically welcomed by the previous Administration, and I know that they were committed to finding time in the House to introduce legislation.

As you can see, Mr. Deputy Speaker, this topic, which led to the introduction of a Bill in the other place, has developed in a cross-party way over several years, so the Government were keen to support progress on the topic.

It is not unusual for topics such as this to be introduced by the private Member's Bill route. For example, the Local Government (Access to Information) Act 1985 was introduced as a private Member's Bill by a Conservative Member, Mr. Robin Squire, who was then a Back Bencher. No Government time was provided for the Bill. The Government did, however, support it in the way that the present Government have supported the developments in the other place.

To demonstrate the degree to which we wish to support this initiative, we should be prepared to see much more cross-party involvement, not only in the development of the Bill but in its implementation, should it proceed through Parliament.

Therefore, I would first like to offer to have cross-party consultation on any guidance that legislation of this nature would produce, with all parties closely involved in its drafting in order to ensure maximum cross-party support. Throughout the preparation of any guidance that would attach to such legislation, we would wish to involve parties other than simply the Local Government Association, academics and so on.

For example, we shall invite the Select Committee on the Environment, Transport and Regional Affairs to provide input into the content of any guidance. We believe that that is the best and most appropriate way of involving Members of Parliament from all parties in the preparation of such a document. I propose that because I want any guidance to reflect all-party support for the legislation, which is imperative if we are to renew the political culture in local government. The House must approach the matter in a manner that is more mature than folk outside are used to seeing. We must consider what is in the best interests not of central Government but of local government.

Secondly, I propose to build in all-party participation when considering any submissions in which local authorities set out their plans for experimentation, which legislation of this sort would facilitate. It will be necessary to involve more than hon. Members in this place: it will be important to involve organisations such as the Local Government Association and the Audit Commission in consideration of such proposals. I shall invite the Select Committee to consider applications for inclusion under the provisions of any such legislation prior to a final decision being made by the Secretary of State for the Environment, Transport and the Regions.

I have written already to the Chairman of the Select Committee inviting the Committee to consider this role. It is interested, and will discuss the matter in early April. That is another important step in developing the principle of all-party involvement in any arrangements of this nature. I believe that the proposals allow for cross-party involvement not simply in the passage of legislation but in its implementation if such legislation were to become law.

I believe that this is an important issue, which the House must consider carefully. I understand that all parties are seeking to re-establish important relationships—as well as

[Ms Hilary Armstrong]

establish new ones—with local government during this Parliament. They view those relationships much more as a partnership arrangement. The process began in 1992, with the review of local government initiated by the right hon. Member for Henley (Mr. Heseltine). That review was undertaken to replace the poll tax and to examine the internal, external and financial arrangements of local government.

I believe that it would be an opportunity missed if the House were to act in its own interests and say, "We shall not consider these issues any further." It would also be a great disappointment to the Local Government Association and to many local councils—including Conservative councils—that are keen to experiment with their internal democratic arrangements. That is why I am bringing forward a unique package of cross-party involvement in legislation. Government have gone the extra mile. I strongly urge all hon. Members to do the same.

In the remaining few weeks, we can all become persuaders for experimentation in the way in which local authorities order their business to involve local people more effectively and to renew local democracy. I know that hon. Members from all parts of the House support the right of local councils to reform themselves and experiment with democratic innovation. I urge all those hon. Members to join us as persuaders to take the matter forward in the House, and to make sure that the House does not once again let local government down.

Question put and agreed to.

Adjourned accordingly at twenty-five minutes past Eleven o'clock.

House of Commons

Tuesday 24 March 1998

The House met at half-past Two o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

PRIVATE BUSINESS

LLOYDS TSB BILL *[Lords]*

Order for Second Reading read.

To be read a Second time on Tuesday 31 March.

Oral Answers to Questions

HEALTH

The Secretary of State was asked—

Co-operation

1. **Ms Rosie Winterton:** What action he is taking to promote better co-operation between health authorities and social services. [34369]

7. **Caroline Flint:** What action he is taking to promote better co-operation between health authorities and social services. [34375]

The Secretary of State for Health (Mr. Frank Dobson): Since taking office, my ministerial colleagues and I have devoted a great deal of effort to promoting a closer and better working relationship between health authorities and social services. The fruits of that effort were apparent this winter, in the brilliant success of both the health service and social services in dealing with emergencies.

Ms Winterton: Will my right hon. Friend join me in paying tribute to the work of Home Start, which has—through close co-operation between health authorities and social services, and with the help of volunteers—assisted many families in times of crisis? Is he aware that, in my own constituency, Doncaster Home Start is currently helping 54 families, and that 36 families are on the waiting list? Will he tell the House what assistance the Government will give to that very worthwhile organisation?

Mr. Dobson: Home Start is a splendid voluntary organisation, operating on the boundary of the national health service and social services. Specifically, it provides help to families. The Government recognised Home Start's valuable contribution by deciding to provide it with a grant of over £1 million.

Caroline Flint: Is my right hon. Friend aware that, compared with the national average, Doncaster health authority has a very good overall record on reducing its waiting lists? In the light of last week's pledge by the Government—to reduce waiting lists by the end of April 1999, so that they are lower than they were under the Tories—does he agree that Doncaster's partnership between the health authority, social services and other parties has demonstrated that such partnerships are crucial in reducing waiting lists?

Mr. Dobson: I certainly share the point of view expressed by my hon. Friend, and think that the most precious resources in the national health service are the million people who work daily to make the service a success. I am determined to take more notice of staff than the previous Government did. I also want to seek their advice. I am therefore taking unprecedented action by writing to everyone working in the health service, inviting them to let me have their ideas for improving the service. I have always believed that, if one wants to improve the way in which jobs are done, the first people to ask are those doing the work, rather than collections of overpaid management consultants.

Mrs. Roe: Is it not a contradiction for the Government to speak glibly of co-operation, whereas coercion is the method that they have chosen for dragooning general practitioners into primary care groups?

Mr. Dobson: We are not dragooning anyone.

Mr. Pickles: Does the right hon. Gentleman agree that the important part of the partnership is between GPs, local hospitals and social services? Does he believe that, in rural areas, that relationship is extended by including cottage hospitals, which provide services over a wider area and deal with cases that would otherwise clog major hospitals? If the right hon. Gentleman is currently consulting staff, may I communicate a message from staff of the Ongar War Memorial hospital in my constituency? They would like that hospital to remain open, so that it can continue playing an effective part in providing care and medicine in a rural area.

Mr. Dobson: I certainly bear in mind all the representations that are made, but it comes ill from the mouth of someone who supported the previous Government to talk about the threat to cottage hospitals, when that Government carried out an 18-year search-and-destroy operation on cottage hospitals.

Mr. White: Does my right hon. Friend accept that the partnership between local authorities and health authorities has led to initiatives such as NHS Direct, which he launched successfully in my area yesterday? Does he agree that that kind of partnership deal is the way forward for the health service?

Mr. Dobson: Certainly. NHS Direct is a nurse-based helpline that will offer help and advice to people who, in the middle of the night, might be bothered about their own health or that of their child. In the pilot areas, people will be able to ring a 24-hour, nurse-based service for advice or reassurance or, if the nurse thinks it appropriate, immediate attention from an ambulance crew. That will be a big step forward. We are trying to sort out any wrinkles in the arrangements, but we are confident that

the pilot schemes will work and bring great benefits. That is why we are committed to introducing NHS Direct to every part of England by 2000.

Waiting Lists (Oxfordshire)

2. **Mr. Baldry:** If he will make a statement on the number of patients in the area covered by the Oxfordshire health authority who have been waiting for operations for over a year; and what was the figure on 1 May 1997. [34370]

The Minister of State, Department of Health (Mr. Alan Milburn): Available information shows all patients awaiting admission to hospital, not just those waiting for operations. Provisional figures show that on 31 December there were 963 Oxfordshire health authority residents who had been waiting more than a year. Figures for 1 May 1997 are not available.

Mr. Baldry: The Minister of State will be aware that, during the last general election, the Labour candidate in my constituency dished out pledge cards to electors, which gave a firm promise that, if elected, a Labour Government would reduce waiting lists by 100,000. The reality is somewhat different. In Oxfordshire, waiting lists have gone up by 11 per cent. and, as the Minister has just made clear, as at 1 January, nearly 1,000 people had been waiting for more than a year, and more than 100 had been waiting more than 18 months. Given the trusts' accumulated deficits of nearly £7 million, when do the Government believe that waiting lists in Oxfordshire will start to fall? Is he confident that Oxfordshire will get a fair allocation of the money made available by the Chancellor last week?

Mr. Milburn: I can only presume that the hon. Gentleman was not around for the Budget or for my right hon. Friend the Chancellor's statement last week; had he been so, he would have been aware that the £500 million made available through the Budget will be targeted specifically at cutting waiting lists. As we have made absolutely clear, the top priority for the national health service for next year is to get waiting lists down. Waiting lists will be shorter by April next year than when we came to power. By the end of this Parliament, the pledge will have been fulfilled.

Mr. Hinchliffe: In respect of waiting lists in Oxfordshire and elsewhere in the country—

Madam Speaker: In Oxfordshire.

Mr. Hinchliffe: And elsewhere in the country.

Madam Speaker: No, only Oxfordshire.

Mr. Hinchliffe: I am very concerned about Oxfordshire. In respect of waiting lists in Oxfordshire, has my hon. Friend examined the possible connection between the activities of certain part-time consultants and their waiting lists and their private practice? Is it not a fact that if there were no waiting lists, there would not be private practice—in Oxfordshire?

Mr. Milburn: As my hon. Friend has just shown, his knowledge of this country stretches well beyond Wakefield. He is terribly familiar with the problems of Oxfordshire and has due regard for the way in which the Government will be tackling them. I believe that the overwhelming majority of hospital consultants are performing well above the contract on which they are employed in the NHS. We rely on their endeavours now and will do so even more in the year ahead when we will expect them to do even more with the money that we will be making available to them.

Dr. Harris: I shall not pursue what I am sure was an unintended slur by the hon. Member for Wakefield (Mr. Hinchliffe) on the hard-working NHS staff in Oxfordshire.

In Oxfordshire, as nationally, there is a great fear that the funding to deal with waiting lists might not be sufficient to reduce waiting lists as well as to preserve community hospitals, community care beds and mental health services. If local managers decide that, while reducing waiting lists is important, they also wish to preserve drug addiction services, mental health services and community health services, will they be sanctioned, or will they have to say that, although they are embarrassed, they can do no more than make their own judgments and follow the clinicians' judgments as to what are the top priorities, given the insufficient resources available?

Mr. Milburn: It is a tired old record that we hear from the hon. Gentleman and his party. Whenever we put more money into the national health service, the Liberal Democrats decide that the only tactic is to leapfrog us. We should remember that, at the last general election, the Liberal Democrats were committed to investing an extra £540 million in the national health service. We have doubled that amount—that is how much is going into the NHS—and £320 million of the £500 million for the health service that my right hon. Friend announced last week is targeted at waiting lists. They are the top priority, and we shall reduce them because that is what counts for patients. In my view and that of my party, lengthening waiting lists merely dents public confidence in the ability of the NHS.

Mr. Truswell: Does my hon. Friend know how many patients in Oxfordshire have shared the experience of my constituent, six-year-old Kristie Swift? Six months ago, she was told that she needed an operation. She was then told that she could not have it because her GP was not a fundholder, and was then informed that she could have it because the trust had made a mistake and her GP was a fundholder. Is not that typical of the hokey cokey bureaucracy with which patients have to deal under the two-tier system that we inherited from the Conservative Government? Will my hon. Friend speed Kristie's recovery by assuring her that she will be one of the last people to suffer from it?

Mr. Milburn: My hon. Friend is absolutely right, not just about the circumstances in Oxfordshire, but about those throughout the country. In future, we want treatment to be given according to need alone. That is the founding principle of the NHS, by which the Government abide.

Mr. Maples: If the Secretary of State tells Oxfordshire health authority to make the reduction of waiting lists its overriding objective next year, is there not a serious

danger that some other aspect of the service—probably drug budgets—will worsen? Can he promise hon. Members that drug budgets will not be reduced as a consequence of the waiting list initiative in Oxfordshire health authority?

Mr. Milburn: The hon. Gentleman conveniently forgets one fact: the £500 million allocated in the Budget is on top of the extra £1.2 billion made available to the NHS in the previous Budget, which makes £1.7 billion more for the next financial year than the Conservative party promised.

Mr. Maples: Hon. Members will have noticed that the Minister dodged a simple and straightforward question. Is not his problem that waiting lists cannot improve without some other service worsening unless and until the NHS receives real annual increases in funding of more than 3 per cent. a year, as happened, on average, for the past 18 years? The NHS would have an additional £940 million next year if the Government had maintained that policy, and I would not have had to ask my first question.

Mr. Milburn: The hon. Gentleman has a very bad case of wanting to have his cake and eat it. He complained when waiting lists were going up; now he complains when waiting lists are coming down. As we said at the general election, the Government want shorter waiting lists, and are pledged to deliver that. I remind him that, under the Conservative Government, waiting lists went on rising—year in, year out. Under this Government, they will continue to fall year on year, and as a consequence patients will be in a better position.

Medical Negligence Claims

3. **Dr. Tony Wright:** What was the cost to the NHS last year of medical negligence claims. [34371]

The Minister for Public Health (Ms Tessa Jowell): The cost of clinical negligence to the Department of Health in 1996–97 was £300 million, £235 million of which was a cost to the national health service that was largely made up of provision for probable future settlements. The remaining £65 million was a direct cash cost to the Department of Health under the existing liabilities scheme.

Dr. Wright: Does not every health authority and trust face rapidly escalating bills for medical negligence claims? Every pound spent on defending such claims is a pound less spent on patient care, which is unsustainable. Is not the way forward the clear separation of complaints against doctors from compensation for medical accidents and a no-fault medical injuries compensation scheme?

Ms Jowell: The Government do not intend to establish a no-fault compensation scheme; instead, we intend to drive up the standards of treatment in the national health service that lie behind so many negligence claims. We want to keep doctors out of court, and lawyers out of the operating theatre. We want a national health service in which doctors and nurses are in the driving seat, not judges and lawyers.

Mr. Wardle: Will the Minister reconsider the plight of women who suffer permanent injury and disability as a result of radiotherapy treatment for breast cancer, who are represented by the campaign RAGE—Radiotherapy Action Group Exposure? Rather than insisting that negligence in the limited number of cases involved should be proved in the courts, will the Minister agree to compensation now, so that the matter can be settled without further agonising delay?

Ms Jowell: It is utterly cynical of the hon. Gentleman to seek to secure compensation on the Floor of the House. He will be aware that my hon. Friend the Minister of State has met representatives of RAGE a number of times. The Government's policy is clear: that compensation will be paid when negligence is established in court. That, we believe, is the right way in which to protect patients, and to safeguard the precious resources of the national health service for patient care.

Mrs. Betty Williams: In view of recent events in my local NHS hospital trust, is my hon. Friend prepared to consider tightening procedures for the employment of NHS staff?

Ms Jowell: If my hon. Friend writes to me about matters of particular concern in the context of medical negligence, I shall be happy to deal with them.

Ms Roseanna Cunningham: May I return to the question of accepting liability for harm done? The Minister will know that a great many haemophiliacs have contracted hepatitis C from blood donations. Her Department has already paid money to those who have contracted HIV, and I know that the Secretary of State met representatives of haemophiliacs in September last year and promised them a speedy response to the issues that they had raised. Will the Minister enlighten us about what has happened between last September and today, so that I can avoid being instructed—in another capacity entirely—by haemophiliacs to pursue a case against the Government?

Ms Jowell: My right hon. Friend the Secretary of State met representatives of the Haemophilia Society last year, and the content of that discussion is currently under consideration. As the hon. Lady is doubtless aware, my right hon. Friend recently announced the Government's intention to make recombinant factor VIII available to children.

Mr. Robert McCartney: Is the Minister aware of the distinction between cases in which there is clearly no answer to the question of liability in regard to medical negligence—cases in which the Government should come clean, admit that there has been negligence and dispose of the claims—and the variety of other cases of an individual kind in which negligence must be clearly established in accordance with the normal processes in the court? Is that not a valid distinction that the Government should take on board?

Ms Jowell: We fully take on board the scale of human misery that litigation causes in such cases, but it is important for the House to know that only 17 per cent. of cases taken to court succeed. In the 83 per cent. that fail, the only person who walks away with a cheque is the lawyer.

Barnet and Edgware Hospitals

4. **Mr. Clappison:** If he will visit *(a)* Barnet and *(b)* Edgware hospitals to discuss health provision in north London and south Hertfordshire. [34372]

Mr. Milburn: We have no plans at present to visit either hospital.

Mr. Clappison: Is the Minister aware that the trust concerned with Barnet and Edgware hospitals is proposing a programme of service cuts that will result in the loss of one quarter of in-patient beds? If that happens, there is precious little hope for an improvement in waiting lists or anything else for the residents of north London and south Hertfordshire. Despite all the talk of money and improvements in waiting lists, will the Minister take a look at the trust's financial situation and ensure that the service offered to my constituents does not fall below that offered elsewhere in the country?

Mr. Milburn: I am aware of the concerns in the local community about the issue and the difficult position in which the health authority finds itself—having to sort out the legacy left by the previous Administration. The trust, the health authority and the regional office are working very closely to ensure the best possible outcome for the local community.

Audrey Wise: Will my hon. Friend take note that at least one good thing has come from what I am afraid I think was a mess over Barnet and Edgware: the establishment of a very progressive birth centre, which will be opening officially very soon? Will he wish that birth centre all the best, keep an eye on it and ensure that it does not become a temporary project, to be discontinued as soon as its value is proven, as is happening to so many useful maternity projects at the moment?

Mr. Milburn: My hon. Friend makes an extremely good point. Thanks to all the efforts in the local community over the past few months, we have the option in the Edgware area of a high-quality community hospital, which will blaze a trail that many others will follow. Much work has been done, involving the community health council, some of my hon. Friends' local campaign groups and local GPs, to ensure that the best possible services are provided for the Edgware community.

Eye and Dental Checks

5. **Mr. Wallace:** If he will make it his policy to reinstate free eye and dental checks. [34373]

Ms Jowell: The question is being addressed as part of the comprehensive spending review of all Departments' expenditure. The review is being carried out in the context of the Government's clear election manifesto commitment that,

"if you are ill or injured there will be a national health service there to help; and access to it will be based on need and need alone".

Mr. Wallace: Does the Minister recall that, when her party and mine resisted the Conservative Government's efforts to introduce charges for dental check-ups and eye tests, one of the arguments that we used was that intervention could identify at an early stage diseases that could cause later problems? Does she still agree that that is a valid argument? By making necessary investment to restore free eye and dental checks, the Government could improve the general well-being and health of many, make savings in the long term and—conceivably—even reduce waiting lists. Will she repeal those Tory health taxes?

Ms Jowell: On the deliberations of the comprehensive spending review, the hon. and learned Gentleman will simply have to wait. It is however important that prevention is available wherever possible. Forty per cent. of people are eligible for free sight tests due to risk of conditions such as glaucoma and diabetes. It is extremely important that every encouragement be given to people to take up such eligibility.

The Government have recently announced a total of £19 million-worth of investment in dentistry in order to tackle inequality of access in some of the poorest parts of the country.

Mr. Blizzard: Does my hon. Friend agree that the best way in which to restore all parts of the health service, such as free eye and dental checks, is to make sustainable increases in expenditure, rather than adopt the method proposed by the Liberal Democrats, which would serve only to raise expectations, which would later be met with cuts, as the magic penny would fail to deliver the kind of money about which they are always talking?

Ms Jowell: My hon. Friend is right. Spraying around spending commitments is the prerogative of a party that will always be in opposition. The people of this country did the best thing for the national health service by electing a Labour Government last year.

Suicide

6. **Mr. Lock:** What targets he proposes to set for reducing deaths from suicide and undetermined injury. [34374]

11. **Mr. Levitt:** What targets he proposes to set for reducing deaths from suicide and undetermined injury. [34379]

The Parliamentary Under-Secretary of State for Health (Mr. Paul Boateng): The Green Paper "Our Healthier Nation" sets out the Government's proposed mental health target, which is to reduce the death rate from suicide and undetermined injury by at least a further sixth by the year 2010.

Mr. Lock: I am grateful to my hon. Friend for that answer. Does he accept that suicide rates among the socially disadvantaged are higher than those in the rest of the population? Does he agree that taking appropriate action to reduce suicide rates would be one of the best

ways of getting rid of the appalling legacy of health inequality that we inherited from the previous Government?

Mr. Boateng: My hon. Friend is right to point out the impact of inequality, which affects that area of health like every other. We are particularly concerned that, while the overall suicide rate is decreasing, it is increasing among young men between 16 and 25. We are addressing that problem as a matter of urgency.

Mr. Levitt: My hon. Friend has pointed out that the Green Paper says that we should address health problems by getting the social conditions right. Will he explain how we will tackle social conditions to reduce the suicide rate, which runs at 16 unnecessary deaths a year in north Derbyshire alone?

Mr. Boateng: Socio-economic conditions, not least unemployment, have clearly contributed to the stress that impacts on young men, which inevitably affects their suicide rate. We aim to reduce that rate through economic regeneration. The health action zones will provide ample opportunity for that.

Mrs. Virginia Bottomley: I warmly welcome the fact that the Government have chosen similar mental health targets to ours—our target was a 15 per cent. reduction in such deaths by 2000, while they have chosen a 17 per cent. reduction by 2010.

More people take their own life than are killed on the roads. There should be a bipartisan approach to reducing that appalling loss. Does the Minister agree that the issue requires not just resources—in social services as much as in health—but partnership between Government agencies, voluntary bodies and employers? New legislation is required. There was resistance to the introduction of supervised discharge and supervision registers, but if people in the community are to get the care they need to reduce that loss of life, we need to look again at the mental health legislation.

Mr. Boateng: The right hon. Lady had an opportunity to review that legislation. She did not take it.

Mrs. Ann Winterton: Does the Minister agree that mental health provision continues to be the Cinderella of the national health service? Does he further accept that care in the community is a mixed blessing and has been proven not to work in many cases? Will he ensure that Government policy focuses particularly on reducing loss of life among the young? Will he consider the example of VISYON—the Voluntary Initiative Supporting Youngsters' Ongoing Needs—which is an organisation in my constituency that seeks to help young people with mental health problems?

Mr. Boateng: I should be happy to consider what we can learn from the hon. Lady's constituency to tackle the problem. My right hon. Friend the Secretary of State has made it clear that we believe that care in the community has failed large numbers of our fellow citizens. We are determined to get it right. We shall bring forward proposals on the issue in due course.

NHS Anniversary

8. **Mr. Dismore:** What resources he is making available to schools to celebrate the 50th anniversary of the NHS. [34376]

Ms Jowell: The Department has produced a national health service 50th anniversary education pack, which is available to schools and colleges throughout England on request.

Mr. Dismore: Does my hon. Friend agree that, as part of the celebrations, schoolchildren should learn the history of the NHS in their area? Will she make resources available so that children in my area can learn about the history of Edgware hospital, which was closed by the previous Government in its 49th year, but which, thanks to the efforts of the local community, will be reborn in its 50th year as the new Edgware community hospital, with widespread local support?

Ms Jowell: I entirely accept that local history is as important as the proud history of the national health service created by a Labour Government 50 years ago, and rescued and renewed 50 years later by another Labour Government.

Sir Peter Tapsell: Does the hon. Lady think that the Secretary of State is wise to celebrate the 50th anniversary of the national health service by closing Horncastle hospital, especially bearing in mind the fact that more than 2,000 school children are bussed into Horncastle every day from an extensive rural area, and that, if that much-valued hospital is closed, they will be more than 20 miles away from any other hospital, along difficult winding country lanes that are sometimes almost impassable in the winter months?

Ms Jowell: The hon. Gentleman asked me in particular about the Secretary of State's wisdom. My right hon. Friend is infinitely wise, as is evident from all his decisions.

Mr. Grocott: Does my hon. Friend agree that an important part of celebrating the 50th anniversary of the national health service will be to remind the people of this country, especially the young people, which party established it, and which party opposed its establishment?

Ms Jowell: I recommend that hon. Members with an odd moment to spare read the report of the Second Reading debate on the National Health Service Bill, which makes my hon. Friend's point entirely clear: the national health service was created in the teeth of the opposition of the Conservative party.

Mr. Nicholls: Would not school children really have something to celebrate for the 50th anniversary if Ministers would stop pretending to have a better record on funding the national health service than their Conservative predecessors, and pledged instead to bring their funding up to the previous Administration's average increase of 3.1 per cent. per annum? That would be a pledge worth celebrating. Why does the hon. Lady not give it?

Ms Jowell: As we have improved on the Conservative Government's funding record on every count, that comment comes ill from the hon. Gentleman.

South Humber Health Authority

9. **Mr. Mitchell:** What proposals he has for reform of health service structures in South Humber health authority area. [34377]

Mr. Milburn: Our plans for modernising the national health service were set out in the recent White Paper, "The new NHS", which envisages fewer but larger health authorities, more co-operation between NHS trusts, and the development of new primary care groups. As part of that process, we shall work with health authorities and the professions to determine the best configuration of local services.

Mr. Mitchell: May I express the hope that my hon. Friend will look favourably on the sensible proposals for reorganisation of the health service that the South Humber health authority has now finally produced? Those envisage reducing the number of provider trusts from three to two, setting up two primary care groups to take charge of community services, and putting mental health services, which have always been the Cinderella of the service both locally and nationally, under a wider provider, preferably from the north bank.

Mr. Milburn: On the face of it, those proposals sound consistent with the policy directions set out in the White Paper, and I look forward to receiving the representations of the health authority. I assume that there will be a period of public consultation before the proposals are agreed. It is important that such proposals meet the needs of the local community, and I know that my hon. Friend and others of my hon. Friends have been in negotiations and discussions with the health authority and others over recent weeks, and I look forward to receiving their representations, too.

Cancer Deaths

10. **Mr. Corbett:** What targets he proposes to set for reducing deaths from cancer among people aged under 65 years. [34378]

Ms Jowell: A reduction in deaths from cancer among people under 65 will be achieved by improving access to treatment and the quality of treatment, and by widening the scope for prevention.

Mr. Corbett: I thank my hon. Friend for that reply. Will she confirm that the death rate from cancer is twice as high among the unskilled as among professionals, and that one third of the people who die from cancer are under 65? Can she assure me that efforts will be focused on offering deprived communities extra health care and advice to ensure that we overcome the inequalities in health provision?

Ms Jowell: My hon. Friend is absolutely right. It is estimated that about a third of cancers are in some way linked to poor diet, and half of all those who smoke are likely to die of cancer. Against any measure, the poorer you are, the greater your chance of contracting cancer. That is why, as part of our drive to tackle health inequality and to improve healthy years of life, we will focus resources and efforts on the most deprived communities.

Rev. Martin Smyth: I welcome the Minister's early response on steps to help cancer victims, but, having almost deified the Secretary of State for his infinite wisdom, can she tell us what steps have been taken to help mortal man who may be afflicted with prostate cancer?

Ms Jowell: The hon. Gentleman may be aware of the proposals under consideration on the case for screening of prostate cancer. Recently, I was involved in discussions about the importance of an improved focus on men's health. It may not be a matter for discussion on the Floor of the House, but it was put to me that self-examination by men as a preventive step in relation to prostate cancer should be undertaken in the same way as women undertake breast examinations to detect early signs of breast cancer.

Mr. Sheerman: Does my hon. Friend accept that the great increase in smoking among young women in particular is a cause of great concern? We are waiting for the Government to launch a hard-hitting advertising campaign which goes on and on and on, until the consciousness of young people is raised to the real dangers of blighting their lives and their health through smoking. Will we see an early start to that campaign, as we are getting impatient?

Ms Jowell: My hon. Friend will be aware of the recent advertising campaign—which was successful and was well received among young people—on the risks of smoking, which targeted in particular young people aged 16 to 24. He is absolutely right; we are deeply concerned about the rise in the numbers of young people—particularly young women—who smoke. One in three 15-year-old women are regular smokers.

To suggest that an advertising campaign alone will be enough to tackle this disturbing rise is too simple a view of an intractable public health problem. That is why the White Paper which we will publish later this summer will focus on protecting children, reducing smoking among children and supporting the seven out of 10 smokers who wish to give up. We must never forget that the 15-year-old woman who smokes today will be a lung cancer victim in 30 years' time.

NHS Trust Mergers

12. **Mr. Breed:** If he will make a statement on the Government's policy on NHS trusts mergers indicating the estimated savings to the NHS from trust mergers in 1998–99. [34380]

Mr. Milburn: Any merger proposal will be considered on its own merits, on the basis of demonstrable benefits to health and health care and savings in administration. We expect to see about £3 million in savings from mergers of national health service trusts next year, leading to longer-term savings of £10 million per year.

Mr. Breed: Will the Minister assure my constituents that there will be no hospital closures or bed reductions in advance of trust merger proposals, so that any administrative savings can be directed to front-line services?

Mr. Milburn: That is precisely our commitment. Any money that comes out of administration and bureaucracy as a consequence of trust mergers will be

reinvested locally for the benefit of front-line patient care. That is the right priority, which I believe both staff and patients support. We do not have a national blueprint for trust mergers, but we are prepared to listen to local proposals that come about as a result of local decision-making rather than of any national edict.

Mr. Edwards: May I draw my hon. Friend's attention to the Nevill Hall trust proposal for a separate trust for north Gwent, as opposed to Gwent health authority's proposal for a single trust for the whole of Gwent? I assure him that the health authority's proposal would produce the savings that the Government want, reduce the number of trusts in Gwent, and maintain the integrity of Nevill Hall hospital as a district general hospital.

Mr. Milburn: It is important that any trust merger proposal takes as its yardstick the improvement of services for patients—that is how trust merger proposals are judged. Moreover, they have to demonstrate that there will be administrative savings. We all know that the lunacy of the internal market led to the embedding of far too many trust organisations in the national health service, all competing against one another. Thankfully, a new spirit of co-operation is abroad in the national health service, which we expect to lead over time to fewer trusts rather than more.

Mr. Rowe: Does the Minister accept that consultations—in east Kent, for example—are both led and controlled not by medical staff but by lay administrators, whose jobs, of course, are at risk from trust merger proposals? Will he assure the House that he will be robust in ensuring that, in any proposal for trust mergers, the vested interests of administrators do not override medical provision?

Mr. Milburn: On east Kent, as on any other trust merger proposals, Ministers will examine carefully local proposals that have come about as a result of local consultation and local decision-making. As I said, we do not have a national blueprint that we want to apply to all areas. Different parts of the country have different needs, and it is right that different organisational structures should reflect that.

Mr. Dawson: I congratulate my hon. Friend on his wise decision in approving the merger of acute health trusts in Lancaster, Kendal and Barrow, and of community health trusts in Lancaster and Barrow. Does he agree that those mergers will produce substantial savings in bureaucracy, which will build on the great strides that have been made in Lancaster in reducing waiting lists month on month since 1 May 1997? Does he also agree that there is now a real need to get on with the appointment of non-executive directors to maintain the impetus that has been created?

Mr. Milburn: Wisdom is obviously contagious, which is useful to all Ministers. My right hon. Friend the Secretary of State is considering the issue of appointments to non-executive directorships; we expect to make an announcement in due course. I believe that the proposal for the Morecambe bay area is right for the people who live there, for patients and staff, and for the national health service. Thankfully, there will be a new spirit of co-operation in the Morecambe bay area, just as there is throughout the country.

NHS Waiting Lists

13. **Mr. Ruffley:** If he will make a statement on NHS waiting lists. [34381]

15. **Mr. Prior:** If he will make a statement on NHS hospital waiting lists. [34383]

Mr. Dobson: Waiting lists are far too long and must be reduced. Last Wednesday, following the Budget statement of my right hon. Friend the Chancellor of the Exchequer, I announced that the Government had found an extra £500 million for the health service for next year on top of the previously announced extra £1.2 billion, and that that sum would be devoted to reducing waiting lists by April next year to below the record level that we inherited from the Tory Government.

That will be followed by further targeted efforts to reduce waiting lists by at least a further 100,000 during this Parliament. Reductions on that scale have never been achieved before in the history of the national health service.

Mr. Ruffley: Is the Secretary of State aware that, in February 1997, West Suffolk hospital in my constituency had fewer than 5,500 on the waiting list, but that since 1 May the number has risen to more than 5,600? That is a result of the spending allocations for Suffolk being the joint worst in the Anglia and Oxford region. When will he stop the policy of moving money away from rural health authorities and into urban areas?

Mr. Dobson: As the policy has not started, there will be no need to stop it. The only thing that has started is Opposition Members peddling stories that are not true. The only significant change in allocations was an item to recognise the additional cost that ambulance services in rural areas have to bear because of the distances covered, so rural areas are generally better off. Exactly half the increase in the number on the waiting list in Suffolk last year occurred in the first quarter of the year—the period for which the Conservative Government were entirely responsible.

Mr. Prior: The Secretary of State has publicly and disgracefully threatened to dismiss local health service chiefs if his targets for waiting list reductions are not met, although he has not provided them with the resources to meet those targets. Is that fair?

Mr. Dobson: The waiting list reduction target that I announced at the Dispatch Box last Wednesday, to be funded by the extra money that I announced at the time, was not conjured out of the air by Ministers: it was the product of the considered view of the chief executive of the national health service. The British Medical Association, representing doctors, and the National Health Service Confederation, representing board members and managers, confirm that it is a realistic target. It must be taken seriously by everybody in the national health

service. It is in the interests of patients and of the service that targets should be met, and I am making it clear to all concerned that they will be met.

Mr. Hepburn: I applaud the Government's policies to reduce waiting lists, but what assistance does the Secretary of State intend to give to NHS trusts in financial difficulties? Will he take into consideration the representations that I have made to him in writing on the future of the minor injuries unit at Jarrow hospital?

Mr. Dobson: My hon. Friend will know that I cannot give him an off-the-cuff answer on the future of the minor injuries unit in Jarrow, and he would not expect me to; but I can tell him that most of the debts that health authorities face are the hangover of the debts that they faced under the previous Government—except that, generally speaking, the amounts are a lot lower. I am making it clear to the non-executive directors, chairs and chief executives of every health authority and trust that not a penny of the extra money for targeting on waiting lists is to be spent on anything else. The people who think that they can divert the money had better think again.

Miss Melanie Johnson: Does my right hon. Friend agree that not only have we put in an extra £1.7 billion, but we have had to face the fact that the Conservatives in government wasted a huge amount that could have gone towards cutting waiting lists on the introduction of the marketplace in the health service, and that that led to the increasing waiting lists that we have inherited? We are now promoting co-operation, and, in addition to the extra resources, we have the capacity to make the money work better in the NHS. Is it not a disgrace that Conservatives Members should now be hopping up and down, when they could not deliver on behalf of the people of this country in all their 18 years in government?

Mr. Dobson: I accept all the points that my hon. Friend has made. During this winter, which is just coming to an end, the NHS and people working in social services have amply demonstrated to everyone that, given targeted additional resources, they can deliver the targets laid down. On the basis of the confidence that I have developed in the capacity of the health service to do that, we have found an additional £5 million, which is to be targeted on waiting lists and will not be diverted for any other purpose.

That is why, on the advice of the chief executive of the NHS, I am confident that, by the end of the coming year, we will get waiting lists down to below the level that we inherited, and will go on from there—it is not a stunt for one year or anything of that sort—to get them down by at least 100,000 more before the end of this Parliament, and, hopefully, considerably more.

Mr. Simon Hughes: Given that the whole country now knows that, if the Labour party had been really honest, its election "early pledge" would have read, "Waiting lists will be shorter, but not yet," or, "Waiting lists will be shorter, but not for years," does the Secretary of State accept the view now widely held among the professionals he quoted and informed journalists—the view that my colleagues on the Liberal Democrat Benches have held for years—that waiting lists and times will not come down significantly and the NHS will not escape a profound financial crisis until it receives at least a 3 per cent. a year increase in real terms?

Given that the right hon. Gentleman said last week that managers would not have confidence in the Government exercising their position if they did not use their resources properly, why should the country have confidence in the Government's claim that they are saving the health service if, in the first two years, they have given it less than it needs even to stand still?

Mr. Dobson: I do not know who these people are in the professions, and as for "informed journalists", that is almost a contradiction in terms. The fact of the matter is that I have talked to the leaders of the professions, and they are confident that the £500 million—

Mr. Hughes: Is it enough?

Mr. Dobson: The hon. Gentleman was on his feet speaking for about five minutes and now wants to continue bleating on.

I was saying that the leaders of the professions have told me that they believe that £500 million targeted specifically on waiting lists will achieve what we have asked for, the British Medical Association has said the same, and that is the considered opinion of the chief executive of the national health service, who was not in thumbscrews or on a rack when he gave that advice—it was entirely voluntary. He thought that it was a good idea, and we have accepted his advice.

We have set the target, and we are now determined that we will help the 1 million people in the health service to deliver it. If the Liberals do not want it delivered in their areas, they can give me a list of the places where they do not want waiting lists to come down, and I am sure we can oblige.

Mr. McCabe: Will my right hon. Friend tell us how he envisages that the extra £500 million will be put to use to cut the waiting lists in the Birmingham area?

Mr. Dobson: It will be straightforward. It will be spent on more operations, more work by doctors and more nurses employed in the Birmingham area, on more effort in the Birmingham area to stop people who would be better off at home from having to go into hospital, and on more concerted effort to get out of hospital people who are better off at home. All that will be happening in real terms to real people, carried out by real doctors and real nurses, in real Birmingham.

Hotel Charges (Health Trusts)

14. **Mr. Nicholas Winterton:** If he will list those health trusts which make available facilities for which patients pay hotel charges; and if he will make a statement. [34382]

Mr. Boateng: All basic services, such as catering, cleaning and laundry, are free of charge to national health service patients. Information is not held centrally on extra services that they may be offered—for example, bedside television.

Mr. Winterton: I am grateful to the Minister for that reply, but does he not feel that the national health service

as a whole should he able to maximise the use of facilities to provide additional resources for patient care? Hospitals are being closed, wings are being decommissioned and beds are going out of commission. There is a growing need for facilities for people who for reasons of their own require a private room and facilities. Would it not be good for the health service if it could offer that facility—without in any way creating a two-tier system, to which I am 100 per cent. opposed?

Mr. Boateng: The hon. Gentleman deserves to be heard with respect, because he has on occasion stood on his own among Conservative Members in defending the NHS. Nevertheless, he will understand that it is vital that any extra income-generating proposals from trusts must concern optional extras, and they must be just that: optional and extra.

Dr. Iddon: Will my hon. Friend comment on the huge amount of debt owed to the NHS by people in the private sector who have not yet coughed up their full whack?

Mr. Boateng: It is important that anyone who owes anything coughs up.

Anthrax

3.30 pm

Mr. A. J. Beith (Berwick-upon-Tweed) (*by private notice*): To ask the Secretary of State for the Home Department whether he will make a statement on the threat from, and the precautions Her Majesty's Government are taking against, any possible attempt to bring anthrax into the United Kingdom.

The Secretary of State for the Home Department (Mr. Jack Straw): The Government receive a variety of information of the kind that led to today's newspaper reports. As the country knows, Iraq has a clear capability to produce chemical and biological weapons. One purpose, among others, of the United Nations weapons inspectors in Iraq has been to detect any production by Iraq of anthrax.

A number of countries have received intelligence about possible threats by Iraq to smuggle anthrax, but our information is that there is no specific threat to the United Kingdom. There is no evidence to suggest that any attempt has actually been made to smuggle anthrax into this country. There is also no evidence that such an attempt at smuggling might be in prospect.

The House would not expect me to go into detail about the intelligence that we have or the specific counter-measures that we have taken. However, we monitor the terrorist threat to the United Kingdom very closely, and we remain vigilant, taking all the necessary precautions. In doing so, we bear in mind the need both for prudence and for a measured, proportionate response that does not generate unnecessary public alarm.

When the initial information about possible anthrax smuggling was received, it was assessed thoroughly alongside all other relevant information and our assessment of Iraqi intentions. In the light of all that, detailed guidance was subsequently given to operational staff at all our ports on the detection of any such attempted smuggling.

Let me emphasise that this warning was a prudent, precautionary measure, and that we have no reason to believe that such an attempt at smuggling is in prospect. All-ports guidance of this nature is not unusual, and has in the past included information on chemical and biological materials.

Our first aim must be to prevent terrorism, but, if necessary, we have the means to deal swiftly and expertly with its consequences. Our plans are well prepared and continually reviewed. They are tested often and at all levels. Our preparations cover all forms of terrorism, including chemical and biological threats. Those preparations include active co-operation with our allies. As part of our European Union presidency, we organised an expert seminar on biological and chemical terrorism which, coincidentally, is being held in the south of England today.

It is right to take sensible measures, but it is unnecessary to be alarmist. The duty of Government is to ensure that we remain prepared and vigilant. We will continue to fulfil that duty with care.

Mr. Beith: I thank the Home Secretary for recognising that, once the stories appeared in the press, it was desirable for him to respond with a Government statement putting the matter in perspective. Is he satisfied that sufficient resources are available at the ports to deal with any needs that may result from such activities? We feel strongly that those who sometimes risk their lives in bringing us such warnings are people on whose work we place a high value and greatly respect.

Does the Home Secretary recognise that we have to be ready to expect anything from a dictator who has already sought to gas the citizens of his own country? That underlines the importance of the stand that Britain took on restarting the weapons inspection system effectively. Is he aware that there is evidence that, during the 1980s, before this Government's time, anthrax was obtained by Iraq from western US sources, and that development of the culture medium and some of the training of Iraqi scientists may have taken place in Britain? Will he consult his right hon. Friends, to whom my hon. and learned Friend the Member for North-East Fife (Mr. Campbell) has put questions on that last point?

Mr. Straw: The right hon. Gentleman asks me whether I am satisfied that sufficient resources exist to deal with any threat that may arise. Yes, I am. They include, necessarily, not only resources at ports but resources effectively to assess the intelligence and other information that is received and the overall assessment of the threat that is posed at any stage by Iraq. Of course I pay tribute, as the right hon. Gentleman has done, to those on whom Britain relies for a variety of information.

The right hon. Gentleman asked me a specific question related to things that may or may not have happened in the 1980s. He will understand that I have no personal knowledge of those things, but I shall certainly refer the matter to my right hon. Friend the Secretary of State for Foreign and Commonwealth Affairs.

Mr. Tam Dalyell (Linlithgow): As this matter was raised last month by me and others, may I ask on what date the perceived threat first became apparent to the Home Office?

Mr. Straw: The specific information to which reference is made in today's edition of *The Sun* became available on 6 March, but I should emphasise to my hon. Friend that that is part of a series of information that is available. The information has to be assessed within its context, not out of context.

Sir Brian Mawhinney (North-West Cambridgeshire): Does the Home Secretary accept that it is our considered view that, while we demand maximum vigilance at our national points of entry, we should not give Saddam any satisfaction by allowing anyone to generate indefensible public anxiety in this country? While I do not wish him to reveal the contents of the intelligence that he has received, will he assure the House that it has no special features that would constitute a particular threat to this country and/or something about which our public should be told?

Mr. Straw: I most warmly thank the right hon. Gentleman for the tenor of his remarks. He is entirely right to say that we have to balance our response carefully and take sensible and prudent measures without, as he says, giving Saddam the comfort of raising indefensible public anxieties that are not necessary. As I have already

explained, the information is part, as he will fully understand, of a series of information that is received from time to time. It has no particular special features. However, it was information that we had to take into account. Following a thorough assessment of that information, the all-ports warning was issued.

Mr. David Winnick (Walsall, North): While we do not want panic or undue anxiety, should not the British people learn the useful lesson that the present Iraqi regime is capable of any evil, bearing in mind what has already been said about the gassing in March 1988 in Iraq itself? Does not all this demonstrate that, as the regime continues to have such means of mass destruction, the United Nations weapons inspection needs to continue for a very long time to come?

Mr. Straw: My hon. Friend has been robust in support of the allied effort against Saddam Hussein—rightly, in my view. The answer to both his questions about the evil nature of the Iraqi regime and the continuing need for weapons inspections is yes.

Mr. Douglas Hogg (Sleaford and North Hykeham): Does the right hon. Gentleman agree that there has always been a risk that terrorists, whether state-driven or domestic, would resort to biological and chemical weapons? Does he accept that that is a fact that has to be taken into account when determining the proper degree of control at external frontiers, and that we should try to ensure that, when people dismantle external frontiers, they leave in place systems that are capable of identifying the import of such weapons? Does he also agree that it is important that nations that are committed to fighting terrorism should ensure that they exchange information as rapidly as possible when they identify any risk of this sort?

Mr. Straw: I agree with all the right hon. and learned Gentleman's remarks. While important, the need to maintain vigilance at ports is not only to detect illegal immigrants, but to detect matters such as this. However, he will understand that the primary information has to become available first; otherwise, one is searching for things that are virtually impossible to find. Therefore, it is important that effective systems are in place.

I should correct a small error that I made a moment ago: the information was received in the Home Office on 5 March, not 6 March, as I said.

Ann Clwyd (Cynon Valley): Is it not the case that information about firms in Britain that supplied the components of chemical and biological weapons was conveyed by the United Nations Special Commission to the previous Government and that, unlike other countries such as Germany, where there have been prosecutions of such companies, no prosecutions have taken place in this country? Will my right hon. Friend look again at that matter?

Mr. Straw: I shall certainly draw it to the attention of my right hon. Friends with responsibility for those matters, but my hon. Friend will understand that, by definition, I do not have information that relates to the previous Administration.

Mr. Nicholas Winterton (Macclesfield): May I thank the Home Secretary very much for the constructive and informative statement that he has made to the House this afternoon? It was quite clear that, once the matter became public, it was vital that the people of this country should be reassured and given the basic information. The Home Secretary has done that, and I believe that the country will be grateful.

Mr. Straw: May I, in turn, say to the hon. Gentleman that I am extremely grateful for the tone of his remarks?

Ms Sally Keeble (Northampton, North): May I thank my right hon. Friend for his measured statement, to counter some very scary stories this morning? Will he confirm that his Department's role is just one part of the total effort by the Government to deal with the real threat posed to this country by Saddam Hussein?

Mr. Straw: Yes, the role of the Home Office is principally internal to this country. We work with the intelligence agencies, my right hon. Friend the Secretary of State for Defence, who joins me on the Treasury Bench for this statement, my right hon. Friend the Secretary of State for Foreign and Commonwealth Affairs and other Ministers as part of a joint effort, not only by the United Kingdom, but, very importantly, by our allies, to ensure that the threat posed by Saddam Hussein is as minimal as possible.

Dr. Julian Lewis (New Forest, East): A fortnight ago, hon. Members on both sides of the House were deeply impressed by the bravery of the Secretary of State for Defence and his ministerial team in baring their arms for anthrax vaccinations. Are we now to assume that perhaps that gesture was a little more self-interested than it appeared at the time?

Mr. Straw: I have to tell the hon. Gentleman that there is no politician in the House who is less self-interested than my right hon. Friend.

Mr. Tony Benn (Chesterfield): May I join in thanking my right hon. Friend for the way in which he presented his statement? In order to put it into perspective, can he give any general idea how many reports of this character reach his Department in the course of a year? There must be a number of alarms of one sort or another, and it would be helpful for us to know, roughly, how regularly warnings of this sort reach his Department.

Mr. Straw: My right hon. Friend will forgive me if I do not give him the specific information that he seeks, because I genuinely do not believe that it would be in the public interest to do so. As I made clear in my opening statement, all-ports warnings are issued from time to time, and an all-ports warning was issued some time ago specifically in relation to a biological or chemical threat.

Dr. Stephen Ladyman (South Thanet): I am partially reassured by my right hon. Friend's statement, but only partially. As I previously told the House, the thing that makes anthrax a lethal terrorist weapon is the fact that it is very easy to store, which means that, if such an attack was planned—thank goodness, it appears to be a very big "if"—the anthrax spores could have been in the country for the past six months, stored quite happily in any dark cellar. I would be really reassured only if I knew that the

[Dr. Stephen Ladyman]

Department of Health had made plans to look out for the symptoms of possible attack, and to respond before any announcement might be made by the terrorists.

Mr. Straw: Let me make it clear to my hon. Friend that this Government—like the previous Government, very assiduously—take every possible precaution to prevent terrorism, including that of a chemical and biological kind, and to deal with it should it arise. That includes a number of terrorist exercises, which are handled by Ministers as well as by officials. A month ago, I and a number of ministerial colleagues took part in a terrorist exercise to ensure that preparations were fully in place.

Coincidentally, the EU presidency seminar on biological and chemical terrorism, which we organised as part of our presidency, is being held today. That is an indication of our earnest intent to ensure that proper preparations are laid down for any threat that may arise.

Mr. John Smith (Vale of Glamorgan): I and all hon. Members are grateful to my right hon. Friend for the reassurance that he has given us this afternoon. Will he further assure us that, should such a threat exist in future, international points of entry—such as Cardiff, Wales airport in my constituency—which do not have, and have not had for some years, full-time customs cover, will always remain secure?

Mr. Straw: I assure my hon. Friend that we shall continue to ensure that all parts of the United Kingdom are effectively covered by the kind of scrutiny that we put in place.

Points of Order

3.46 pm

Mr. John Wilkinson (Ruislip–Northwood): On a point of order, Madam Speaker. May I bring to your attention an article in today's edition of *The Times* by Mr. Andrew Pierce, its political correspondent, which refers to the extraordinary practice that seems to have been carried out by the Minister for Competition and Consumer Affairs? The hon. Gentleman may have literary talents of which we were unaware, but it would appear, if the article is to be believed, that he has been writing the questions that he himself has subsequently answered. That may be a way to ensure that the tame Members on Government Benches ask the questions to which he can reply, but it is surely an abuse of the practice of the House. It is also an abuse of his ministerial office to do the drafting on Department of Trade and Industry writing paper.

My right hon. Friend the Member for Wokingham (Mr. Redwood), the shadow Secretary of State for Trade and Industry, has, I believe, correctly put this matter to you in writing. We all deprecate planted questions, but ministerial planting of questions is a thoroughly bad abuse, which I hope that, with the full panoply of your office, you will be able to eradicate on our behalf.

Madam Speaker: I have read the report to which the hon. Gentleman refers, although I have to tell him very clearly at the outset that the matter has not been brought to my notice in the way that he suggests. We all know that the practice that he describes is not new. All Governments have sought to inspire questions, and ministerial aides have often enlisted Back Benchers to ask helpful questions. Generally, in my experience, it has been done in a more subtle way than appears to have been used in this case. Perhaps I may be permitted to add that I find it a sad reflection on Ministers' views of the quality of Back Benchers if they cannot be trusted to devise their own questions.

Mr. Lindsay Hoyle (Chorley): Further to that point of order, Madam Speaker.

Madam Speaker: No. I have cleared that point of order.

Mr. Llew Smith (Blaenau Gwent): On a point of order, Madam Speaker. As you will be aware, in the past few years I have initiated several Adjournment debates, and tabled more than 100 questions, on problems relating to the measles and rubella vaccination, and the measles, mumps and rubella vaccination. Yesterday, the Medical Research Council assembled a working group to look into the research findings of Dr. Andrew Wakefield. Although I and the parents of a number of children who were damaged as a result of those vaccinations were totally dissatisfied with the way in which the working group was conducted and set up, I accept that that is not your problem, Madam Speaker.

I want to bring it to your attention that the Medical Research Council organised a press conference with the support, I assume, of the Department of Health. I contacted the Department and the MRC to see whether, as a Member of Parliament who had shown particular interest in the subject, I could gain admission to the press

conference. I was told that that was not possible. Initially, I was told that there was not a spare chair, which I found it difficult to believe. After something of a row with those in authority, they found a chair. They said that I could attend, but that I could not ask a question.

Would you, Madam Speaker, look into the powers of Members of Parliament to question bodies that were set up under the royal charter and which receive public funds? It is ironic that we are not allowed to question such bodies, but the media are.

Madam Speaker: The point of order for me is whether the hon. Gentleman or any other hon. Member can ask questions of Ministers—who, of course, have the final responsibility. I am sure that the hon. Gentleman will continue to ask questions, initiate Adjournment debates and, perhaps, table a private notice question, if he is not satisfied with what has happened.

Mr. Douglas Hogg (Sleaford and North Hykeham): On a point of order, Madam Speaker. I refer to the exchange that you had yesterday with my hon. Friend the Member for Mid-Sussex (Mr. Soames) about whether the Foreign Secretary would come to the House and make a statement on his visit to the middle east. At that time, you expressed the view that perhaps he would, but that in any event you would do what you could to help. We have not seen the Foreign Secretary today, so we must assume that he is not coming to the House.

It has been a long-established principle that Foreign Ministers should report to the House on the outcome of important foreign visits. Would you, Madam Speaker, do your best, as you were kind enough to say you would do yesterday in a particular way, to ensure that the general practice is not being abandoned by the Government?

Madam Speaker: The right hon. and learned Gentleman knows that it is for him, as a long-standing Member, and the many other hon. Members who are interested in this matter, to use the facilities available—his Front Bench, the shadow Leader of the House and the usual channels—to let it be known that the Opposition want a statement. That is the way to proceed now.

Mr. Hoyle: On a point of order, Madam Speaker. Are you aware that a letter was sent out stating:

"Dear Colleague,

John Maples would appreciate it if you could be in the Chamber for Health Questions tomorrow.

I enclose a briefing note but it is particularly effective if colleagues are able to ask supplementary questions which relate to the experiences of their own constituents. Health Ministers in our last Government have confirmed that it is almost impossible for a Minister at the Despatch Box to deal effectively with questions involving individual cases and the impression given is of widespread problems and discontent"?

That was very naughty.

Madam Speaker: That is not a point of order for me. It looked as if the hon. Gentleman needed some Scotch tape to hold that together.

Crown Estate (Amendment)

3.52 pm

Mr. James Wallace (Orkney and Shetland): I beg to move,

That leave be given to bring in a Bill to require the Crown Estate Commissioners to exercise their functions with due regard to the non-commercial interests of local communities; to regulate the granting of sea-bed leases by the Crown Estate Commissioners and establishing the rent therefor; to amend section 4 of the Crown Estate Act 1961; and for connected purposes.

I welcome this opportunity to raise the activities of the Crown Estate Commissioners in relation to sea bed leases. It is a subject that has generated much controversy in the highlands and islands, in particular in my Orkney and Shetland constituency. Indeed, in the northern isles there was even a legal challenge, based on Udal law, as to whether the Crown Estate had legal title to the sea bed. As the Court of Session found that it did, that is the legal basis on which we now have to proceed.

The nub of the problem is that the Crown Estate Commissioners charge excessive rents for the use of the sea bed—a use which, in practice, may not amount to much more than dropping an anchor. That can have a serious financial impact on salmon farming, shellfish farming and non-profit-making community marinas. Their rental charges also have consequences for the cost of providing lifeline transport links in the islands areas.

In all those cases, rent is charged, but the obligations on the Crown Estate as landlord are virtually non-existent. There is almost a parasitic quality about these rental agreements. In fact, the position is that, on the one hand, the Government and Government agencies are claiming to support industries such as fish farming, as well as investing in the transport infrastructure, while on the other, the Crown Estate Commissioners are sucking resources out of those industries and contributing to higher transport costs.

The regulatory function of the Crown Estate in relation to the granting of fish farm leases is currently the subject of Scottish Office consultation. The Bill could provide an opportunity to transfer that function to relevant local authorities in Scotland.

I shall deal with each of those points in turn. My Bill would regulate the way in which rents are charged for sea bed leases, not least to allow for realistic account to be taken of the aquaculture industry and the straitened circumstances that it currently faces. Anyone familiar with the salmon farming industry knows that it is in crisis, with prices barely—if at all—covering production costs. One of the costs that must be borne is the rent charged by the Crown Estate.

In 1996–97, the Crown Estate received some £2.3 million from the Scottish aquaculture industry at a time when it could ill afford it. Although more recently some of the demands for rent have been moderated, salmon farmers still believe that the Treasury, through the Crown Estate, is imposing a production tax on an industry in crisis. What adds to the injury is the feeling that as landlord the Crown Estate has little or no responsibility.

The annual report of the Crown Estate Commissioners shows how much is invested in research. The most recent report informs us that £1 million has been spent on that investment, which sounds a large sum, until one realises that it was spread over 10 years.

[Mr. James Wallace]

Not even that limited discharge of landlordly responsibility can be found in relation to the charges made for community marinas in Shetland. As the House will readily understand, island communities have a strong affinity with the sea. For centuries, many of my constituents in Orkney and Shetland have kept boats, and only in very recent times have they been asked by the Crown Estate to pay a charge for the privilege of mooring their boat.

Many communities have worked hard to establish marinas to afford better protection and safety, yet the Crown Estate insists on charging those non-profit-making community associations the same rent as is charged for moorings in the larger and grander yachting clubs on the mainland in Scotland.

Where rentals have not been agreed, the district valuer has been brought in. Sometimes that has led to even higher proposed rents. It is not always clear on what basis a rent can be charged for permission simply to drop an anchor. In one case, the district valuer proposed an annual rent of £450. The secretary of the Marina Users Association made an interesting observation in a letter to me:

"Local land valued by the DV can be bought from approx. 28 pence per square metre, yet he is suggesting an annual rent of 42 pence per square metre for the sea bed."

In another case in which there was concern that excessive rental charges would lead to some port users giving up, therefore putting a bigger financial cost on those left, the commodore of that boating club wrote:

"We rent the foreshore for £3 per annum and feel strongly that any rent levied by the Crown Estate should be similarly nominal. We would in preference like to buy the land and have done with this anachronistic quango for good."

The Crown Estate Act 1961 makes provision in section 4 for the commissioners to waive consideration or dispose of the land where land is to be used and occupied for

"any communal facilities for recreation".

The kind of community marina to which I have referred might be considered a good case for the rental charges to be waived. The two First Crown Estate Commissioners and the two previous Secretaries of State for Scotland have rejected that plea, on the ground that there were strong legal doubts about whether rent charges could be waived.

It would be one of the purposes of my Bill to clarify the law, so that the commissioners could waive rent or merely charge a nominal rent in the case of non-profit-making facilities. If they did not do so, it would be open to the Secretary of State to use his powers of direction.

Similar considerations can apply in the case of transport infrastructure for lifeline services. The ferry terminals operated by Orkney islands council, for example, are also liable to rent charges by the Crown Estate. At the time of the last review, the Crown Estate's valuation agents proposed increases in excess of 900 per cent. for the terminals at Tingwall, Rousay, Egilsay and Wyre. That was modest compared with the 2,000 per cent. increase proposed for Rapness in Westray and the 3,000 per cent. increase for Loth in Sanday.

As those costs must be met from a harbour account that must balance, they must inevitably be passed on to the ferry company and on to the fares paid by ferry passengers. Surely it cannot make sense that fragile communities should have to bear such additional costs. The legislation needs amendment to relieve the commissioners of the obligation to go for every penny they can in such situations.

Finally, I should like to deal with the Crown Estate Commissioners' regulatory functions in the operation of marine fish farm leases. Last December, the Scottish Office issued a consultation document proposing that local authorities assume responsibility for determining siting of fish farms, having regard to the environmental impact of such developments. Although there seems to be a consensus that, in principle, the Crown Estate Commissioners' regulatory powers should be transferred to local councils, the difficulty is in determining how such a transfer can be made. It is difficult to imagine it happening without legislation. Moreover, I do not believe that it would be a simple matter of extending planning legislation to include the sea bed.

The Government propose that, after Scottish devolution, the Crown Estate should be a reserved matter—next week, we might debate that proposal. However, surely it would be better if we passed the necessary legislation while the House has responsibility not only for the Crown Estate but for Scottish local government. My Bill could serve as a vehicle for such a change.

I believe that the problems that I have highlighted are serious, not least in connection with the social and economic well-being of some of our nation's distant and fragile communities. I do not believe that the Government wish to undermine those communities by using back-door taxation. Therefore, if the Crown Estate Commissioners are either unwilling or unable to show greater flexibility than they have shown until now, legislation will be necessary to provide that greater flexibility and fairness.

Even if my Bill suffers the fate of most ten-minute Bills, I hope that Ministers who are listening will be willing to act.

Question put and agreed to.

Bill ordered to be brought in by Mr. James Wallace, Mr. Robert Maclennan, Mr. John Home Robertson, Mrs. Ray Michie, Mr. Charles Kennedy, Mrs. Margaret Ewing and Mr. Andrew George.

CROWN ESTATE (AMENDMENT)

Mr. James Wallace accordingly presented a Bill to require the Crown Estate Commissioners to exercise their functions with due regard to the non-commercial interests of local communities; to regulate the granting of sea-bed leases by the Crown Estate Commissioners and establishing the rent therefor; to amend section 4 of the Crown Estate Act 1961; and for connected purposes: And the same was read the First time; and ordered to be read a Second time on Friday 24 April, and to be printed [Bill 157].

Orders of the Day

School Standards and Framework Bill

As amended (in the Standing Committee), further considered.

New clause 7

TEACHERS' PAY AND CONDITIONS

'.—Notwithstanding the provisions of the Teachers' Pay and Conditions Act 1991, a pay and conditions order issued under the Act shall not apply to the statutory conditions of employment of the school teachers employed in a foundation, foundation special or voluntary aided school.'.—*[Mr. Dorrell.]*

Brought up, and read the First time.

4.1 pm

Mr. Stephen Dorrell (Charnwood): I beg to move, That the clause be read a Second time.

New clause 7 deals with an absolutely key part of the responsibility of foundation and voluntary aided schools. Clause 52 makes it clear that, ultimately, the appointment and dismissal of teachers in community and voluntary controlled schools will be a responsibility of the local education authority. However, clause 53 makes it clear that a different principle will apply to foundation schools and voluntary aided schools—which reflects the Government's policy, as stated in "Excellence in Schools", and is part of their commitment to creating a difference between foundation and voluntary aided schools and community and voluntary controlled schools.

I agree with an approach offering two alternative ways of running schools. In the long run, some schools may opt to accept that their teachers should be employed by the local education authority, and that their assets should be managed and owned by the local education authority. I understand why the Government have included that option in the Bill, as some schools may wish to continue operating on that basis. However, I also believe that the Bill should allow schools that wish to accept greater responsibility for their own affairs to be responsible for managing their own teaching and non-teaching employees and their own buildings and assets. Such a freedom should be available to schools.

The Government have come some way in the Bill in recognising that such freedom should exist. We tabled the new clause to encourage them to follow their own logic, and to go a couple of stages further in providing that freedom.

Clause 53 and schedule 17 will allow foundation and voluntary aided schools to be responsible for the appointment of teachers, subject to a process involving those schools' head teacher and other teachers. They also make it clear that the management of the teaching force is the responsibility of the head teacher reporting to the governing body. However, the Bill does not allow the head teacher or the governing body, in negotiation with the teachers they employ, to vary the terms of the School Teachers' Pay and Conditions Act 1991. The new clause is an attempt to open the door to that possibility.

We contend that, if a school is to be the employer of teachers, and if it is to have the freedom to follow its own ideas about how the skills and dedication of those teachers can best be used to meet the needs of its children and the community it serves, the freedom to vary teachers' nationally negotiated terms and conditions should be vested in the governing body which is, according to the Government's own drafting, the employing agency for those teachers.

I do not understand why the Government should open the door to the principle that the school is the teacher's employer, only to deny to the governing body and the school one of the basic instruments that an employer ought to have: the ability to create a context that best allows it to meet its needs by varying—by negotiation, of course—the teachers' employment terms.

I am not opposed—nor is my party—to the Review Body on School Teachers' Pay and Conditions of Service; it would be odd if we were, as we set it up. The principle of independent advice about teachers' pay and conditions, provided by a body working to the Government, is one which we established and which has a continuing role in the employment of teachers. Indeed, it could be argued that allowing more schools the freedom to develop their own pay and conditions packages to respond to local needs reinforces rather than undermines the need for an independent review body to examine how teachers' pay and conditions evolve. The development of local variations and local flexibility reinforces, rather than undermines, the principle of the review body.

It is important to emphasise that not every voluntary aided and foundation school would want to follow up the freedom provided in the new clause. We know that only a tiny minority of grant-maintained schools used the freedom when it was available to them. If the new clause were accepted, there would be nothing to stop a foundation or voluntary aided school declaring as a matter of policy that it intended to apply national pay and conditions to its teaching force. That freedom would be available, but alongside it would be the freedom for a school not to apply national pay and conditions if it thought that, given its conditions, a different set of arrangements or a variation on the national arrangements would allow it better to deliver its service.

My argument is intrinsic to the delivery of what the Minister for School Standards said repeatedly in Committee was the Government's objective—to focus responsibility within the school. He is right about that, so why not give those responsible for the management of the school the greatest possible range of instruments to enable them to fulfil the responsibility which the Minister correctly places primarily on them?

There are two reasons why the Government cannot argue that they are opposed to that idea in principle. First, paragraph 5 of schedule 31—what might loosely be termed the Oratory school exemption—allows existing exemptions to continue to operate. Presumably the Minister would have withdrawn the exemption if he thought it in some sense inimical to the standard and delivery of high-quality education in the maintained sector; indeed, he would not have extended it to his favourite children—those in the education action zones.

Secondly, the Government are regrettably withdrawing from grant-maintained schools the ability to apply the principle contained in new clause 7 that there should be greater variety and flexibility in teachers' pay and conditions, but under clause 13 they are extending it in education action zones, which will—in certain circumstances and after proper process—be exempt from

[Mr. Stephen Dorrell]

the School Teachers' Pay and Conditions Act 1991. New clause 7 acknowledges that the Government are offering the right provision on teachers' pay and conditions in education action zones.

For exactly the reasons why the Minister is applying the provisions of clause 13 to education action zones, he should extend that freedom to employing schools—the voluntary aided and foundation schools. He vests in them primary responsibility for delivering high standards, and has given them responsibility for employing teachers. Why does he not give them the same freedom to vary teachers' pay and conditions that he is to extend to the education action zones under schedule 31(5).

Mrs. Theresa May (Maidenhead): I support the comments of my right hon. Friend the Member for Charnwood (Mr. Dorrell). I made it clear in Committee that I would go further than the new clause; in my view, the watchwords should be maximum flexibility, which should be introduced generally at individual school level. It is illogical for the Government to accept the principle that schools should be able to move away from national terms and conditions under the Oratory school exemption, where the school is the employing body, and to apply it to education action zones, where the employing body will continue to be the local education authority.

We debated that issue in Committee, and it will be discussed again because of the practical difficulties that may arise. The Government are to allow a school of a particular type that is an employing body for teachers to depart from national terms and conditions, but also intend to allow schools that are not employing bodies that come under the headline description that the Minister for School Standards so favours—education action zones—to do the same. It would be much more logical to extend the ability to move away from national pay, terms and conditions to schools that are employing bodies, to which new clause 7 refers.

The Government will have to reconsider the matter in the future if they do not accept the new clause. Teacher recruitment has been debated in the Chamber and in the Select Committee on Education and Employment. Problems with teacher recruitment, and the crisis that is developing in our education system, are forcing us to consider locally devised solutions to teacher recruitment package problems. That could be done at LEA level.

I have been involved in putting together innovative recruitment and retention packages outside national pay, terms and conditions to attract teachers to schools that had experienced problems in attracting teachers. The Government must accept that schools and local education authorities will have to be given more flexibility to enable them to move outside the scope of national pay and conditions—albeit potentially within a national framework—in order to identify local circumstances, put together packages that respect those circumstances and employ the teachers who are required to provide the standard of education that the Government keep telling us they seek.

It is particularly illogical that the Minister should tell schools that are employing bodies as the Bill stands, "Yes, you can employ the teachers, but you cannot have flexibility in regard to the terms and conditions under which you employ them." Few schools would be willing to employ staff on that basis. Surely, if the Minister accepts the principle of the Oratory school clause—if he accepts the principle in terms of non-employing bodies, namely schools within education action zones—it is entirely reasonable to extend that principle to schools that are identified in the Bill, which the Government acknowledge will themselves be employing bodies.

The new clause would produce the freedom and flexibility for which any employer should ask, and I trust that the Government will accept it.

4.15 pm

Mr. Phil Willis (Harrogate and Knaresborough): I trust that the Oratory School exception will no longer be an exception by the time the Bill is on the statute book, but we need to ask what are the real motives behind new clause 7.

The new clause cannot have anything to do with the experience of grant-maintained schools and their ability to disapply terms and conditions. I believe that only two grant-maintained schools used that exemption, and we must presume that the vast majority saw certain advantages in remaining within the current national pay and conditions system. Moreover, the system for disapplying pay and conditions was not employed in the case of state schools. If the last Administration thought that the system was such a good idea for grant-maintained schools, surely they ought to have applied it to all schools; but it was applied only to schools that the Government wanted to support.

The new clause cannot be a result of consultation with representatives of teachers' or head teachers' organisations. In a quick trawl of all those organisations this morning, I did not find one that the right hon. Member for Charnwood (Mr. Dorrell) and his colleagues had consulted. This is another example of something that the teaching profession does not want imposed on it, for reasons that I will come to shortly.

Nor can the new clause be a result of increasing resources for schools. If resources had been increased and given to teachers, there might have been some logic in it, but the right hon. Gentleman and his colleagues made no provision for increased teachers' pay, either through the budget process or in their spending plans, which the present Government have inherited. During the last Government's time in office, teachers were underpaid year on year, and were paid in stages. That is how their current terms and conditions were applied.

The new clause cannot be aimed at improving teachers' morale. Few Members who have visited schools in the past few years—certainly none who were elected on 1 May 1997—have not been struck by the fact that in almost all of them there is a real lack of morale: a sense of wanting to get on with the job and to be left alone rather than being plunged into yet more turmoil. That is exactly what the new clause would do—create further division in the teaching profession and further animosity between those schools to which pay and conditions were disapplied and those schools to which they were not. Indeed, without additional resources, the new clause would create division even within schools to which the provisions applied.

To be charitable to the right hon. Member for Charnwood, there is a more important purpose behind the new clause: to draw attention to teachers' pay and

conditions. If the Government are committed to improving standards in our schools—we have to believe that that is so—they must address teachers' pay and conditions. In many schools, there is a sense of injustice that, yet again in this year's settlement, teachers are having to bear the brunt, with a two-stage pay award, rather than being rewarded for the changes that they are expected to make.

I hope that, following consideration in Committee of the Teaching and Higher Education Bill next week, the General Teaching Council will be much more powerful and will give teachers real status. We also require a professional contract for teachers, so that there is a sense of a professionalism to go with the GTC. Teachers want fair pay, decent conditions and esteem among the populace rather than new clauses that would create division.

Mr. Nick St. Aubyn (Guildford): I support my right hon. Friend the Member for Charnwood (Mr. Dorrell) and my hon. Friend the Member for Maidenhead (Mrs. May). There is a theme to this Bill with which those of us who served on the Committee are familiar. There are two sides to the Government, and two sides to their policy. On issues such as varying teachers' pay, we see contradictions in the Government's policy.

My right hon. Friend the Member for Charnwood rightly pointed out the contradiction between the Government's opposition to the new clause and their stated enthusiasm for education action zones. Not all members of the Labour party are enthusiastic about education action zones. Indeed, this week's edition of *The Times Educational Supplement* carried the headline "Old Left dislikes tone of the zones". That sums up why we face not one Government but two.

Even when the Bill completes its passage through the House, we will not know in which direction Ministers will drive it. In the article about the attitude of the old left to education action zones—the Secretary of State should be aware of what his old friends in the north are saying about him—one head of education policy is quoted as saying:

> "The north is Labour's stronghold and the idea of its schools being taken over by business made a lot of people shudder."

The idea of our education policy being taken over by the old left makes many Conservative Members shudder. What worries us deeply is the fact that the Bill gives powers to the centre that will enable the old left to take over the running of our education policy. It would be for the health of the Government's education policy, and give a clear sense of where they are leading the country, if they accepted the new clause.

I was sorry to read in the press that Ministers are disappointed by the number of applications for education action zones. We are told that they are particularly disappointed by the small number of Labour authorities that have come forward. I can tell the Minister for School Standards that he will be receiving an application from Guildford; we want to take part in EAZs. One reason is that the scheme will enable us to vary our teachers' remuneration. We hope in particular to attract, to any of our schools that are not up to what we deem the appropriate standard, the quality of teaching that all children in our area deserve. Owing to the high cost of living in areas such as the one that I represent, it is very hard to attract that calibre of teacher.

Only if the Government are interested in improving the quality of education in all parts of the country—not just education action zones—and embracing the years of Conservative innovation will they remain true to their pledge to build on our improvements in education. To do so, they should support the new clause.

The Minister for School Standards (Mr. Stephen Byers): We are grateful to the right hon. Member for Charnwood (Mr. Dorrell) for tabling the new clause, which has, indeed, encouraged us to follow our own logic. We do not want to follow the logic of the new clause.

Conservative Members have rightly identified the Government's proposed education action zones as a separate category. We want to provide the opportunity to disregard the national pay and conditions when that is felt appropriate. We look forward to seeing the details of the many applications for education action zones that have come forward. The hon. Member for Guildford (Mr. St. Aubyn) quoted from an article in *The Times Educational Supplement*, which was written a few days before the deadline for applications. By last Friday, which was the deadline and the day of publication of the TES, we were pleased with the number of applications.

Thanks to the effort of my right hon. Friend the Secretary of State and the additional funding provided in the Budget, we can now increase the number of education action zones. As my right hon. Friend said, we want 12 established from September and a further 13 from January 1999. We look forward to those education action zones being at the forefront of innovation. That will mean giving careful consideration to appropriate pay and conditions for teachers.

Mr. Willis: Will the Minister confirm that private companies applying for education action zones are being made to jump through every conceivable hoop that the Department can create, whereas a local education authority that the Department wants to encourage to promote an education action zone has only to submit a letter of intent?

Mr. Byers: All applications are being treated in the same way. It would be unfair and inappropriate to treat one group differently from another. In all applications, whether from the private sector in partnership with local education authorities and whether school-led or local education authority-led, we are looking for proposals that will raise standards in schools.

I know that we are all excited about education action zones, but we should talk about the new clause. We are concerned that it would cause chaos in thousands of schools by allowing them to establish their own pay and conditions in place of the national agreements. Schools that wanted to follow the national conditions would have to impose them.

It will be far better to use the opportunity provided by EAZs to test different ways of paying teachers and different conditions. That will give us a national perspective on what practices work in recruitment, in rewarding teachers and in new structures for the school day and the school year. Education action zones will provide that flexibility and freedom, allowing the Secretary of State to monitor and evaluate the changes. The Government moved amendments on the first day of the Report stage to allow the Secretary of State to consider the detailed proposals of those promoting EAZs.

[Mr. Byers]

We have some concerns about the implications of new clause 7. The right hon. Member for Charnwood referred to one of the paragraphs of schedule 31 as the "Oratory exemption clause". I would not describe it in quite those terms myself; none the less, the fact that only two grant-maintained schools have taken advantage of the freedom to opt out of national pay and conditions demonstrates that simply giving a freedom is not the best way to encourage change.

By the end of the coming school year, education action zones will cover several hundred schools. An examination of what happens there is probably a better way of seeing whether we can begin to break down existing practice and try new ways of determining teachers' pay and conditions. In many people's minds, there is no doubt that the time has come to examine carefully teachers' contracts, pay and conditions, and education action zones will provide us with an opportunity to do that in a focused way.

Another reason why I feel that moving in the direction suggested by the new clause would cause concern is that it specifically refers to voluntary aided schools. I know that the Church authorities would not support the proposal, and would have grave reservations about the prospect of national pay and conditions being unilaterally lifted from teachers in their schools.

We believe that a better way forward would be to consider the idea in a focused way, and examine how we can develop new methods in the education action zones. That is a more appropriate way of dealing with change. New clause 7 would divert attention in schools away from their main task, which must be raising standards and providing a better quality of education than may be being provided at present. For those reasons, if the new clause is pressed to a vote, I shall ask the House to vote against it.

4.30 pm

Mr. Dorrell: I regret the overall conclusion that the Minister has reached in his response to this brief debate. However, I draw some comfort from one or two of his comments. He made it more explicit that, in his eyes, one of the objectives of education action zones is to try out new ideas for teachers' pay and conditions. I believe that his phrase was that we could break down national terms and conditions for teachers, which represents a welcome inching forward of the Government's objectives for the zones.

I agree that it is desirable to introduce greater flexibility in pay and conditions for teachers, and I am pleased that the Minister has set out so clearly the fact that that is one of the purposes of education action zones. I regret that he thinks that the idea can be tried out only in those zones, and that there is no role for foundation schools or voluntary aided schools in pushing forward the objectives that he has set.

However, as the Minister is prepared at least to countenance the objective of testing new approaches as alternatives to national pay and conditions for teachers, and in the interests of making progress, I beg to ask leave to withdraw the motion.

Motion and clause, by leave, withdrawn.

New clause 13

DISCONTINUANCE OF MAINTAINED RURAL PRIMARY SCHOOLS

'(1) Where a local education authority proposes the discontinuance of a maintained primary school in a rural area the matter shall be referred to the Secretary of State for determination.

(2) Such referral for determination shall take place after consultation under section 28(4) has been concluded.

(3) A rural primary school is a school identified in a list under subsection (4).

(4) A local education authority shall maintain a list of rural primary schools; and in compiling and maintaining that list they shall have regard to any guidance given from time to time by the Secretary of State.'.—*[Mrs. Browning.]*

Brought up, and read the First time.

Mrs. Angela Browning (Tiverton and Honiton): I beg to move, That the clause be read a Second time.

In some ways, the new clause could be seen as something of a tidying-up measure. On Saturday 28 February, when I was sitting at home sponging the mud off my coat ready for the countryside march in London the following day, I, in common with the rest of the nation, was treated to the sight of the Minister for School Standards gracing our television screens to make an important announcement about village schools.

We were all delighted to hear that announcement, and I hastened to obtain a copy of the press release that accompanied the Minister's television appearance. In it, he is reported as saying:

"Today, I am announcing tough new protection for village schools . . . we have decided that any proposal by a Local Education Authority to close a rural school will be called in to the Secretary of State for decision.

Further, Ministers will have a presumption against closure. And Ministers will have particular regard to the need to provide access to a local school for rural communities."

That is all jolly good stuff, which we can totally support. Hence the new clause.

The Minister went on to say:

"Of course, we cannot guarantee that no school will ever close. But these changes will give village schools strong new protection".

I have explained how supportive we are of the announcement, but I was doubly surprised: not only by the sudden announcement on 28 February, but because the Committee had been sitting for some time—we had had no fewer than 19 sittings at that time. I sat through all the sittings of the Committee, and I do not recall the Minister saying that this was a matter of any priority for the Government.

It seems rather strange that, out of the blue—two days after the final Committee sitting—the Minister made this announcement on Saturday evening television. The Government were clearly in trouble that weekend. Some Ministers said that they would be attending the countryside rally, while others said that they would not, because they thought that the whole thing was a put-up job. However, here was the Minister rushing to the support of rural communities and trying to pour a little oil on what would be a troubled weekend for the Government from the media.

We have questions for the Minister, and I should be grateful if he would break the habit of a lifetime and answer the specifics tonight.

The Secretary of State for Education and Employment (Mr. David Blunkett): That was unkind.

Mrs. Browning: Yes, it was rather unkind—I withdraw it. I want the Government to vote with us tonight, so I shall try not to be unkind to the Minister for the remainder of our discussions on the new clause.

Does the Government's promise apply for any restricted length of time? For example, can we assume that it will continue after the Bill receives Royal Assent? Or was it just a short-term measure to bolster the Government through a political problem that will no longer apply once the Bill has received Royal Assent?

The Minister describes this as "tough new protection". If it is tough, it should have the statutory protection of the law. If it is new, we would have expected the Minister to table a Government new clause when the Committee reconvened—as it did for several more sittings—or on Report to put into statute the tough new measures he announced on television on Saturday 28 February. It might be that, as a busy person, the Minister is minded to table the new clause in another place.

Will the Minister clarify how the promise and the tough new protection will fit in with schedule 7 and clause 33, which clearly still require the Secretary of State to contact local education authorities to ask them to look at the numbers in their schools and to deal with the rationalisation of surplus places? Clearly the Minister has a new strong power in mind, so that, when the Secretary of State considers each school that comes to his desk, he will almost certainly wish to make changes to the powers he currently has to require LEAs to go through the rationalisation process and to submit to him—as the Bill proposes—some plan as to how they are to deal with rationalisation.

Schedule 7 proposes that, in some cases, the rationalisation of surplus places will require LEAs to come forward with proposals which could result in the discontinuance of a school. I assume that the Secretary of State will wish to make some modification to the Bill on that. There seems no point in them going through a paper exercise if there is to be a presumption against closure. One could assume that village primary schools will be exempted from that requirement.

Mr. Byers: If the hon. Lady, as well as watching the teatime news, occasionally referred to the *Official Report*, she would have read my written answer on 26 February about the removal of surplus school places, in which I gave a clear commitment that, in considering surplus places, local authorities must take into account such circumstances as geography. That must be a factor in the consideration of rural schools.

Mrs. Browning: I am grateful to the Minister for that reply, but a written answer is not tough new statutory protection. If the promise he made on television in such specific terms is tough and new, why did not the Government table such a new clause in Committee or on Report, rather than leave it to the Opposition to do so? Perhaps the matter slipped his mind—I know that his officials are busy. As I said—I shall not tease him—we are very much in favour of what he said, and we shall be pleased to accept the support of Labour Members in the Lobby if the new clause is pressed to a Division.

I hope that the Minister will answer my specific questions, and also say what he had in mind when, as a qualification, he said:

"Of course, we cannot guarantee that no school will ever close."

Was he referring to rationalisation of places? What number of pupils does he think makes a village school viable?

I have been a Member of Parliament for six years, in which time the only school in my constituency to close had a total school roll of 14. In my experience—and I am sure in that of most hon. Members—when a school of any category, but particularly a village primary school, has been considered for closure, the matter has almost certainly gone to the Secretary of State, whom Members of Parliament and governing bodies lobby. That certainly happened under the Conservative Administration, except on the rare occasion when there were no objections. If, over and above that, there will be new, tough powers to protect rural primary schools, I want to know what, specifically, the Minister has in mind.

Sir John Stanley (Tonbridge and Malling): I support the new clause moved by my hon. Friend the Member for Tiverton and Honiton (Mrs. Browning). The Minister's honeyed words at the Dispatch Box sit extremely ill with the letter, signed by an official from his Department, that was sent on 9 March to Kent education authority. Hon. Members will, I hope, share my deep disquiet at the fact that the letter contained a list of 45 secondary and primary schools in Kent, including some in rural areas—it could be termed a hit list of schools for closure on grounds of surplus places. The existence of such a list is a matter of deep concern to me, and, I know, to a number of my hon. Friends.

The list includes no fewer than four schools in the rural parts of my constituency: Shipbourne primary school; Blacklands junior school; Hever Church of England primary school; and the Eden Valley school. The wording of the letter—for which, of course, the Secretary of State has responsibility—is somewhat threatening. For example, in its request to the local authority, it states:

"In each case please set out the reasons for the surplus, as far as this can be ascertained, and the justification for continuing to maintain all the schools on the list still open and not yet proposed for closure."

As I said, that sits ill with the Minister's words.

For two critical reasons, I hope that the House will support the new clause. First, the continuation of village schools is indispensable. Schools are the lifeblood of a village. If the school is lost, so is the heart of the village—young people will leave, and others from outside will be reluctant to move in.

4.45 pm

Secondly, I believe that the Department's exercise rests on a false premise—that it is possible to predict in the long term the demand for places in a village school. In my experience, it is not possible to make such long-term—or even medium-term—predictions about demand for places.

[Sir John Stanley]

The St. Mark's Church of England infants school in the village of Eccles, which was part of my constituency before the boundary changes, was once considered for closure. However, only last year, my right hon. Friend the Member for South-West Norfolk (Mrs. Shephard), as Secretary of State and Education and Employment, authorised the upgrading of that school to a full-scale primary school, because of the influx of people into the village and the surrounding areas.

That graphically illustrates the fact that the demand for places at a school can vary enormously over 10 or 20 years. I believe that the Bill's provisions for the protection of rural schools need strengthening, so I warmly support the new clause.

Mr. Willis: I think that the Minister will, on reflection, come to regret his statement before the countryside rally to prevent the people of North Tyneside from marching on his home later that day. He made a foolish promise—if he meant what he said, the Government should support the new clause, as it would bear out what he said on television, and the commitment that he made in his press release. We do not support the new clause, however, and perhaps the Government will agree with our position.

The right hon. Member for Tonbridge and Malling (Sir J. Stanley) made a passionate plea for rural schools in Kent—any hon. Member whose constituency contains a large number of rural schools could have made almost the same speech. I doubt whether any hon. Member—especially those who represent rural areas—does not accept that the protection of village schools is important, provided that they meet appropriate educational standards and are supported by the local community.

What has happened in the past four or five years, however, does not bear out what the Conservatives now say. Since 1992, 450 village schools were closed, and—until the Minister gave his commitment—thousands were under threat because of the lack of resources. Many small village schools—especially those with fewer than 25 pupils—are concerned that they have to live on a year-by-year basis.

The new clause will do nothing to preserve village schools. It would undermine the Government's attempt to create a level playing field. All schools, be they urban or rural, small or large, should be given the same consideration when a local education authority proposes closure. The Government's intention in the legislation was to make the decisions closer to the people, giving local education authorities a duty to plan for places and to make proper recommendations on closure.

The issue of the closure of small village primary schools is very real, as is the issue of surplus places. It is clearly nonsense to include the issue of surplus places in the whole of an LEA's provision in a measure designed to apply to small rural primary schools.

If we are to maintain those schools, we have to accept that there will be surplus places in them, unless there is expansion in particular villages. The communities in many of the affected areas—especially the Yorkshire dales, near my constituency—remain relatively stable: numbers fluctuate, but they do not go up or down by huge leaps or bounds.

All schools should be treated the same, and LEAs should be obliged to make rational decisions close to the people. We would prefer it to be up to the LEA, in consultation with local communities, to make decisions about the closure of schools, be they small rural primary schools or large urban secondary schools, on the basis of standards, of what is required for the community, and of what is financially acceptable to the authority.

Mrs. May: The hon. Member for Harrogate and Knaresborough (Mr. Willis) summed up the debate about the new clause when he said that, if the Minister meant what he said in the media about small village schools, he would support it.

The new clause is designed to put into effect what the Minister stated was the Government's policy. I hope that he will be able to put us out of our misery by saying that he does indeed support it, but I have a suspicion that he may not do so. That says an awful lot about the Government's attitude to rural communities and the cynical way in which he was willing to appear on television at the drop of a hat to announce a new policy to pacify those who are genuinely concerned about the Government's general attack on the rural community.

In Committee, we debated the removal of the right of parish and town councils to appoint governors to the governing bodies of their local schools. That is an issue about which my local parish and town councils are extremely concerned. They have written to me to point out that the school is an essential part of the local community, as is the parish council. It is important to retain the heart of the local community, especially in dispersed rural communities, which is represented by the village school.

The Minister tried to placate people in rural areas by suggesting that the Government are adopting a more helpful policy towards village schools than was intended when the Bill was first drafted. There are 14 new clauses and well over 100 amendments on the amendment paper today. More than half are Government amendments, yet nowhere in them is there an attempt by the Government to place on a statutory basis the new policy that they claim, hand on heart, to have adopted. That says more than anything else about the Minister's press release and appearance on television. The policy he announced is a policy in words only. If it were not, the Government would support the new clause.

The Government should think again about rural schools, which play a key part in the community. They may find that the issue comes into conflict with their announcements on infant class sizes. They have said that, if a 31st child is due to come into a village school, either he or she could go to another rural school, which may indeed have been closed, or the money could be given to the first school to accommodate that child. They will have to think carefully about the interaction of their policy on rural schools with their commitment on infant class sizes.

If he is serious about the policy that he announced in the national media, the Minister should accept new clause 13 with open arms, and thank the Opposition for having put into words, for inclusion in the Bill, a policy that he claims to support.

Mr. St. Aubyn: My hon. Friend the Member for Tiverton and Honiton (Mrs. Browning) wondered why the

Minister's honeyed words had not translated into an amendment to the Bill. The answer is simply that a march by 385,000 people generates a media response from the Government, but that, to get a measure into one of their education Bills, one has to belong to the union.

In whatever areas the unions have opined regarding the Bill—on partnership provision between LEAs and independent schools, for example, or on terms and conditions—the Government bend to what they are told behind closed doors; but when it comes to trying to pacify rural areas, it is a different story. Unless the Minister can spin a convincing tale, we will draw the natural conclusion that what he said was all for effect, with no real meaning.

I am delighted to support the new clause moved by my hon. Friend the Member for Tiverton and Honiton. It was a previous Angela—Dame Angela Rumbold—who, as a schools Minister in the previous Government, first outlined a clear Government pledge in support of village schools. She did so in February 1987, which I remember because I was making my first attempt to enter Parliament. Despite my lack of success on that occasion, we all learned the importance of village schools.

The hon. Member for Harrogate and Knaresborough (Mr. Willis) spoke of a level playing field. In a rural area, such as the part of Cornwall in which I lived for 10 years, there is no level playing field. It sometimes takes a wider view, which may come from a departmental angle rather than from a local education authority, to balance the needs of a rural area against the diktats of the pure numbers and costs of keeping a school open.

In the light of the epic announcement last week of the ending of outdoor lavatories at schools, how many of the schools involved are village primary schools?

Noble though the Minister's aim may be of eliminating that inheritance from, as he told us last week, the Victorian era—I am glad that he does not blame everything on the previous Conservative Government—what is the education priority for a village primary school that is facing closure? Is it to spend on average £60,000 to provide loos for the children, or is it to spend it in a way that will guarantee that the school continues through hard times as well as good?

5 pm

I know from experience of village schools in my constituency that they are often on a knife edge because of their financial situation. As my hon. Friend the Member for Maidenhead (Mrs. May) said, many will be under particular pressure because of the Government's commitment on class sizes.

One village school near where I live has 70 children and can just afford to provide two full teachers, which makes for a class size of 35. I challenge Ministers to show me any primary school in which children get a better education than they do at that school. It serves nearly all the children in the village, and if it has to reduce the numbers in its classes to 30, not only will some children in the village have to travel much further to school, causing yet more congestion on roads when commuter traffic is at its height, but the very survival of the school will be put at risk because of the loss of income from the additional children.

These are serious questions for the Minister. Will schools that have the £60,000 be given the option to choose to spend it on higher priorities, and will schools that have more than 30 children per class be allowed to put the survival of the school before the priority of a class size of 30?

Mr. Blunkett: Does the hon. Gentleman believe that the acquisition of an inside toilet might persuade some of his constituents who are putting their hard-earned money into private education to send their children to that excellent infants school instead?

Mr. St. Aubyn: I can assure the right hon. Gentleman that people who send their children to schools in Surrey take into account a range of factors. The factor that he has suggested is pretty well bottom of the list. It is not a key factor in deciding where one sends one's child to school. Parents will consider the performance of the school—for example, in attaining literacy standards, and its proximity to their home.

Frankly, as someone who has survived the indignity, as the right hon. Gentleman sees it, of an outside loo when I was at school—he may judge for himself how much damage it has done to my character and personality—I hold no brief against my parents for deciding on that school despite the lack of basic necessities. The right hon. Gentleman's argument is absurd, and I note that he avoided the real question, which was why a school that might need the £60,000 to keep going should be obliged to pander to his whims and sentiments at the expense of its very survival.

Mr. Byers: A number of issues have been raised in this brief debate on new clause 13, and I will try to answer all of them. First, I must deal with the concerns outlined by the right hon. Member for Tonbridge and Malling (Sir J. Stanley)—in particular, the letter sent by an official from my Department. Letters were sent asking each local education authority to consider surplus places—an issue that the Conservative Front-Bench spokesman, the hon. Member for Tiverton and Honiton (Mrs. Browning) raised—and drawing attention to schools that had more than 25 per cent. of places empty.

The Government take the view that local authorities should review provision to ensure that value for money is achieved. In Kent, 48 primary schools and 25 secondary schools have more than 25 per cent. of their places vacant, and it is appropriate for the Government to ask the local authority for an explanation.

However, that must be seen in the context of my written reply to a question from the hon. Member for Selby (Mr. Grogan) on 26 February on surplus places and the duty and responsibility of local education authorities. In that reply, I clearly said that the Government recognise

"that authorities will want to take into account any unusual circumstances, for example geography and social make-up."—[*Official Report*, 26 February 1998; Vol. 306, c. *364*.]

Therefore, in answer to our request for information about those schools, it is for the Kent local education authority to point out the rural communities that might be served by them. It is clearly important for both the Government and Kent local education authority to consider the needs of the school in the context of the community it serves.

[Mr. Byers]

I take the point made by the right hon. Member for Tonbridge and Malling. We are not considering all schools equally. As was said in the statement on 28 February, we recognise that, yes, the matter should be determined by the Secretary of State, but, more importantly, that there should be a presumption against closure, which is vital if we are to offer rural schools far greater protection than they have had.

Miss Ann Widdecombe (Maidstone and The Weald): The Minister will be aware that, in the list of Kent schools to which he has extensively referred, no fewer than 10 are Church of England primary schools. He will also be aware of the considerable concern about what will happen to denominational schools that face the problem of the 31st child.

Parents who seek to place their children in denominational schools put first and foremost the teaching of the faith and are looking for the denominational school concerned. If 10 under-subscribed Church of England primary schools are taking children who could not get into over-subscribed schools of the same denomination, would that be a sufficiently unusual circumstance to guarantee that the school continued to function even if it remained heavily under-subscribed?

Mr. Byers: I will deal in a second with the issues that we might need to take into account when determining the schools that might be closed. As we made clear in the announcement on 28 February, we are not saying, "Never, ever," to the closure of a village or rural school. There must be circumstances in which a closure would be wholly appropriate, but we will consider whether parents are being offered real choice of denominational education if that is what they want. That factor must be taken into account.

I am sure that the right hon. Lady is aware that, in the discussions with the Church authorities on our class size pledge and our policy towards surplus places, we have reached a situation in which the authorities are broadly supportive of the Government's position. The Church education authorities have approached us about our pledge to reduce class sizes in infant schools, and broadly welcome our measures.

Miss Widdecombe: I am extremely grateful to the Minister for his generosity in giving way again. He has several times prayed in aid the attitude of the Churches to this issue. Is it not the case that the Roman Catholic Church at any rate broadly supports some limit on class sizes, and would want such a limitation to come about, but not at the expense of denying Roman Catholic education to Roman Catholic children?

Mr. Byers: That is the case, which is why, elsewhere in the Bill, we have made specific admissions provisions to meet those concerns. There is a special provision that admissions will not be dealt with by the adjudicator, as normally would be the case, but referred to the Secretary of State.

We inserted that provision to meet the concerns expressed by the Roman Catholic Church in particular. Our approach has been clear: that, if the Bill needs to be amended to make it better, we are prepared to amend it. We had several constructive meetings with representatives of the Church education authorities. In the light of their views and their concerns about the Bill as originally drafted, we made several changes. The admissions change is an example of one that we made because we believe that it meets the reasonable concerns of the Church authorities, and makes the Bill better.

On the point made by the right hon. Member for Tonbridge and Malling, if there is concern in Kent, I am happy to write to the chief education officer to clarify the Government's view on the matter. Geography and service to a rural village community are factors that must be considered in replying to letters from officials about surplus places. I hope that that clarifies the Government's thinking, and will reassure parents and teachers in the schools to which he referred.

It is interesting that the Conservatives seem suddenly to have discovered the importance of rural schools in this debate.

Mr. Dorrell: We offered exactly the same safeguard.

Mr. Byers: The right hon. Gentleman says that the Conservatives had exactly the safeguard that is being offered. He fails to realise that there are safeguards; I use the plural, because there are more than one. The great weakness of new clause 13 is that it seeks only to refer the matter to the Secretary of State. We need to go far beyond that if we are serious about protecting rural schools.

Since 1983, under the previous Government, 450 rural village schools have been closed. The Bill means that, between now and September 1999, such matters will be referred to the Secretary of State, as I made clear in my press notice. Most importantly, there will be a presumption against closure. Ministers will have particular regard to the need to provide access to a local school for local communities. No such presumption operated under the previous Government. That is why they were able to embark on wholesale closure of village schools. I will deal in a moment with the framework after September 1999.

It is not enough to refer such matters to the Secretary of State. There has to be a referral, and a presumption against closure, which will operate between now and 1999. The rate of closures under the previous Government works out at more than 40 a year. We will at least guarantee that, by September 1999, there will not have been such a closure rate.

Mrs. Browning: Will the hon. Gentleman give way?

Mr. Byers: I want first to describe what we are doing to ensure that village schools provide the quality of education that the children attending them want. I do not want to take an announcement away from my right hon. Friend the Secretary of State, but in April he will make known the allocations for the national grid for learning. They will make it clear that village schools will be linked to the national grid. By harnessing the benefits of new

technology, we will be able to provide pupils in rural schools with a breadth and range of education experience that has been denied them.

Mrs. Browning: If it is simply a question of adding presumption of closure to new clause 13, or to another amendment, would the Minister accept such an amendment in another place?

Mr. Byers: I will not, because I was talking about safeguards, of which there need to be a number. It is not only a referral to the Secretary of State, a presumption against closure, and linking rural schools to the national grid for learning. It is also about reducing class sizes, which will benefit many schools, and giving them the benefits of the new deal capital money, which will make a real difference to rural primary schools.

I have an illustration of the contrasting approaches. Under the previous Government, Willington county primary school in Lincolnshire was closed in 1995, despite 28 statutory objections, an action committee and a delegation led by the local Member of Parliament. There were 23 children on the roll, and the alternative school was almost three miles away.

It is worth contrasting that with what happened to Edenham primary school, which is also in Lincolnshire, and which serves a village rural community. As a result of £97,000 from our new deal capital money, linked with £17,700 funded from people locally, it was able to provide new classrooms, making the school even more popular. Those measures are important, because they are part of the safeguards that rural schools need.

5.15 pm

The right hon. Member for Charnwood (Mr. Dorrell) referred to what will happen after September 1999. That is important, because a new framework will operate under the Bill. Such matters will go to the school organisation committee. If there is no agreement, they will go to the local adjudicator. From September 1999, the Secretary of State will issue guidance about the measures. *[Interruption.]* If Conservative Members will listen, I will take them through what will happen, and what local parents will be able to do if they are unhappy about the final decision.

The school organisation committee will have to act in a reasonable way. If it fails to do so, and, for example, ignores the advice, guidance and regulations laid down by the Secretary of State, it can be challenged by parents for not acting in a reasonable way. If the matter goes to the adjudicator, he will also have to follow the guidance laid down by the Secretary of State, and that guidance will once again be a presumption against closure. If local parents feel aggrieved that the adjudicator has failed to take into account the guidance provided by the Secretary of State, they will be able to subject him to judicial review, which is exactly the position in respect of the Secretary of State at the moment.

The right hon. Member for Charnwood has not come to terms with the Bill. He needs to be aware that, between now and September 1999, every issue to do with potential closures of village schools will be referred to the Secretary of State. From September 1999, we move into a new school framework. When that happens, the school organisation committee and the adjudicator will have to act in line with guidance from the Secretary of State. The Secretary of State's guidance will include a presumption against closure. Despite crocodile tears from Conservative Members on behalf of rural village schools, they closed 450 in their period in office. That is the reality.

The Government have put in place safeguards and measures that will protect rural primary schools. We are acting where the previous Government failed to act. Whether under the existing arrangements or under the new framework that takes effect from September next year, we will provide the safeguards and resources to ensure that rural primary schools will provide high-quality education to meet the needs of their local communities.

Mrs. Browning: I once had a go at tapestry. The most frustrating thing was having to unpick the bits that went wrong. I was reminded of that by the Minister. I might take it up again.

What the Minister said on 28 February was short of the full story. We have now had the full story. When he said that an LEA's proposal to close a rural school would be called in by the Secretary of State for decision, the assumption among parents and in rural schools was that the Secretary of State would personally intervene in future, with a presumption against closure to protect rural primary schools. At the same time as the Minister was saying that, he was taking a Bill through Committee. He knew that there was a cut-off date about a year after the Bill would receive Royal Assent, after which the whole system would be changed.

An adjudicator will make a judgment independently, on the merits of a case put before him or her. It is clear that, whatever guidance the Secretary of State gives, there is no comparison between an adjudicator's decision and something being called in by the Secretary of State.

I raise again a point that I made in Committee. When a school is due to be closed, Members of Parliament rightly wish to represent their constituents. They have the power, with the Secretary of State's permission, to take delegations to Ministers in the Department to make sure that their case is raised at the highest levels of Government. They can call Ministers to account—at least, they certainly could under the previous Government—on the Floor of the House for decisions they make. The Government's proposals are a departure from that.

The Minister has revealed tonight that, on 28 February, he had to come to the aid of the party on an issue that was different from anything that his Department normally has to deal with. He had to stitch together some press statement that would make his part in the Government sound user-friendly to the rural communities, at the eleventh hour. He is now having to unpick what he said, so that he can continue to take the Bill through the House without having to amend it to honour that pledge. It is a matter of honour.

If the Minister really believes what he said on 28 February but cannot accept the wording of new clause 13, he could amend the Bill in another place, or he could

[Mrs. Browning]

have tabled an amendment on Report. The fact that he did not table an amendment in Committee or on Report to back up the pledge he gave on 28 February shows that, for all the rhetoric and going round the houses on money for this and money for that, rural primary schools are no better off with all these new pledges than they were before.

Measures in the Bill that we had already debated by 28 February made that clear. We had already been through that part of the Bill. Liberal Democrat Members know that that is the case. Rural primary schools' fate was already signed and sealed, because we had dealt with the adjudicator by that stage; but that did not figure in the Minister's press release. The press release did not tell the full story, if I may use those words.

As I have the attention of the two Liberal Democrat Members, may I say that this is the first time that I have ever heard a Liberal Democrate—Liberal Democrat—[*Laughter.*] "Crate" was perhaps the right word. This is the first time that I have heard a Liberal Democrat make the case for not taking into account the problems of rural areas. They are normally the first on their feet to say that there are special circumstances when rural issues are debated. I have to say to the hon. Member for Harrogate and Knaresborough (Mr. Willis) that I feel an "In Touch" coming on.

Mr. Don Foster (Bath): I remind the hon. Lady that "In Touch" is the newsletter put out, rarely, by the Conservatives. The Liberal Democrat one, which goes out more frequently, is called "Focus".

Does the hon. Lady agree that my hon. Friend the Member for Harrogate and Knaresborough did not make the comments that she has just said he made? Does she accept that, when closure of any school is considered, three criteria should be taken into account? The first is the educational impact that the closure may have. The second is the financial implications. The third should be the impact that the closure may have on the local community. All three should be taken into account on every closure, whether of a small rural primary school or of any other school.

Mrs. Browning: I did mean "In Touch". I do feel a Conservative "In Touch" coming forward. The record will show exactly what the hon. Member for Harrogate and Knaresborough said in putting his case.

I support what the hon. Member for Bath (Mr. Foster) says, except that, as he knows—I shall not waste the time of the House in rehearsing this too long—the effect of closure of a school on a rural community is different from the effect on an urban community. There is often no nearby school in a rural community, and transport problems are exacerbated by the closure of rural primary schools.

I am disappointed—but, perhaps cynically, not surprised—that the Minister says that he will not support the new clause tonight. I am saddened by that. It will make many people, especially in rural areas, question the statement that he made on television on 28 February. I ask the House to support rural primary schools, and to vote for the new clause.

Question put, That the clause be read a Second time:—

The House divided: Ayes 138, Noes 319.

Division No. 220] **[5.24 pm**

AYES

Ainsworth, Peter *(E Surrey)*
Ancram, Rt Hon Michael
Arbuthnot, James
Atkinson, Peter *(Hexham)*
Baldry, Tony
Beggs, Roy
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Body, Sir Richard
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Brady, Graham
Brazier, Julian
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Burns, Simon
Butterfill, John
Chapman, Sir Sydney *(Chipping Barnet)*
Chope, Christopher
Clappison, James
Clark, Rt Hon Alan *(Kensington)*
Clark, Dr Michael *(Rayleigh)*
Clarke, Rt Hon Kenneth *(Rushcliffe)*
Clifton-Brown, Geoffrey
Colvin, Michael
Cormack, Sir Patrick
Curry, Rt Hon David
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice)*
Day, Stephen
Dorrell, Rt Hon Stephen
Duncan, Alan
Duncan Smith, Iain
Emery, Rt Hon Sir Peter
Evans, Nigel
Faber, David
Flight, Howard
Forth, Rt Hon Eric
Fowler, Rt Hon Sir Norman
Fox, Dr Liam
Gibb, Nick
Gill, Christopher
Gillan, Mrs Cheryl
Goodlad, Rt Hon Sir Alastair
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Gummer, Rt Hon John
Hague, Rt Hon William
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hawkins, Nick
Heald, Oliver
Heathcoat-Amory, Rt Hon David
Howard, Rt Hon Michael
Hunter, Andrew
Jack, Rt Hon Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Johnson Smith, Rt Hon Sir Geoffrey
King, Rt Hon Tom *(Bridgwater)*
Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lilley, Rt Hon Peter
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Luff, Peter
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
MacKay, Andrew
Madden, Rt Hon David
McLoughlin, Patrick
Malins, Humfrey
Maples, John
Mates, Michael
Maude, Rt Hon Francis
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Moss, Malcolm
Nicholls, Patrick
Norman, Archie
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Prior, David
Randall, John
Redwood, Rt Hon John
Robathan, Andrew
Robertson, Laurence *(Tewk'b'ry)*
Roe, Mrs Marion *(Broxbourne)*
Rowe, Andrew *(Faversham)*
Ruffley, David
St Aubyn, Nick
Sayeed, Jonathan
Shephard, Rt Hon Mrs Gillian
Simpson, Keith *(Mid-Norfolk)*
Smyth, Rev Martin *(Belfast S)*
Soames, Nicholas
Spelman, Mrs Caroline
Spicer, Sir Michael
Spring, Richard
Stanley, Rt Hon Sir John
Steen, Anthony
Streeter, Gary
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Taylor, Sir Teddy
Townend, John
Tredinnick, David
Trend, Michael
Tyrie, Andrew
Walter, Robert
Wardle, Charles
Waterson, Nigel
Wells, Bowen
Whitney, Sir Raymond
Whittingdale, John
Widdecombe, Rt Hon Miss Ann
Wilkinson, John
Willetts, David
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Ayes:
Sir David Madel and
Mr. James Cran.

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Allan, Richard
Allen, Graham
Anderson, Donald *(Swansea E)*
Anderson, Janet *(Rossendale)*
Armstrong, Ms Hilary
Ashton, Joe
Baker, Norman
Ballard, Mrs Jackie
Barnes, Harry
Barron, Kevin
Battle, John
Bayley, Hugh
Beith, Rt Hon A J
Benn, Rt Hon Tony
Bennett, Andrew F
Benton, Joe
Berry, Roger
Best, Harold
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Blunkett, Rt Hon David
Borrow, David
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brake, Tom
Brand, Dr Peter
Breed, Colin
Brinton, Mrs Helen
Brown, Rt Hon Nick *(Newcastle E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Bruce, Malcolm *(Gordon)*
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Byers, Stephen
Cable, Dr Vincent
Caborn, Richard
Campbell, Alan *(Tynemouth)*
Campbell–Savours, Dale
Canavan, Dennis
Caplin, Ivor
Casale, Roger
Caton, Martin
Chaytor, David
Chidgey, David
Chisholm, Malcolm
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Cohen, Harry
Coleman, Iain
Colman, Tony
Connarty, Michael
Cook, Frank *(Stockton N)*
Corbett, Robin
Corston, Ms Jean
Cousins, Jim
Cox, Tom
Crausby, David
Cryer, John *(Hornchurch)*
Cummings, John
Cunliffe, Lawrence
Cunningham, Jim *(Cov'try S)*
Dalyell, Tam
Darling, Rt Hon Alistair
Darvill, Keith
Davey, Edward *(Kingston)*
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Rt Hon Ron *(Caerphilly)*
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dewar, Rt Hon Donald
Dobbin, Jim
Donohoe, Brian H
Doran, Frank
Drown, Ms Julia
Dunwoody, Mrs Gwyneth
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Fatchett, Derek
Field, Rt Hon Frank
Fitzpatrick, Jim
Fitzsimons, Lorna
Flint, Caroline
Flynn, Paul
Foster, Don *(Bath)*
Foster, Michael J *(Worcester)*
Fyfe, Maria
Galloway, George
Gapes, Mike
Gardiner, Barry
George, Andrew *(St Ives)*
Gibson, Dr Ian
Gilroy, Mrs Linda
Grant, Bernie
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Gunnell, John
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hancock, Mike
Hanson, David
Harris, Dr Evan
Harvey, Nick
Heal, Mrs Sylvia
Healey, John
Heath, David *(Somerton & Frome)*
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hewitt, Ms Patricia
Hill, Keith
Hinchliffe, David
Hodge, Ms Margaret
Hoey, Kate
Home Robertson, John
Hoon, Geoffrey
Hope, Phil
Hopkins, Kelvin
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Hughes, Simon *(Southwark N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Jackson, Helen *(Hillsborough)*
Jamieson, David
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Helen *(Warrington N)*
Jones, Ieuan Wyn *(Ynys Môn)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Jon Owen *(Cardiff C)*
Jones, Martyn *(Clwyd S)*
Jones, Nigel *(Cheltenham)*
Keeble, Ms Sally
Kemp, Fraser
Kennedy, Charles *(Ross Skye)*
Kennedy, Jane *(Wavertree)*
Kidney, David
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kirkwood, Archy
Kumar, Dr Ashok
Ladyman, Dr Stephen
Lawrence, Ms Jackie
Laxton, Bob
Lepper, David
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Livingstone, Ken
Lock, David
Love, Andrew
McAvoy, Thomas
McCabe, Steve
McCartney, Ian *(Makerfield)*
McDonagh, Siobhain
Macdonald, Calum
McDonnell, John
McFall, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
McLeish, Henry
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
Mahon, Mrs Alice
Mandelson, Peter
Marek, Dr John
Marsden, Paul *(Shrewsbury)*
Marshall, Jim *(Leicester S)*
Marshall–Andrews, Robert
Martlew, Eric
Meacher, Rt Hon Michael
Meale, Alan
Michie, Bill *(Sheff'ld Heeley)*
Milburn, Alan
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Morgan, Ms Julie *(Cardiff N)*
Morgan, Rhodri *(Cardiff W)*
Morris, Ms Estelle *(B'ham Yardley)*
Mountford, Kali
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Naysmith, Dr Doug
Oaten, Mark
O'Brien, Mike *(N Warks)*
O'Hara, Eddie
Olner, Bill
O'Neill, Martin
Öpik, Lembit
Palmer, Dr Nick
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pope, Greg
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Prosser, Gwyn
Purchase, Ken
Quin, Ms Joyce
Quinn, Lawrie
Radice, Giles
Rammell, Bill
Rapson, Syd
Raynsford, Nick
Reed, Andrew *(Loughborough)*
Reid, Dr John *(Hamilton N)*
Rendel, David
Robertson, Rt Hon George *(Hamilton S)*
Rogers, Allan
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Ruddock, Ms Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Sanders, Adrian
Sarwar, Mohammad
Savidge, Malcolm
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Smith, Sir Robert *(W Ab'd'ns)*
Soley, Clive
Spellar, John
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stinchcombe, Paul
Stoate, Dr Howard
Strang, Rt Hon Dr Gavin
Straw, Rt Hon Jack
Stringer, Graham
Stunell, Andrew
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Taylor, Matthew *(Truro)*
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Tonge, Dr Jenny
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*

Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tyler, Paul
Wallace, James
Walley, Ms Joan
Wareing, Robert N
Watts, David
Webb, Steve
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Wigley, Rt Hon Dafydd
Williams, Rt Hon Alan *(Swansea W)*
Williams, Mrs Betty *(Conwy)*
Willis, Phil
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Woolas, Phil
Wray, James
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*

Tellers for the Noes:
Mr. David Clelland and
Mr. Jim Dowd.

Question accordingly negatived.

New clause 24

REINSTITUTION OF STANDARDS FOR EDUCATIONAL PREMISES

'.—Section 542 (Prescribed standards for school premises) of the Education Act 1996 shall be amended as follows—

(a) before "regulations" in subsection (1), there shall be inserted "Subject to subsection (1A)".

(b) after subsection (1), there shall be inserted—

"(1A) the minimum standard that regulations will prescribe are those as set out in the Education (School Premises) Regulations 1981".'.—*[Mr. Don Foster.]*

Brought up, and read the First time.

Mr. Don Foster: I beg to move, That the clause be read a Second time.

I am conscious of the fact that, later today, we shall have an opportunity to debate the issue of Office for Standards in Education inspections and the chief inspector's annual report. Although there may be many hon. Members who find some aspects of the chief inspector's comments controversial, I doubt that any would disagree with one of his comments in his 1996 annual report:

"Teachers who lack proper resources or who work in poor buildings experience problems which at best frustrate and at worst defeat their best efforts to do a decent job."

The chief inspector was talking not only about the quality of the buildings in terms of their fabric, but about the availability of appropriate space in which pupils can learn and teachers teach. Many of us are well aware of the serious detrimental impact that classroom overcrowding can have on the education of children.

The effect of the new clause is to reinstate into legislation requirements for minimum space standards. Those standards existed for a number of years, but were removed by the previous Administration in September 1996. When they were removed, there was an outcry from the Opposition parties—from the Liberal Democrats and from the then official Opposition, the Labour party. The minimum space standards which we are debating were laid out in the Education (School Premises) Regulations 1981, which established space standards in respect of recreation areas, playing fields, teaching accommodation, school land, school accommodation and even provision for boarders, and the individual regulations included a minimum net area of 2.3 sq m for each pupil in a nursery school.

The House will be well aware that very many of our schools, especially our primary schools, are bursting at the seams, not least because the schools standard number—the number of pupils that a school must admit—was based on the bulge years of the 1980s, when every bit of space in schools was used. As a result, very popular schools, and those in population growth areas, are too full. The situation is made even worse when, as sometimes happens, the admission limit set by a local education authority is higher than the standard number, creating real difficulty for many schools.

The capacity needs of our schools have changed since the introduction of the concept of the standard number. There have been huge changes in the requirement, not least because of changes in relation to the national curriculum and changes in our approach to providing support for children with special educational needs. Rightly, there has also been much greater concern about health and safety issues.

In those circumstances, it seems appropriate that, instead of the current general guidance, clear regulations are laid down on the space standards that should apply in our schools. One would assume that to be the view of the present Government, because, when in opposition, they were vociferous about that issue.

I draw the attention of the House to comments by the right hon. Member for Sheffield, Brightside (Mr. Blunkett), now Secretary of State for Education and Employment, in a speech when in opposition:

"There is nothing clever about a Government who . . . have now decided to deregulate the space available in our classrooms and the area available for leisure and recreation . . . if the schools do not have the space available, there are two answers. The Government can either provide the resources to ensure that they have the space and the safeguards, or they can deregulate and pretend that the problem does not exist."

Referring to the former Secretary of State for Education and Employment, the right hon. Member for South-West Norfolk (Mrs. Shephard), he said that she was

"bowing and capitulating to right-wing pressures on her, rather than meeting the needs of the service and making the provision required to improve our children's educational standards and to ensure the proper teaching that classroom staff want to deliver to the children in their charge."—[*Official Report*, 18 March 1996; Vol. 274, c. 124-27.]

Those comments by the present Secretary of State were backed up by several Labour Members. I especially draw the attention of the House to the words of the present Co-Chairman of the Select Committee on Education and Employment, the hon. Member for Barking (Ms Hodge), in that debate. She said:

"The new proposals"—

to remove the space standards—

"will lower standards, not improve them. They will prepare the ground for further cuts in capital investment in our schools, not lead to the much-needed physical improvement in our schools".

She said that the regulations that removed those space standards were

"short-sighted and wrong. They should not be introduced, and they cannot stand the test of time. They are wrong for our schools, they are wrong for our teachers, and, most importantly, they are wrong for our children."

I entirely agree with everything that the hon. Member for Barking said on that occasion. It was wrong to remove those minimum space standards, and the new clause gives an opportunity to reinstate them, which is obviously the wish of many members of the Labour party.

The idea of pupil entitlement to a reasonable learning environment was lost when the previous Government abandoned school premises regulations, but, as the hon. Member for Barking said in that debate, reinstating space standards is about

"sensible rules laid down by Parliament to ensure that minimum standards are enjoyed by all our children in all schools."—[*Official Report*, 16 March 1996; Vol. 274, c. 132-34.]

I entirely agree with the hon. Lady, so I hope that hon. Members will support new clause 24.

Mr. Byers: The hon. Member for Bath (Mr. Foster) and I share a belief in the need to ensure a quality learning environment in our schools, because we consider that high-quality education takes place where children have access to the facilities that they deserve. I disagree with the hon. Gentleman—and ask the House not to support new clause 24—because I do not believe that, by locking ourselves into the regulations that were appropriate in 1981, we shall provide the accommodation and buildings that are necessary for our children into the next century. New clause 24 would require us to return to the position in 1981.

The hon. Member for Bath rightly refers to the need to ensure that we invest in school buildings, and to ensure that we do not use the fact that there are no regulations under the Bill as an excuse to cut capital investment. The previous Government used the deregulation of school premises as an excuse to cut schools' capital spending. The present Government intend to increase the amount that we spend on schools' capital, but in a way that is flexible, and meets the needs of a variety of schools throughout the country. We are not convinced that the best way to do that would be to implement the 1981 regulations.

5.45 pm

We shall require authorities to prepare asset management plans, in which they will review their current accommodation, giving priority to those buildings and school premises that need to be updated, and that need investment to provide the type of accommodation in which high-quality learning can take place.

The asset management plans will not be filed away in the Department. They will provide the opportunity for investment with public money and—perhaps most important—will enable the private sector to support investment in school buildings. It has emerged from discussions between the Government and the private sector that the private sector needs, in effect, an audit of the condition of school premises, to make possible its financial support for increased investment in school buildings.

The Government are investing well in excess of £1 billion in schools capital as part of our new deal for schools, based on the experience this year, when £83 million of public spending led to £115 million of investment in our schools. We believe that, with funding from local authorities, Church authorities and the private sector, the new deal will make it possible for about £2 billion extra to be spent on schools capital.

In last week's Budget statement, it was announced that an extra £90 million would be made available for schools capital. The Bill provides new safeguards on the disposal of playing fields. We are increasing investment and safeguarding important assets.

I agree with the hon. Member for Bath that we should not simply defend the status quo and that changes are needed. I know that the hon. Gentleman feels strongly about this issue. I make this contribution in the hope that, when he has heard what I have to say, he will feel able to ask leave to withdraw the motion and new clause 24.

Mr. Mike Hancock (Portsmouth, South): Before the general election, there was considerable speculation from the Labour Front Bench about how much money would be needed to bring schools throughout the country up to what we would consider an acceptable standard; the figures suggested ran into several billion pounds. In the year that has nearly elapsed since Labour came to power, has the Department for Education and Employment done any work on finalising what it now estimates to be the total capital that will need to be spent on the school building programme over the next five years to bring schools to what we would all consider to be a desirable state of repair?

Mr. Byers: One reason why we want local education authorities to carry out their own asset management plans is to provide exactly that sort of detailed information. There will be 150 LEAs in England with effect from April this year, and all will be required to develop asset management plans. Once we have those, we will be able to identify the precise cost of bringing premises up to a suitable standard, not just for 1998 but for the next century as well. It will also allow us to trigger in investment from the private sector, which will be important in meeting our objectives.

On the points raised by the hon. Member for Bath and the concerns he expressed, at the moment we are operating under the Education (School Premises) Regulations 1996. It is our intention to review the regulations in the light of the hon. Gentleman's comments, recognising that they need to be changed to meet the objectives that I think we share. We will be prepared not just to review them in the light of the commitments in the Bill on, for example, school playing fields; if more general amendments are necessary—the hon. Gentleman may wish to suggest some for consideration—we will consider them.

I hope that, in response to what I hope the hon. Gentleman will view as a positive response to the issues which he raised, we will be able to avoid a Division on the new clause. However, if he presses the motion to a vote, I shall ask the House to reject it.

Mr. Don Foster: The Minister was generous and positive in his response to this brief debate, but I shall still urge my hon. Friends to press the new clause to a Division.

I think that the whole House will welcome the Government's plans for an audit of the state of school buildings. However, as my hon. Friend the Member for Portsmouth, South (Mr. Hancock) said, we are well aware of the magnitude of the figure likely to be revealed by the audit. Some suggest that the backlog of repairs and maintenance to our school buildings amounts to £4.3 billion—and that does not take into account some of the additional sums that will be needed for the reduction of class sizes in key stage 1 primary schools and the overcrowding in a number of other schools. I suspect that the figure which my hon. Friend suggested is probably right.

[Mr. Don Foster]

It is also welcome that the Government are putting additional money into the repair and maintenance of school buildings. However, we should not be fooled by the sums of money that the Minister mentioned. When he spoke about £1 billion or so, he failed to remind us that that would be spent over a five-year period. When that is taken into account, the additional amount per year is much smaller than he suggested. The hon. Gentleman also did not point out that some of that money is to be used for capital purposes to meet another of the Government's election pledges, which is to reduce class sizes in key stage 1. Initially, the Government said that that pledge would be met entirely from the phasing out of the assisted places scheme, but we were then told in the Budget that additional capital money would be required from other sources.

We are pleased that some of that money will be used to get rid of outdoor loos in some of our primary schools. Hon. Members will have found it surprising that the Minister was able to announce the precise number of schools that will be assisted, when only two weeks ago, in answer to a question from me, he said that information on the number of schools with outside loos was not centrally available. I am delighted that, in only two weeks, he has been able to do such a detailed study and give the House the assurances that he did.

Mr. Byers: I am grateful to the hon. Gentleman for giving way; I am sure that he would not want inadvertently to mislead the House. In replying to his parliamentary question, I did say that the Government did not hold the information centrally. However, we discovered subsequently that the two local authority associations had conducted their own survey, and it was on the basis of that information that my right hon. Friend the Secretary of State was able to announce that we shall assist more than 600 schools.

Mr. Foster: I am delighted that the Minister has confirmed my version of events. Two weeks ago, the Minister did not know that information; now he does. I am sure that the House is pleased that he has obtained that information and made the appropriate announcement.

I intend to press the new clause to a vote. The Minister said that it would lock us into the 1981 regulations, but that would be true for only a very brief period. The Minister was right to say that the regulations needed updating. However, the purpose of the new clause is to ensure that we put back on to the statute book a requirement to have premises regulations. When the Labour party was in opposition, it said that it was passionately in favour of that. We still believe in what the Labour party believed in less than 18 months ago. For that reason, I ask the House to support new clause 24.

Question put, That the clause be read a Second time:—

The House divided: Ayes 39, Noes 279.

Division No. 221] **[5.55 pm**

AYES

Allan, Richard
Baker, Norman
Ballard, Mrs Jackie
Beggs, Roy
Beith, Rt Hon A J
Bell, Martin *(Tatton)*
Brake, Tom
Brand, Dr Peter
Breed, Colin
Bruce, Malcolm *(Gordon)*
Cable, Dr Vincent
Chidgey, David
Davis, Cynog
Foster, Don *(Bath)*
George, Andrew *(St Ives)*
Hancock, Mike
Harris, Dr Evan
Harvey, Nick
Heath, David *(Somerton & Frome)*
Hughes, Simon *(Southwark N)*
Jones, Ieuan Wyn *(Ynys Môn)*
Jones, Nigel *(Cheltenham)*
Kennedy, Charles *(Ross Skye)*
Kirkwood, Archy
Livsey, Richard
Oaten, Mark
Öpik, Lembit
Rendel, David
Russell, Bob *(Colchester)*
Smith, Sir Robert *(W Ab'd'ns)*
Smyth, Rev Martin *(Belfast S)*
Stunell, Andrew
Taylor, Matthew *(Truro)*
Tonge, Dr Jenny
Tyler, Paul
Wallace, James
Webb, Steve
Wigley, Rt Hon Dafydd
Willis, Phil

Tellers for the Ayes:
Mr. Edward Davey and
Mr. Adrian Sanders.

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Allen, Graham
Anderson, Donald *(Swansea E)*
Anderson, Janet *(Rossendale)*
Armstrong, Ms Hilary
Ashton, Joe
Barnes, Harry
Barron, Kevin
Battle, John
Bayley, Hugh
Bennett, Andrew F
Benton, Joe
Berry, Roger
Best, Harold
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Blunkett, Rt Hon David
Borrow, David
Bradley, Peter *(The Wrekin)*
Brinton, Mrs Helen
Brown, Rt Hon Nick *(Newcastle E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Byers, Stephen
Campbell, Alan *(Tynemouth)*
Campbell-Savours, Dale
Canavan, Dennis
Cann, Jamie
Caplin, Ivor
Casale, Roger
Caton, Martin
Chisholm, Malcolm
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Cohen, Harry
Coleman, Iain
Colman, Tony
Connarty, Michael
Cook, Frank *(Stockton N)*
Corbett, Robin
Corbyn, Jeremy
Corston, Ms Jean
Cousins, Jim
Cox, Tom
Crausby, David
Cryer, John *(Hornchurch)*
Cummings, John
Cunliffe, Lawrence
Cunningham, Jim *(Cov'try S)*
Dalyell, Tam
Darling, Rt Hon Alistair
Darvill, Keith
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Rt Hon Ron *(Caerphilly)*
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dewar, Rt Hon Donald
Dobbin, Jim
Donohoe, Brian H
Doran, Frank
Drown, Ms Julia
Dunwoody, Mrs Gwyneth
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Field, Rt Hon Frank
Fitzpatrick, Jim
Fitzsimons, Lorna
Flint, Caroline
Flynn, Paul
Foster, Michael J *(Worcester)*
Fyfe, Maria
Galloway, George
Gapes, Mike
Gardiner, Barry
Gibson, Dr Ian
Gilroy, Mrs Linda
Grant, Bernie
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Gunnell, John
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hanson, David
Heal, Mrs Sylvia
Healey, John
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hewitt, Ms Patricia
Hill, Keith
Hinchliffe, David
Hodge, Ms Margaret
Hoey, Kate
Home Robertson, John
Hoon, Geoffrey
Hope, Phil

Hopkins, Kelvin
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Jackson, Helen *(Hillsborough)*
Jamieson, David
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Helen *(Warrington N)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Jon Owen *(Cardiff C)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Keeble, Ms Sally
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Kidney, David
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kumar, Dr Ashok
Ladyman, Dr Stephen
Lawrence, Ms Jackie
Laxton, Bob
Lepper, David
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Lock, David
Love, Andrew
McAvoy, Thomas
McCabe, Steve
McDonagh, Siobhain
Macdonald, Calum
McDonnell, John
McFall, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
McLeish, Henry
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
Mahon, Mrs Alice
Mandelson, Peter
Marek, Dr John
Marsden, Paul *(Shrewsbury)*
Marshall, Jim *(Leicester S)*
Marshall-Andrews, Robert
Martlew, Eric
Meacher, Rt Hon Michael
Meale, Alan
Michie, Bill *(Sheffld Heeley)*
Milburn, Alan
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Morgan, Ms Julie *(Cardiff N)*
Morgan, Rhodri *(Cardiff W)*
Morris, Ms Estelle *(B'ham Yardley)*
Mountford, Kali
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Naysmith, Dr Doug
O'Brien, Mike *(N Warks)*
O'Hara, Eddie
Olner, Bill
O'Neill, Martin
Palmer, Dr Nick
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pope, Greg
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Prosser, Gwyn
Purchase, Ken
Quin, Ms Joyce
Quinn, Lawrie
Radice, Giles
Rammell, Bill
Rapson, Syd
Raynsford, Nick
Reed, Andrew *(Loughborough)*
Reid, Dr John *(Hamilton N)*
Robertson, Rt Hon George *(Hamilton S)*
Robinson, Geoffrey *(Cov'try NW)*
Rogers, Allan
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Ruddock, Ms Joan
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Sarwar, Mohammad
Savidge, Malcolm
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Spellar, John
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stinchcombe, Paul
Stoate, Dr Howard
Strang, Rt Hon Dr Gavin
Straw, Rt Hon Jack
Stringer, Graham
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Vaz, Keith
Walley, Ms Joan
Wareing, Robert N
Watts, David
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Mrs Betty *(Conwy)*
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Woolas, Phil
Wray, James
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*

Tellers for the Noes:
Mr. David Clelland and
Mr. Jim Dowd.

Question accordingly negatived.

Clause 21

KINDS OF FOUNDATION AND VOLUNTARY SCHOOLS AND TYPES OF FOUNDATIONS

Mr. Byers: I beg to move amendment No. 47, in page 19, line 10, leave out 'two' and insert 'three'.

Mr. Deputy Speaker (Mr. Michael Lord): With this, it will be convenient to discuss Government amendments Nos. 48 to 51, 31, 65 and 70 to 75.

Mr. Byers: These are all technical amendments affecting voluntary schools. The vast majority of voluntary schools have foundations, but a small number do not. As the Bill is worded, a school would need to have a foundation to join the voluntary category. The amendments ensure that, if a voluntary school or a former grant-maintained school wishes to become a new voluntary aided school, it can do so without the procedural necessity of creating a foundation. The amendments do not more than that, and I hope that they will be agreeable to the House.

Amendment agreed to.

Amendments made: No. 48, in page 19, line 13, leave out 'and'.

No. 49, in page 19, line 15, at end insert

'; and

(c) those not falling within either of paragraphs (a) and (b) but having been either of the following immediately before the appointed day, namely—

(i) a voluntary school, or

(ii) a grant-maintained school that was a voluntary school immediately before becoming grant-maintained,

within the meaning of the Education Act 1996.'.

No. 50, in page 19, leave out lines 18 and 19 and insert—

'(i) any body of persons (whether incorporated or not but excluding the governing body) which holds land on trust for the purposes of the school, or

(ii) a foundation body;'.

No. 51, in page 19, line 20, leave out from 'if' to end of line 22 and insert—

'(i) such a body of persons exists for holding land on trust for the purposes of the school, or

(ii) the school belongs to a group of schools for which a foundation body acts under this section;'.

No. 31, in page 19, line 37, leave out

'by schools in connection with'

and insert

'in connection with schools'.

No. 65, in page 20, line 13, at end insert—

'(6A) Regulations under subsection (5) may, in connection with any matters falling within that subsection—

(a) modify any provision made by or under this Part of this Act;

(b) apply any such provision with or without modifications;

(c) make provision corresponding or similar to any such provision.'.

No. 70, in page 20, line 18, at end insert 'and'.

No. 71, in page 20, line 19, leave out from 'section;' to end of line 22.

No. 72, in page 20, leave out line 24.

No. 73, in page 20, line 30, at end insert—

'(9A) Any foundation established otherwise than under this Act which has no property other than the premises of any school or schools falling within subsection (8)(a) shall be a charity which (subject to section 3(5A) of the Charities Act 1993) is not required to be registered for the purposes of that Act (but is not an exempt charity for the purposes of that Act).

For this purpose "premises" includes a teacher's dwelling-house.'.—*[Mr. Byers.]*

Clause 23

SCHOOL ORGANISATION COMMITTEES

Mr. Cynog Dafis (Ceredigion): I beg to move amendment No. 161, in page 22, line 9, at end insert—

'(d) a person nominated by other appropriate religious and local community groups.'.

Mr. Deputy Speaker: With this, it will be convenient to discuss the following amendments: No. 141, in clause 25, page 22, line 41, leave out from beginning to end of line 30 on page 23.

No. 162, in page 23, line 9, at end insert—

'(bb) requiring that agreement of the draft plan by the school organisation committee in respect of denominational school provision shall be by unanimity.'.

No. 163, in page 23, line 30, at end insert—

'(h) requiring the school organisation committee to consult with potential promoters of new schools in the formulation of the draft plan.'.

No. 142, in page 23, line 31, leave out 'in Wales'.

No. 143, in page 23, line 36, leave out 'in Wales'.

Mr. Dafis: The amendments that I have tabled in this group—Nos. 161 and 163—should be considered with amendment No. 164 and that group of amendments. I shall therefore deal only briefly with my two amendments—as an introduction to the main theme, to which I shall return in our debate on that later group of amendments.

I have tabled my amendments at the request of an organisation called the Third Sector Schools Alliance. I have absolutely no constituency interest in the issue, as I have no schools in my own constituency of the type dealt with in the amendments.

I was approached about the matter specifically because I tabled an amendment in Committee on the Education Bill in 1993, which would have enabled schools with alternative curriculums—such as Steiner and Montessori schools—to enter the state sector. In Committee, the then Opposition spokesman, the hon. Member for Torfaen (Mr. Murphy)—now the Minister of State, Northern Ireland Office—said that Labour, if elected to government, would support the principle of state funding for that type of school. I hope that Labour in power will maintain that position. A strong case can be made for providing those schools with state funding.

Amendment No. 161 would amend clause 23 by adding to the list of categories from which the regulations require that people are appointed to school organisation committees. The amendment would therefore add

"a person nominated by other appropriate religious and local community groups"

to the categories of local education authority members and representatives of the Church of England and the Roman Catholic Church. Who in a pluralist society could quarrel with the principle of including persons from other religions and groups in school organisation committees? It is perfectly appropriate, and is at the heart of the amendment.

Amendment No. 163 would amend clause 25—which deals with school organisation plans—and require consultation

"with potential promoters of new schools in the formulation of the draft plan."

The amendment would amount to extending the consultation process, to enable people with proposals for new schools to be consulted in the formulation of a draft plan.

I shall leave my comments on the matter there for now.

Miss Widdecombe: I shall address all my remarks to amendment No. 162, which I tabled, and which I shall, at the appropriate place—with your permission, Mr. Deputy Speaker—seek to press to a Division.

The basis of the amendment is the underlying presumption that, unless something is written in the Bill, it carries virtually no meaningful weight. Undertakings may be given behind the scenes; Churches may be reassured; bland words may be exchanged; very earnest sentiments may be uttered; and intentions may even be perfectly honourable—but the fact remains that, unless something is written in the Bill, nothing whatever will give it binding force. Circumstances change; financial and other constraints appear; Ministers come and go; and, occasionally, even Governments come and go.

There can be no reliance whatever on undertakings given in private, or even on notes in Committee, which do not carry statutory force. They can convey nothing other than a Minister's immediate intention in immediate circumstances.

In the extensive negotiations on the Bill that the Government have apparently been having with Churches, Churches may not have had the wool pulled over their eyes, but they have been much too easily satisfied with undertakings given that do not have the force of statute to back them up. Therefore, I am doing the job that I would rather the Churches themselves had done, and am trying to ensure that the Bill includes some powers for Churches, to safeguard their own specific interests.

6.15 pm

I have already expressed the Church's broad position. I have had consultations at the highest level—perhaps not the highest level, because I have not been to Rome about

it, but the highest level in this country. From those consultations, I understand that the Church's position is that it supports lowering class sizes, if that is possible. It certainly supports the principle that class sizes should be limited if possible. However, that should not happen at the expense of denying a child—I speak specifically to the Roman Catholic issue—a Roman Catholic education. I am sure that the Church of England would also say that, although it might want to limit class sizes, if parents want their children to have a Church of England education, the 31st child should not find himself or herself denied that opportunity and forced instead to take a secular education.

When I explained the position to Church representatives, first they said, "The Government have promised us that we shall have more denominational places." I have not heard that promise reiterated, but I should be quite interested to hear whether Ministers have made such a promise, or whether perhaps there was a misinterpretation. If Ministers have made such a promise, how will they honour it, and in what circumstances?

If, for example, children are denied admission to the nearest Roman Catholic or Church of England school because class sizes are too big, will other denominational places immediately be created—which would require considerable Government investment? Or will secular schools first have to be filled with surplus students, who will thereby be denied denominational education? Perhaps only after that has been achieved and there are no surplus secular places, a few more denominational places will be included in the creation of more places. Which of those two routes will Ministers go down, to honour what Churches think is a commitment to provide more denominational places?

Church representatives also said to me, "It is all right, because even if all that starts to go wrong and we do not get the new denominational places, Churches have a veto." My hon. Friend the Member for Tiverton and Honiton (Mrs. Browning) stood at the Dispatch Box and asked the Minister, "What is that veto?" He had never heard of it; there was no veto.

I did a bit of exploration to discover how that misunderstanding could have arisen. It seems to have arisen because there will be representatives of Churches on school organisation committees. In Committee, it was said that there would be a drive for unanimity, and that, if there was not unanimity, the plan would have to go to the adjudicator. From that, Churches deduced that they effectively had a veto. They could always prevent unanimity on a plan that they did not like, and the matter would end up with the adjudicator.

Anyone can see that there is no provision for a veto in the Bill. The drive for unanimity depends only on a note in Committee and has absolutely no statutory force. Therefore, if a committee were not unanimous but had a clear majority, nothing in law or in statute would stop the committee enforcing its view over, above and contrary to the wishes of its denominational representatives.

I am seeking to give statutory force to the undertaking that was apparently given in Committee, but to limit it to denominational schools, because I am very exercised by the consideration that my right hon. Friend the Member for Charnwood (Mr. Dorrell) raised in Committee. He said that, if one always insisted on unanimity throughout the system, every case would end up before the adjudicator. Therefore, I have sought to limit to denominational schools the undertaking that the Churches believe that they have been given—I believe that they are mistaken, but I hope that it was not done deliberately—that they will be able to exercise some sort of veto.

The amendment would mean that in a denominational school, it would not be possible to put through a draft plan—this could cover class sizes and the organisation of class sizes to meet any size limitation—without it going to the adjudicator if there were objections from the denominational representatives on the school organisation committee, unless the plan were already unanimously accepted. I do not think that even that is a wonderful solution, but regard it very much as second best. I hope that, when the Bill goes to another place, the original amendment, tabled by Conservative Members, simply to grant flexibility to denominational schools, will again be debated, perhaps with a happier outcome.

I make no apology for saying that I regard the amendment as a third or fourth best option from among the various ones already tried by my right hon. Friend the Member for Charnwood and my hon. Friend the Member for Tiverton and Honiton. However, it at least tests the Government to some extent. In their negotiations with the Churches, the Government promised more denominational places—they have allegedly promised this; I do not know, as I was not there—and a veto. The amendment tests whether they are going to come up with the second, and I hope that the Minister will deal with the first.

Mr. Willis: I am always interested in what the right hon. Member for Maidstone and The Weald (Miss Widdecombe) has to say, but I think she has done herself an injustice by tabling amendment No. 162. She rightly says that it is the third or fourth best option. The amendments tabled in Committee were superior in terms of their overall effect.

I have much sympathy with the need to protect admissions to Church schools—I have some very fine Church schools in my constituency—but the right hon. Member for Maidstone and The Weald is basically saying that parents who opt for a denominational school should have their choice guaranteed. That is the effect of what she proposes.

Miss Widdecombe: That is not quite the effect. At the moment, if a school is heavily over-subscribed, the head can turn away a child of the relevant denomination, although he will bend over backwards not to do so. However, under the new proposals, the exact opposite will be the case. Even where a head and a governing body believe that they have the flexibility to accommodate extra children, they will not be allowed to do so. The amendment does not give a guarantee; I wish it did.

Mr. Willis: I am grateful for that clarification, but if the plan had to be agreed by the school organisation committee and the members representing denominational schools, because they had the veto, and if they insisted that there were sufficient places in Church schools to meet the demand, they would in effect be guaranteeing places to parents who wished to send their children to denominational schools. It is not worth having a long debate on the matter, but the issue has been highlighted.

I want to speak particularly to amendments Nos. 141 to 143. I am conscious of the time and the fact that we have much business to get through, so I shall be relatively brief.

[Mr. Willis]

We have somewhat reluctantly agreed that the school organisation committee will have a reasonable function. The Government have made a case for it, and we support the idea of greater co-operation between various groups of people in drawing up the organisational plan. There is a great deal of sense in that, but we do not accept that there should be yet another layer of bureaucracy involving the adjudicator.

If the Secretary of State does not trust local education authorities sufficiently to give them control over the plans, he should say so. He should say that there is not to be an adjudicator, but that, if the plan cannot be agreed by the school organisation committee and the local education authority, he himself will decide. In effect, the adjudicator will be the Secretary of State's placeman, and represents an unnecessary level of bureaucracy. Indeed, every attempt should be made to get the school organisation committee and local education authority to agree. Conflict between the two does not bode well for the harmonious running of an authority or for satisfaction for parents. Conflict makes it less likely that parents will be satisfied with the number and quality of places and where they are.

We shall not press our amendments to the vote, but we should like an assurance from the Minister that she will reconsider the issue of the adjudicator and allow local education authorities to decide on the plans once they have been submitted to them by the school organisation committee.

Mr. Dorrell: I endorse what my right hon. Friend the Member for Maidstone and The Weald (Miss Widdecombe) said. Her preference would be to solve the problem of the individual child from a denominational family by making the class size pledge more flexible. I entirely agree with her. Indeed, we tabled several amendments to that end in Committee and earlier on Report.

I also share my right hon. Friend's hope that, when the Bill reaches another place, a means will be found to introduce precisely the principle to which she referred. Should the other place choose to do that, we shall certainly sustain the principle when the Bill returns here. Given that that principle does not appear in the Bill, I support amendment No. 162. Should the Government not accept it, the official Opposition will support my right hon. Friend in pressing it to a vote when we reach the appropriate point.

Amendment No. 162 would establish that the denominational interest cannot be overruled in the school organisation committee. As my right hon. Friend stressed, to rely on an informal piece of advice that was circulated in Committee, and which was rather vaguely worded anyway, is no reassurance at all. It certainly does not constitute an enforceable veto, even it that is what was meant. My right hon. Friend is attempting to include that principle in the Bill, and she is right to do so.

The hon. Member for Harrogate and Knaresborough (Mr. Willis) left me unclear whether it is still the Liberal Democrats' view that school organisation matters should rest with the local education authority, which I thought was the position that they adopted in Committee, or whether they are now saying that, whenever there is a contest in the school organisation committee, the matter should be referred not to the adjudicator, as the Bill provides, but to the Secretary of State.

Mr. Willis: We believe that the local education authority should make the final decision in consultation with the school organisation committee. My point was to ask: if there is to be another authority in the form of an adjudicator, who is to be appointed effectively by the Secretary of State, the Secretary of State might as well do the job himself. Why have yet another layer of bureaucracy?

Mr. Dorrell: I am grateful to the hon. Gentleman for clarifying the position. He continues to adopt the view that decisions are best made by the local education authority. I set out in Committee why we disagree with that proposition. I continue to believe that schools should be seen not as part of an integrated system, but as a series of local institutions responsible to the local community and accountable to parents. The principal responsibility rests with the governing body and the teachers at the school.

The difference between Conservative Members and Liberal Democrats was ventilated a number of times in Committee, and will come up again later—Liberal Democrats believe that the Government are insufficiently committed to the future of local education authorities to the extent that they are edging away from them, but we encourage the Government to go down that path, because we want a more varied, plural system of school provision that gives professionals working within the system a greater opportunity to develop new ideas and approaches to the delivery of high-quality, schools-based education. Plurality and variety would give parents real choice: I emphasise that key difference between Liberal Democrats and the official Opposition.

We support amendment No. 162, which stands in the name of my right hon. Friend the Member for Maidstone and The Weald, for the reasons that I have given.

6.30 pm

The Parliamentary Under-Secretary of State for Education and Employment (Ms Estelle Morris): There was agreement in Committee that the move to making decisions at the local level would be widely welcomed. Decisions are currently taken centrally in the name of the Secretary of State, except where local authorities publish unopposed plans. I should emphasise that our premise was that the existing system is not ideal, because that has not been apparent from the comments of Opposition Members.

The move to local decision making is crucial. We must maintain and treasure the important partnerships between providers of education, such as local authorities and the Churches. Such bodies must work together to provide sufficient places for children to ensure a cohesive pattern of education. I disagree with the right hon. Member for Charnwood (Mr. Dorrell), who said that those bodies are separate institutions with no relationship to each other. They have a relationship, because they serve the same community and sometimes members of the same family.

School organisation committees will ensure that that pattern can continue to serve the interests of children and their families. I said in Committee and say again that local

authorities have played an important part in the provision of schools and education, as have the Churches over many centuries. We want that to continue, which is why the Bill will enshrine the representation of local authorities and Church of England and Roman Catholic Church diocese on school organisation committees. Hon. Members will welcome the recognition of the important role that those organisations play.

Amendment No. 161, which was moved by the hon. Member for Ceredigion (Mr. Dafis), is inappropriate. Some groups may be established in certain local authority areas, but not in others. We shall consult on the make-up of school organisation committees and publish regulations accordingly. The special place of the Church and local authorities is recognised in the Bill, but the issue of which other groups might be represented on the committees is best left to regulation.

Amendment No. 161 refers to

"appropriate religious and local community groups".

Who would decide which groups were appropriate, and who would choose which community groups should be represented? Who would approach such groups and decide how they would be represented? I am not persuaded that groups that do not provide education should have a role on school organisation committees. I accept the spirit in which the hon. Member for Ceredigion moved the amendment on behalf of the Third Sector Schools Alliance, and I know of its work, but the amendment is inappropriate.

School organisation plans will be important facts-and-figures documents that describe the historical background of the provision of schools and places in local authority areas. They will provide the background against which decisions on individual schools will be made by school organisation committees. I remind hon. Members that the documents will not contain proposals for the future of individual schools, but will give a context for the proposals.

Amendment No. 163, which also stands in the name of the hon. Member for Ceredigion, requires

"the school organisation committee to consult with potential promoters of new schools"

and is inappropriate. It will not be for a school organisation committee to consult; it must put facts and figures about the supply of places in its area in a school organisation plan, and therefore into the public domain. Promoters of new schools, whoever and wherever they may be, will be able to study it, object to it and make proposals.

The documents will not be secret; there will be consultation on them and they will be published locally. Decisions about how new schools should be set up will be taken locally.

Mrs. May: Will the Minister clarify her references to decisions being taken locally? I understand that school organisation committees would consider such decisions, but would they be referred to an adjudicator in certain circumstances—for example, when challenged? Did not she make it clear in Committee that adjudicators would not be local people, but would be brought in from outside?

Ms Morris: The hon. Lady is absolutely right to say that a decision would be taken by an adjudicator if a school organisation committee could not agree unanimously. An adjudicator with local knowledge, who works locally and visits an area—rather than someone who sits in Westminster—would take account of local considerations far more than does the current process.

We debated the matter long and hard in Committee. Our proposals for school organisation committees and adjudicators will ensure that decisions are made locally. The hon. Lady knows that it is not always possible to ensure that adjudicators are locals, but we shall consider regional balance when we appoint them. Her opening premise was right: decisions will go to an adjudicator when there is not unanimity.

The issue of unanimity brings me nicely to amendment No. 162, tabled by the right hon. Member for Maidstone and The Weald (Miss Widdecombe). I hesitate to say this, and do not mean to be disparaging, but she claims to speak for the Churches because she does not think that they can speak for themselves. My hon. Friend the Minister for School Standards has had many lengthy discussions with the Churches and the Bill is better for that. Our early drafts have been changed because of the representations that were made by many groups, such as the Churches.

To imply that we have sought to pull the wool over the eyes of the Churches during many months of discussion is to discredit not only my hon. Friend, but the Churches. They are happy with the assurances on unanimity that we have given them.

Mr. Graham Brady (Altrincham and Sale, West): Will the Minister give way?

Ms Morris: I shall give way in a moment.

The right hon. Member for Maidstone and The Weald is correct about the Churches, but we differ over whether her proposal should be included in the Bill. We have given assurances in Committee, and now on the Floor of the House, that school organisation committee decisions must be unanimous and will go to an adjudicator if they are not. Whether she believes them is a matter of trust—indeed, a matter of faith.

The right hon. Lady is a former Minister in a leading Department. She knows that primary legislation does not deal with every issue; we are not the first ministerial team to say that some issues are more appropriately dealt with by regulations. The matter will not rest on what has been distributed on a piece of paper—regulations with statutory force will provide for the need for unanimity.

Miss Widdecombe: The Minister said that assurances had been given in Committee and were now being repeated on the Floor of the House. As I have said, I was not present at the time, but the Churches believe they have been assured that, rather than a child's being denied a denominational place, extra denominational places will be provided. Has that assurance indeed been given?

Ms Morris: The right hon. Lady should not go over debates that have taken place in the past. We are well past the clauses that deal with class sizes. The right hon. Lady should have been present at the first sitting of the

[Ms Morris]

Committee if she wanted to debate issues of class size and denomination. She could then have supported her right hon. and hon. Friends.

Miss Widdecombe *rose—*

Ms Morris: I shall not give way again on this point. Class sizes are a matter for my hon. Friend the Minister of State, and he answered questions on that subject fully on Second Reading and in Committee. He has dealt fully with amendments tabled by the right hon. Lady and her colleagues. I suggest that the right hon. Lady read the reports in *Hansard*.

The measures proposed in the amendments will be contained in regulations. They will not rest on a whim based on something written on a piece of paper—and, as the right hon. Lady has already admitted, the Churches are well satisfied with the assurances that they have been given.

We have no intention of pulling the wool over the eyes of the Churches or anyone else. We do not wish to do that and we have no interest in doing it. We value the education that the Churches provide, and have provided for centuries, and we want to retain it in the future.

Mr. Dorrell: The Minister insists that she agrees with the principle in amendment No. 162. Why, then, will she not write it into the Bill?

Ms Morris: As I have already made clear, some measures are better left to regulations. The difference between the right hon. Gentleman and the right hon. Member for Maidstone and The Weald is that the right hon. Lady does not believe us. At least the right hon. Gentleman seems to be saying that he believes us, although he would prefer the provision to be contained in primary legislation.

Mr. Dorrell: Why should it be in secondary legislation?

Ms Morris: We are advised by those who help us to draft legislation that the matter is appropriate for regulations.

Ultimately, what matters to the Churches—and what will matter to parents and children—is the honouring of a pledge; the pledge will be honoured. People can cite in court and elsewhere what is said by Ministers on the Floor of the House and in Committee: that has been proved. The pledge has been given, and it will be implemented in regulations. There is no need for it to be in the Bill as well. Those who speak officially on behalf of the Churches are happy with the assurances that have been given; I am sorry that the right hon. Members for Charnwood and for Maidstone and the Weald are not happy with them as well.

As for the amendments tabled by the hon. Members for Bath (Mr. Foster) and for Harrogate and Knaresborough (Mr. Willis), I, too, was a little confused about whether they had moved substantially from what they said in Committee, but, following interventions from the right hon. Member for Charnwood, I think that we simply disagree on the issue. I think we agree that decisions are better taken locally and that—although hon. Members may not approve of the way in which the school organisation committees will be composed—there is grudging acceptance of the fact that they will do a good job, will protect interests and will try to secure unanimity, which is always right. The difference in opinion concerns whether the committees should be able to advise local education authorities or whether authorities should appeal to adjudicators or to the Secretary of State.

We dealt with the arguments in Committee. We want to take the centralised decision-making power away from Westminster and Whitehall and move it to the localities involved. As I told the right hon. Member for Maidstone and The Weald earlier, the committee members will be in the locality. They will be able to weigh up arguments locally and perhaps look at patterns of decision making around the country. If the school organisation committee that we have established cannot agree, the appeal mechanism should also be as locally based as possible. We see that as a natural next step. Requiring unanimity in SOCs and recourse to the Secretary of State as the very next step surely flies in the face of our attempt to localise decision making.

Mr. Willis: We do not want the Secretary of State to interfere; we want decisions to be made by local education authorities after they have consulted SOCs. We think that decisions should be made locally by those who go to the ballot box every year—or every four years—to obtain the consent of the people.

Ms Morris: I thank the hon. Gentleman for that clarification. As he knows, local authorities will play a key role on SOCs, but they are not the only education providers in the locality. We are establishing a local decision-making process that will bring the partners together and aim for unanimity but enable the adjudicator to make a decision if unanimity is not possible.

Mr. Don Foster: Will the Minister give way?

Ms Morris: I will, for the last time.

Mr. Foster: As a democrat, does the Minister consider it more appropriate for decisions to be made by an individual appointed by the Secretary of State who has no democratic accountability to local people or by a group of people who have been elected by the local community?

6.45 pm

Ms Morris: The adjudicator will not make decisions in isolation. The Secretary of State, a democratically accountable individual, will issue guidance and regulations according to which adjudicators should make their decisions. Under the current system, more than 300 cases have been decided in Whitehall, in the name of the Secretary of State. It makes sense for such decisions to be made locally, but the democratic accountability exists because the guidance that the adjudicator will use will have been issued by the Secretary of State.

We have discussed these matters in Committee and now on the Floor of the House. Clause 25 is a move towards local decision making; we have established a mechanism to ensure that decisions are made locally and that the interests of local education authorities, Churches

and parents are protected. I hope that the hon. Member for Ceredigion will see fit to withdraw amendment No. 161, but if he does not, I shall ask the House to vote against it and to resist those with which it is grouped.

Mr. Dafis: I shall ask leave to withdraw my amendment, but I noted what the Minister said about the appropriateness of including the proposals in regulations. I merely wish to emphasise the importance of proper consultation with interested parties before the regulations are drawn up.

Mr. Foster: The hon. Gentleman has my party's support and I am sure that the Minister acknowledges the importance of talking to a wide range of bodies—especially those in the Third Sector Schools Alliance.

Mr. Dafis: I am grateful for the hon. Gentleman's support. I await the Minister's response to the next group of amendments but one.

Mr. Deputy Speaker (Mr. Michael J. Martin): Before the hon. Gentleman withdraws his amendment, perhaps we can hear from the right hon. Member for Maidstone and The Weald (Miss Widdecombe). I believe that she wants to press her amendment to a vote.

Miss Widdecombe: Thank you, Mr. Deputy Speaker. Having heard such an inadequate response, I feel that I must press amendment No. 162 to a Division.

I am always suspicious when a Minister who has been asked a clear question refers the questioner to statements made by colleagues. A simple yes would prevent a great deal of anxiety. In this instance, the yes was not forthcoming, and I remain fairly suspicious.

I know that many provisions must be dealt with in regulations. I might have swallowed that argument but for the sheer prescriptive detail of clause 97. I wonder why one simple reassuring extra detail cannot be included, and why it is so important not to give that detail statutory force.

Mr. Deputy Speaker: I take it that the right hon. Lady is referring to amendment No. 162. At the appropriate time, she can move it formally for the purposes of a vote. Does the hon. Member for Ceredigion (Mr. Dafis) wish to withdraw his amendment?

Mr. Dafis: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 24

ADJUDICATORS

Mr. Dorrell: I beg to move amendment No. 89, in page 22, line 21, at end insert—

'(1A) Any vacancy for a post of adjudicator shall be advertised publicly;

(1B) Any advertisement issued under the terms of subsection (1A) of this section shall set out the qualifications sought in successful candidates for appointment as adjudicators and shall state the process by which decisions will be made about which applicants are appointed as adjudicators.'.

The amendment seeks to throw open what will otherwise be the almost completely closed world of the adjudicator. The Bill attributes huge power to adjudicators in the schools system; the amendment would increase their accountability.

The amendment is relevant to the previous debate on the role of the school organisation committee in designing an area's schools system. The Bill states that whenever the school organisation committee cannot reach agreement—assuming that the Government's assurances on the unanimity principle are given effect—the decision would fall, in the circumstances envisaged by my right hon. Friend the Member for Maidstone and The Weald (Miss Widdecombe), to the adjudicator.

Similarly, terms elsewhere in the Bill provide that adjudicators will decide when there are local disputes about arrangements for admission to schools. Those are huge issues that impact directly on the choices parents make about which school their children will attend. They impact on the performance and development of popular and unpopular schools. They impact directly on the debate initiated by my hon. Friend the Member for Tiverton and Honiton (Mrs. Browning)—*[Interruption.]*

Mr. Deputy Speaker: Order. Perhaps we can have less background noise in the Chamber.

Mr. Dorrell: I was referring to new clause 13, which sought to give effect to the pledge made by the Minister for School Standards on the day before the countryside march: no rural school would close without a specific decision of the Secretary of State. It became clear in the debate on new clause 13 that the Minister's words meant nothing, because beyond September 1999—

Mr. Deputy Speaker: Order. I will not allow the right hon. Gentleman to go over past business. We are debating amendment No. 89.

Mr. Dorrell: Both the new clause and the amendment are relevant to the adjudicator being accorded power. The amendment would increase public accountability of the person who will make the decision that the Minister said on television would be made by the Secretary of State. The Minister made it clear at the Dispatch Box this afternoon that, beyond September 1999, when the principle of unanimity, mentioned by my right hon. Friend the Member for Maidstone and The Weald, on the school organisation committee, which the Government accepted, leads to the decision not being made locally, the decision will be made by a public official—the adjudicator. The adjudicator will make decisions about the structure of school provision in an area when local forces cannot agree.

I agree with the Under-Secretary that it is better that local people agree, but when they cannot, who will decide whether a Catholic school expands or contracts? Who will decide whether a Church of England school expands or contracts? Who will decide whether a rural school closes? The answer to every question is, the adjudicator.

Then we come to the question: who are these adjudicators? To whom will my right hon. Friend the Member for Maidstone and The Weald look when her unanimity principle is observed and local people cannot decide? Who will deal with the question that the public

[Mr. Dorrell]

believe—the Minister for School Standards has assured them—will be made by the Secretary of State? Who will make such a decision on behalf of the Secretary of State and of the public?

When we raised these issues in Committee, the Under-Secretary gave what can only be described, charitably, as a rather incomplete answer. She suggested that adjudicators would be part time; possibly, she suggested helpfully—at least to the hon. Member for Harrogate and Knaresborough (Mr. Willis)—they would be retired head teachers. We were led to believe that the Government would be going on patrol, looking for retired head teachers who wanted to spend two days a week making decisions on which rural schools should close, and the availability of denominational education on behalf of the constituents of my right hon. Friend the Member for Maidstone and The Weald and the interest groups about which is concerned—against the background of an assurance that the Secretary of State would make such decisions.

The same story runs through the Government. One of the first announcements after the general election was that the Chancellor of the Exchequer would no longer decide monetary policy and would pass such decisions to Eddie George. Now we hear that key decisions on provision of the schools system will no longer be made by the Secretary of State for Education and Employment. They are to be passed to faceless people called adjudicators.

Under the amendment, there would at the very least be a public, open and accountable appointments system for public officials who will be making sensitive local decisions. We would be able to see who makes decisions that the public think will be made by the Secretary of State. The amendment would require any vacancy for such a powerful post to be advertised, so that we can see what type of official the Government envisage appointing to discharge such important functions. We should be able to see the Government's job description for an adjudicator. There is certainly no hint of that in the Bill. The Bill merely describes in broad terms the powers of the adjudicator; it tells us virtually nothing about the way in which the adjudicator is supposed to work.

In opposition, Labour Members made huge play of the need for open government. The amendment would ensure that the Government have to advertise adjudicator vacancies and state what qualifications they require. They would have to state how people will be appointed, to whom they will be accountable, how they will be called to account if a series of decisions lead to criticism of an adjudicator's role, and how, ultimately, they will be fired if they make decisions for which there is no basis of public support. The Bill answers none of those questions.

The Government are taking away powers to make key decisions on a locality's schools system from the Secretary of State, who is accountable to the House, and from junior Ministers, who respond to local concerns expressed by hon. Members, and according them to an appointed official. The amendment would begin a path to open up what will otherwise be a completely closed system.

Ms Estelle Morris: That was the most amazing eight minutes of hot air that I have heard in Committee or on Report. The answers are simple. The right hon. Member for Charnwood (Mr. Dorrell) has received in writing the assurances for which he has just asked. He asked for the vacancy of the post of adjudicator to be advertised publicly. In a letter of 18 February, I wrote to him saying:

"We shall advertise the posts widely".

What more does he want?

Mr. Dorrell: I want it to be in the Bill.

Ms Morris: Ah, it is different now; it is not that he does not know what it entails, but that it should be in the Bill. The argument changes as the minutes go by. The right hon. Gentleman is trying to make a big issue of something on which he knows he has received assurances. Proposed subsections (1A) and (1B) describe proper procedures when appointing a person to fulfil the role of adjudicator. I again give the right hon. Gentleman the assurances that I gave him in Committee—at column 380 of the 11th sitting—and that I wrote to him about on 18 February. Both the things he asks for in the amendment have already been given.

Mr. Allan Rogers (Rhondda): Does my hon. Friend agree that the right hon. Gentleman's remarks are a bit rich, given that the Conservatives set up next steps agencies and appointed bodies that took responsibility from Ministers? I could probably give him a thick sheaf of replies to parliamentary questions in which he said that he was not responsible for a particular issue because it was the responsibility of a next steps agency. His argument smacks of hypocrisy.

7 pm

Ms Morris: My hon. Friend is right. The right hon. Gentleman is a late convert to accountability.

The amendment should be withdrawn. I do not disagree with anything that the right hon. Gentleman has said, but he has already had the assurances that he seeks. I am prepared to give them again on the Floor of the House. The posts will be advertised, and the advertisements will make it clear that the successful candidates will have to have a range of qualities that we shall decide on when we draw up the advertisements. We have wasted 10 minutes that could have been better spent. There are other issues on which we disagree, but we agree on this.

Mr. Dorrell *rose—*

Ms Morris: No, I shall not give way again.

We disagree only on whether the provision should be included in the Bill. I have given the right hon. Gentleman verbal and written assurances. There is no need to press the amendment. If he does so, I urge hon. Members to vote against it.

Mr. Dorrell: I had not intended to push the amendment to a vote, not because the issue is unimportant but because I want to get on to other issues, but not only did the Minister not answer my questions: she resisted my attempt to intervene to remind her of them. The Bill accords substantial powers to the new adjudicators. The Minister has given us an assurance that the posts will be

advertised; she has not told us to whom the adjudicators will be responsible or what checks and balances there will be on their work.

I do not intend to push my amendment to a vote, but I give notice that I expect my noble Friends in another place to return to this important issue of accountability. If the school system is to be accountable to local people, it must be clear who makes the decisions, how those people are appointed and how they are held to account. The Minister did not explain that. We shall continue in another place to pursue the accountability of adjudicators. Against that background, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Amendment proposed: No. 162, in page 23, line 9, at end insert—

'(bb) requiring that agreement of the draft plan by the school organisation committee in respect of denominational school provision shall be by unanimity.'.—*[Miss Widdecombe.]*

Question put, That the amendment be made:—

The House divided: Ayes 118, Noes 308.

Division No. 222] **[7.3 pm**

AYES

Ainsworth, Peter *(E Surrey)*
Ancram, Rt Hon Michael
Arbuthnot, James
Atkinson, Peter *(Hexham)*
Baldry, Tony
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Body, Sir Richard
Boswell, Tim
Brady, Graham
Brazier, Julian
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Burns, Simon
Butterfill, John
Chapman, Sir Sydney *(Chipping Barnet)*
Chope, Christopher
Clappison, James
Clark, Dr Michael *(Rayleigh)*
Clarke, Rt Hon Kenneth *(Rushcliffe)*
Clifton-Brown, Geoffrey
Colvin, Michael
Cormack, Sir Patrick
Curry, Rt Hon David
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice)*
Day, Stephen
Dorrell, Rt Hon Stephen
Duncan Smith, Iain
Emery, Rt Hon Sir Peter
Evans, Nigel
Flight, Howard
Forth, Rt Hon Eric
Fox, Dr Liam
Gibb, Nick
Gill, Christopher
Gillan, Mrs Cheryl
Gorman, Mrs Teresa
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Hague, Rt Hon William
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hawkins, Nick
Heald, Oliver
Heathcoat-Amory, Rt Hon David
Hunter, Andrew
Jack, Rt Hon Michael
Jenkin, Bernard
Johnson Smith, Rt Hon Sir Geoffrey
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lilley, Rt Hon Peter
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Luff, Peter
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
MacKay, Andrew
McLoughlin, Patrick
Malins, Humfrey
Maples, John
Mates, Michael
Maude, Rt Hon Francis
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Moss, Malcolm
Nicholls, Patrick
Norman, Archie
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Prior, David
Randall, John
Robathan, Andrew
Robertson, Laurence *(Tewk'b'ry)*
Roe, Mrs Marion *(Broxbourne)*
Rowe, Andrew *(Faversham)*
Ruffley, David
St Aubyn, Nick
Shephard, Rt Hon Mrs Gillian
Simpson, Keith *(Mid-Norfolk)*
Spelman, Mrs Caroline
Spicer, Sir Michael
Spring, Richard
Stanley, Rt Hon Sir John
Streeter, Gary
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Taylor, Sir Teddy
Townend, John
Tredinnick, David
Tyrie, Andrew
Walter, Robert
Wardle, Charles
Waterson, Nigel
Wells, Bowen
Whitney, Sir Raymond
Whittingdale, John
Widdecombe, Rt Hon Miss Ann
Young, Rt Hon Sir George

Tellers for the Ayes:
Sir David Madel and
Mr. James Cran.

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Allan, Richard
Allen, Graham
Anderson, Donald *(Swansea E)*
Anderson, Janet *(Rossendale)*
Armstrong, Ms Hilary
Ashton, Joe
Baker, Norman
Barnes, Harry
Barron, Kevin
Battle, John
Bayley, Hugh
Bell, Martin *(Tatton)*
Bennett, Andrew F
Benton, Joe
Bermingham, Gerald
Berry, Roger
Best, Harold
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Blunkett, Rt Hon David
Borrow, David
Bradley, Peter *(The Wrekin)*
Brake, Tom
Brand, Dr Peter
Brinton, Mrs Helen
Brown, Rt Hon Nick *(Newcastle E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Bruce, Malcolm *(Gordon)*
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnett, John
Byers, Stephen
Campbell, Alan *(Tynemouth)*
Campbell-Savours, Dale
Canavan, Dennis
Cann, Jamie
Caplin, Ivor
Casale, Roger
Caton, Martin
Chaytor, David
Chisholm, Malcolm
Clapham, Michael
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Coleman, Iain
Colman, Tony
Connarty, Michael
Cook, Frank *(Stockton N)*
Corbett, Robin
Corston, Ms Jean
Cousins, Jim
Cox, Tom
Crausby, David
Cryer, John *(Hornchurch)*
Cummings, John
Cunliffe, Lawrence
Cunningham, Jim *(Cov'try S)*
Dafis, Cynog
Dalyell, Tam
Darling, Rt Hon Alistair
Darvill, Keith
Davey, Edward *(Kingston)*
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dobbin, Jim
Donohoe, Brian H
Doran, Frank
Drown, Ms Julia
Dunwoody, Mrs Gwyneth
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Field, Rt Hon Frank
Fitzpatrick, Jim
Fitzsimons, Lorna
Flint, Caroline
Flynn, Paul
Foster, Don *(Bath)*
Foster, Michael J *(Worcester)*
Foulkes, George
Fyfe, Maria
Galloway, George
Gapes, Mike
Gardiner, Barry
Gibson, Dr Ian
Gilroy, Mrs Linda
Godman, Norman A
Grant, Bernie
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Gunnell, John
Hain, Peter
Hall, Mike *(Weaver Vale)*

Hall, Patrick *(Bedford)*
Hancock, Mike
Hanson, David
Harris, Dr Evan
Heal, Mrs Sylvia
Healey, John
Heath, David *(Somerton & Frome)*
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hewitt, Ms Patricia
Hill, Keith
Hinchliffe, David
Hodge, Ms Margaret
Hoey, Kate
Home Robertson, John
Hoon, Geoffrey
Hope, Phil
Hopkins, Kelvin
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Hughes, Simon *(Southwark N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Jackson, Helen *(Hillsborough)*
Jamieson, David
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Helen *(Warrington N)*
Jones, Ieuan Wyn *(Ynys Môn)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Jon Owen *(Cardiff C)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Jones, Nigel *(Cheltenham)*
Keeble, Ms Sally
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Kidney, David
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kirkwood, Archy
Kumar, Dr Ashok
Ladyman, Dr Stephen
Lawrence, Ms Jackie
Laxton, Bob
Lepper, David
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Livsey, Richard
Lock, David
McAvoy, Thomas
McCabe, Steve
McCartney, Ian *(Makerfield)*
McDonagh, Siobhain
Macdonald, Calum
McDonnell, John
McFall, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
McLeish, Henry
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
Mahon, Mrs Alice
Mandelson, Peter
Marek, Dr John
Marsden, Paul *(Shrewsbury)*
Marshall, Jim *(Leicester S)*
Marshall–Andrews, Robert
Martlew, Eric
Meacher, Rt Hon Michael
Michie, Bill *(Sheff'ld Heeley)*
Milburn, Alan
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Morgan, Ms Julie *(Cardiff N)*
Morgan, Rhodri *(Cardiff W)*
Morris, Ms Estelle *(B'ham Yardley)*
Mountford, Kali
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Naysmith, Dr Doug
Oaten, Mark
O'Brien, Mike *(N Warks)*
O'Hara, Eddie
Olner, Bill
O'Neill, Martin
Öpik, Lembit
Palmer, Dr Nick
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pope, Greg
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quin, Ms Joyce
Quinn, Lawrie
Radice, Giles
Rammell, Bill
Rapson, Syd
Raynsford, Nick
Reed, Andrew *(Loughborough)*
Reid, Dr John *(Hamilton N)*
Rendel, David
Robinson, Geoffrey *(Cov'try NW)*
Rogers, Allan
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Ruddock, Ms Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Sanders, Adrian
Sarwar, Mohammad
Savidge, Malcolm
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Shipley, Ms Debra
Short, Rt Hon Clare
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Smith, Sir Robert *(W Ab'd'ns)*
Soley, Clive
Spellar, John
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stinchcombe, Paul
Stoate, Dr Howard
Strang, Rt Hon Dr Gavin
Straw, Rt Hon Jack
Stringer, Graham
Stunell, Andrew
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Vaz, Keith
Wallace, James
Walley, Ms Joan
Wareing, Robert N
Watts, David
Webb, Steve
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Mrs Betty *(Conwy)*
Willis, Phil
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Woolas, Phil
Wray, James
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*

Tellers for the Noes:
Mr. David Clelland and
Mr. Jim Dowd.

Question accordingly negatived.

Clause 27

PROPOSALS FOR ESTABLISHMENT OR ALTERATION OF COMMUNITY, FOUNDATION OR VOLUNTARY SCHOOL

7.15 pm

Mr. Dafis: I beg to move amendment No. 164, in page 24, line 35, leave out 'contain such information' and insert

'be required to seek approval against the following criteria;

(i) open to all irrespective of colour, creed, intellectual ability, social class or economic status;

(ii) offering a broad and balanced curriculum;

(iii) agreement to inspection and/or submission to SATs or other relevant evaluation procedures;

(iv) equal opportunities for girls and boys;

(v) no corporal punishment;

(vi) establishment of a mission statement of the ethos, beliefs, values and admissions basis of the school;

(vii) minimum requirement for the number of teachers with QTS and a qualified head;

(viii) premises or potential premises that comply with health and safety standards;

(ix) a minimum number of children and statements of intent from parents.'.

Mr. Deputy Speaker: With this, it will be convenient to discuss the following amendments: No. 166, in schedule 6, page 114, line 12, at end insert—

'(8) In the event of the proposals being rejected by the relevant committee, the governing body or promoters may appeal to the adjudicator for the decision to be reviewed, who may—

(a) reject the proposals;

(b) approve them without modification; or

(c) approve them with such modifications as he thinks desirable after consulting such persons or bodies as may be prescribed.

(9) In the event of the proposals being rejected by the relevant committee, the governing body or promoters may appeal to the Secretary of State for the decision to be reviewed, who may—

(a) reject the proposals;

(b) approve them without modification; or

(c) approve them with such modifications as he thinks desirable after consulting such persons or bodies as may be prescribed.'.

No. 167, in schedule 7, page 123, line 36, after 'insufficient', insert

'in the number and character of schools necessary to meet the needs of the area.'.

No. 168, in page 123, line 44, at end insert—

'(c) consult potential promoters of new schools, inviting them to make a proposal to establish a new foundation or voluntary school'.

No. 169, in page 123, line 46, after 'pupils', insert

'and for the requirement for schools of different character'.

Mr. Dafis: I now come to the substance of the argument that I mentioned briefly when we were discussing amendments Nos. 161 and 163. I reiterate that it was established in 1993 that the Labour party would look positively and sympathetically on the idea—indeed, would agree to the principle—that schools with alternative curricula might be accepted into the state sector as an alternative means of delivering a valid pattern of education.

There is a strong case for the provisions in the amendments. I am also bearing in mind the fact that the inclusion in the Education Act 1994 of the principle that parents should have a degree of choice over the type of education that their children received not only enabled some Church of England, Methodist, Roman Catholic and Jewish schools to obtain state funding but allowed the growth of Welsh-medium schools in primarily English-speaking parts of Wales.

Those schools started very small, but they are now making an outstanding contribution to education in Wales and have laid the basis for the revival of the Welsh language. One of the Government's education advisers, Professor David Reynolds, described those schools as the jewel in the crown of Welsh education. They were started through the kind of provision that I am arguing should be applied also to other categories of school.

The Third Sector Schools Alliance wishes that privilege to be extended to a wider range of schools so that they can be allowed to enter the state sector, probably as voluntary aided or community schools. It wishes to present its case to the Minister, and I hope that she and her colleagues will agree to meet its representatives. The principle is important; I know that many hon. Members, including Labour Members, are keen for the Government to allow such a meeting to occur, and that some of them would like to participate in it.

The schools that I am talking about find it difficult—in some cases, impossible—to enter the state sector. Some are Christian schools, some Muslim and some Buddhist, while some, such as the Steiner-Waldorf schools and the small schools of the Human Scale Education Movement, could be described as having a philosophical foundation. The amendments would facilitate such schools' entry into the state system.

It is accepted that schools should meet a set of criteria to obtain state funding, and proposals for some of the criteria are set out in the amendment. The amendment would amend clause 27, which deals with the establishment of new schools—community, foundation or voluntary. I wish to draw attention to some of the criteria. For example, schools entering the state system should be

"open to all irrespective of colour, creed, intellectual ability, social class or economic status."

We are not talking about schools that are closed to a particular category of pupil.

Under the amendment, such schools would have to establish a mission statement of their ethos, beliefs, values and admission basis so that parents knew what they were buying for their children. They would have to offer a broad and balanced curriculum, agree to inspection and submit to standard assessment tests. They would have to meet a minimum requirement for the number of teachers with qualified teacher status. We are not talking about schools that wish to escape from the rigorous expectations that one would have for schools receiving public funding.

The Third Sector Schools Alliance says that we might accept other stringent conditions before a school was accepted: the group proposing to enter the state system must first have started a school; the school would receive state funding only after the first or second year, and on a three-year trial basis; the funding would be for revenue and not capital costs. Some may fear that the system will be inundated with applications for additional schools in the state sector, but there is no danger of that. Only schools that met the criteria in terms of provision, framework and conditions of entry could apply.

The alliance wants applications to be judged with consistency, transparency and fairness, and feels strongly that that is not the case at present, finding that there is no consistency, and often no transparency, in relation to the reasons offered for rejection. It wants the ground rules for decisions on applications to be well understood.

Amendment No. 166 proposes an appeals process for cases where there is disagreement on the outcome of considered proposals, which is reasonable. Amendments Nos. 167, 168 and 169 would broaden the definition of insufficiency of provision, which, as it stands, refers to numbers. The alliance wants the definition to include variety of provision.

There is a powerful case for the Government to accept the amendments. First, the principle that different value systems should be expressed in educational provision was established in the Education Act 1944, which enabled denominational schools to be accepted into the state system. There can be no justification for refusing the same privilege to other faiths.

Secondly, few would challenge the idea that diversity of approach and innovation within a rigorous framework are valuable and that we have much to learn from, for example, the Steiner-Waldorf tradition. How can we justify forcing such schools to remain in the private sector when they want to be part of the maintained system? What justification can we give to those pupils who wish to receive that provision—which we recognise as valuable and which could make an important contribution—for obliging them to go to the private sector?

The amendments do not challenge the idea of a national curriculum: they allow departures from it within a proven alternative. Flexibility was the reason for the inclusion of

[Mr. Dafis]

sections 16 and 17 of the Education Reform Act 1988, which established the national curriculum. Those sections were drafted to allow the national curriculum not to apply in certain circumstances, or to apply with modification. The provisions had strong cross-party support at the time, and prestigious people argued that it was important to provide space for innovation and alternative approaches.

Numerous countries provide state funding for new community schools, and the United Kingdom is unusual in not making such provision. Denmark provides 85 per cent. of the running costs for such schools, and Holland 100 per cent. Similar arrangements exist in Sweden, Finland, the Czech Republic, Hungary and Germany. The principle is well established, and the principle of choice in these matters is enshrined in decisions at UN level and in the European Parliament.

I emphasise that the schools that we are discussing are not elitist and do not select on the grounds of ability. I hope that the Government regard that as a recommendation. Many have a good track record in providing for disadvantaged pupils and underprivileged localities. I can think of one such school which makes wonderful provision for children with learning difficulties. Such schools can make an important contribution.

I do not expect the Government to accept the amendments, but I hope and trust that they are receptive to the principles behind them and that Ministers will wish to conduct a serious dialogue with the interested parties. I hope that Ministers will agree to meet the Third Sector Schools Alliance, which has fought this issue thoroughly.

Earlier, the Minister spoke about the long discussions with the Churches and emphasised the value of the dialogue. We live in a more pluralistic society than that which generated the 1944 Act, with its provisions for denominational schools. Other religious organisations should be given their chance, and other providers working on a coherent philosophical basis need to be included. It would be wrong to exclude such schools when so much emphasis has been placed tonight on dialogue with the denominational sector.

Ms Estelle Morris: I thank the hon. Member for Ceredigion (Mr. Dafis) for his contribution. As a former teacher, I have often felt that we can learn much from schools outside the mainstream framework. I do not want any of my comments to be construed as disrespectful to the schools to which he has referred, which do a good job, often with children who have found it less appropriate to learn in other situations.

The hon. Gentleman tabled the amendment on behalf of the Third Sector Schools Alliance, and I understand something about what that group represents. I hope that he will accept that it is not appropriate to set out in primary legislation such detailed information as appears in the amendment, but I assure him that we shall publish guidance for school organisation committees and adjudicators on what they must take into account in making decisions.

The hon. Gentleman rightly talked about the need for obvious consistency, transparency and fairness when decisions are made about whether schools should enter the maintained sector. I agree that our actions should be guided by those qualities. He may not know that, when my right hon. Friend the Secretary of State recently announced that some Muslim schools would receive state funding, we issued for the first time criteria under which such decisions were to be made. We set out five criteria—if the hon. Gentleman has not had the opportunity to read them, I shall ensure that he receives a copy.

Previously, as the hon. Gentleman rightly said, those criteria had not been in the public domain, although I do not suggest that previous Governments acted unfairly or inconsistently. In fact, I do not know whether they did or did not, because I did not see the criteria. When the criteria are not made public, that can give rise to suspicion, which is not a good way in which to do business.

7.30 pm

I do not want to give undue cause for hope, so I should say that existing legal requirements go beyond the criteria that the hon. Gentleman has included in the amendment. We are not yet issuing guidance to school organisation committees and adjudicators, but let me pick out three criteria from the amendment with which we would have difficulty and which I do not expect to see in the guidance.

First, we believe that all teachers should have qualified teacher status, except in rare cases—for example, graduates who are teaching as part of their training to acquire that status. Secondly, we believe that all schools should teach the national curriculum. Thirdly, religious schools will always be able to select on the basis of creed, so the first criterion in the amendment, which seems to be one that we should all applaud, would in fact cause difficulty for Church schools.

It is important that all the criteria can be defended. Parents need to know that there is a bottom line for children who are educated in a school that is maintained by the state. There will be diversity—all schools are different; they have an individual ethos and approach—but that must be in a framework of expectations for children about which parents can be sure.

I can give an assurance that the framework for decision making that we shall bring forward will state that the national curriculum should be taught, that teachers should be qualified, and that religious schools should be able to recruit children on the basis of their creed and their parents' creed. Above and beyond that, there will be for the first time—I think that the hon. Gentleman will welcome this—a set of guidelines against which decisions are made, so that those who want to enter the maintained sector will at least know how they will be judged.

I suspect that some of the schools to which the hon. Gentleman referred—I cannot speak for them—will find it difficult, and will not be willing, to meet some of the criteria. That is their decision. We were able to grant funding to some Muslim schools because they met the criteria; other Muslim schools will not meet them. We are not talking about excluding one group and including another; as the hon. Gentleman said, we are talking about consistency, transparency and fairness. As he rightly predicted, we shall not accept the amendment, but I hope that he will take some comfort from the fact that that fairness will exist.

Mr. Dafis: Will the Minister undertake to meet representatives of the Third Sector Schools Alliance to discuss its concerns and what she has said?

Ms Morris: The hon. Gentleman knows that we meet a wide range of educators all the time. It is difficult to

know the diary commitments of my ministerial colleagues, but I should certainly respond positively to a request for a meeting. I hope that, having been given assurances about fairness, consistency and transparency, the hon. Gentleman will see fit to withdraw the amendment.

Mr. Dafis: I thank the Minister for at least agreeing to a meeting, during which I hope that she can discuss some of the issues that she has raised, which deserve further consideration.

I am disappointed by the total inflexibility that I detect on the curriculum. Despite its over-prescriptiveness, the national curriculum undoubtedly provides a useful framework for teachers, but I find it worrying that it should be used as a straitjacket, making it is impossible for schools with a valid and proven approach to education, but with an alternative curriculum, to enter the public sector. If such schools prove beyond doubt through outcome their effectiveness, and if others can recognise and learn from that success, I cannot see why such schools should not, in any circumstances, be let into the maintained sector.

The previous Government had a particular approach to prescription from the centre—that approach gave rise to the legislation behind the national curriculum in 1988—but the Labour Government should be prepared to think afresh. I hope that they will take a more—dare I say—liberal approach to education, which is essentially a liberal and liberating activity. There must surely be scope for flexibility, and I argue strongly that that door should not be closed. However, having been assured that there will be a meeting at which these matters can be carefully discussed, and that there will be a continuing dialogue, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 29

NOTICE BY GOVERNING BODY TO DISCONTINUE FOUNDATION OR VOLUNTARY SCHOOL

Ms Estelle Morris: I beg to move amendment No. 98, in page 27, line 7, at end insert—

'(aa) by the Funding Agency for Schools;'.

Mr. Deputy Speaker: With this, it will be convenient to discuss Government amendments Nos. 99 to 112.

Ms Morris: The amendments are technical. They are designed to secure proper protection for public investment in maintained schools, and will close a recently discovered loophole. I am sure that the whole House will agree that public investment in schools must be protected wherever possible—the amendments will do exactly that, so I trust that they will receive the support of the House.

Amendment agreed to.

Amendments made: No. 99, in page 27, line 18, leave out 'this section' and insert 'subsection (1)'.

No. 100, in page 27, line 36, leave out 'this section' and insert 'subsection (1)'.

No. 101, in page 27, line 38, leave out from beginning to end of line 40.

No. 102, in page 27, line 45, at end insert—

'(11) Where—

(a) land occupied by a foundation or voluntary school is held by any trustees for the purposes of the school, and

(b) the termination of the school's occupation of that land would have the result that it was not reasonably practicable for the school to continue to be conducted at its existing site,

then if the trustees (being entitled to do so) give any notice to the governing body which purports to terminate the school's occupation of the land, any such notice shall not be effective to terminate its occupation of the land unless the requirements of subsection (12) are complied with in relation to the notice (without prejudice to any other statutory or other requirements falling to be so complied with).

(12) The requirements of this subsection are—

(a) that the period of notice must—

(i) be reasonable having regard to the length of time that would be required to discontinue the school (if the governing body chose to do so), and

(ii) in any event must not be less than two years; and

(b) that a copy of the notice must be given to the Secretary of State and the local education authority at the time when the notice is given to the governing body.

(13) Where trustees give, at the same (or substantially the same) time, notices purporting to terminate a foundation or voluntary school's occupation of two or more pieces of land held by the trustees for the purposes of the school, then for the purpose of determining whether subsection (11)(b) applies in relation to any of those pieces of land, regard may be had to the combined effect of terminating the school's occupation of both or all of them.

(14) If a question arises as to whether the termination of a school's occupation of any land would have the result mentioned in subsection (11)(b) (including a question as to whether subsection (13) applies in any particular circumstances), it shall be determined by the Secretary of State.

(15) In subsections (11) and (13) "the purposes of the school" includes purposes which (whether the trust deed expressly so provides or not) include the purposes of the school.'.—*[Ms Estelle Morris.]*

Clause 43

MAINTAINED SCHOOLS TO HAVE BUDGET SHARES

Amendments made: No. 4, in page 34, line 10, after 'shall' insert 'accordingly'.

No. 5, in page 34, line 11, at end insert 'falling within paragraph (b)'.

No. 9, in page 34, line 11, at end insert—

'(4) In this Chapter "new school" (without more) has the meaning given by section 68(2).'.—*[Mr. Byers.]*

Clause 47

MAINTAINED SCHOOLS TO HAVE DELEGATED BUDGETS

Amendment made: No. 1, in page 37, line 32, leave out from '1996' to end of line 34.—*[Mr. Byers.]*

Clause 48

EFFECT OF FINANCIAL DELEGATION

Amendment made: No. 81, in page 38, line 22, at end insert

'(or, in the case of temporary governors of a new school, regulations under section (*Arrangements for government of new schools*)(5))'.—*[Mr. Byers.]*

Clause 50

FINANCIAL STATEMENTS

Mr. Byers: I beg to move amendment No. 56, in page 39, line 4, leave out from beginning to 'as' and insert

'their planned expenditure in that year'.

Mr. Deputy Speaker: With this, it will be convenient to discuss Government amendments Nos. 57 to 62, 82, 63 and 64.

Mr. Byers: The amendments will achieve two objectives. First, they will ensure that, for the first time, we will have full information about local authority expenditure on a single return. That is not the case at present, and difficulties can arise. We debated in Committee the difficulty in identifying exactly where LEAs are spending their money. We all want as much money as possible to go to schools, and the returns that we will require the authorities to make will ensure that we can do that.

Secondly, amendments Nos. 63 and 64 are technical amendments reflecting the fact that an Audit Commission Bill is currently before Parliament. They will amend the Bill to reflect the fact that, in due course, the Audit Commission Bill, rather than the Local Government Finance Act 1982, will have effect on certain parts of the legislation. I commend the amendments to the House.

7.45 pm

Mrs. Browning: I seek some clarification. We welcome more transparency in identifying how the education budget has been spent and apportioned by the LEA, but within some LEAs the accounting practices for certain fixed costs—mainly the salaries not so much of teachers as of the chief education officer and other staff—mean that they are almost invisible, because they are included in the rounded figure for management and administrative charges in the county as a whole.

It is often difficult to identify exactly how much of the education budget has been transferred to other internal budgets for such purposes. In the return that the LEA will make to the Government, will there be an opportunity to identify clearly where the money has gone? Until one can do that, it is difficult to identify where the LEA has top-sliced certain tranches before apportioning the schools budgets. Can we have some clarification?

Mr. Byers: The amendments will require the LEA to make returns on non-general schools budget aspects, which may well cover the specific spending areas to which the hon. Lady refers. Perhaps more important, we will have the support of the Audit Commission, working alongside the independent inspectorate Ofsted, as a result of the new inspection regime. I am sure that the Audit Commission will carefully consider the additional areas of expenditure that are all too often subsidised by schools at the expense of the education that our children receive.

The combination of the information that we will receive as a result of the amendments and the Audit Commission's new inspection role will enable us to take action when we feel that the schools system is subsidising expenditure elsewhere, not only within the local education authority but in the local authority generally.

I hope that, with those words of reassurance, the House will agree to the amendments.

Amendment agreed to.

Amendments made: No. 57, in page 39, line 9, leave out 'financial provision' and insert 'expenditure'.

No. 58, in page 39, line 11, after 'incurred' insert

', or treated by the authority as having been incurred, by them'.

No. 59, in page 39, line 11, leave out from 'year' to ', and' in line 12.

No. 60, in page 39, leave out lines 13 to 17 and insert—

'(c) any other resources allocated by the authority in the year to schools maintained by them during any part of the year.'.

No. 61, in page 39, line 24, leave out

'in such circumstances as may be prescribed'

and insert 'if regulations so provide'.

No. 62, in page 39, line 26, leave out 'a statement' and insert 'such a copy'.

No. 82, in page 39, line 30, at end insert

'at any time before the school opening date'.—*[Mr. Byers.]*

Clause 51

CERTIFICATION OF STATEMENTS BY AUDIT COMMISSION

Amendments made: No. 63, in page 39, line 34, leave out

'29(1)(d) of the Local Government Finance Act 1982'

and insert

'28(1)(d) of the Audit Commission Act 1998'.

No. 64, in page 39, line 39, leave out '29(1)(d)' and insert '28(1)(d)'.—*[Mr. Byers.]*

Clause 68

PROVISION FOR NEW SCHOOLS

Amendments made: No. 6, in page 51, leave out lines 7 to 10 and insert—

'(a) the staffing and conduct of a new school in advance of the school opening date;

(b) the determination of matters in connection with a new school in advance of that date;

(c) the taking of decisions by a temporary governing body, or (where power to do so is delegated to him) by the head teacher, as to expenditure in connection with a new school at a time when it does not have a delegated budget;'.

No. 7, in page 51, line 12, at end insert—

'(1A) Regulations under subsection (1) may, in connection with any matters falling within that subsection, apply any provision of the Education Acts with or without modification.'.

No. 8, in page 51, leave out lines 13 to 15 and insert—

'(2) In this section "new school" means a school or proposed school—

(a) for which there is a temporary governing body constituted under section *(Arrangements for government of new schools)*, or

(b) for which there is no such body but for which such a body—

(i) are required to be so constituted by virtue of subsection (1) of that section, or

(ii) may be so constituted in accordance with such anticipatory arrangements as are mentioned in subsection (5)(a) of that section.'.—*[Mr. Byers.]*

Clause 76

CODE OF PRACTICE

Mr. Simon Hughes (Southwark, North and Bermondsey): I beg to move amendment No. 150, in page 54, line 40, at end add—

'(bb) the governing bodies of city technology colleges.'.

Mr. Deputy Speaker: With this, it will be convenient to discuss the following amendments: No. 114, in clause 78, page 56, line 40, at end insert—

'(d) if compliance with the preferences would prejudice the ability of any child living within the locality to gain admission to the school of his choice.'.

No. 140, in clause 84, page 63, line 5, at end insert:—

'(ca) the arrangements made by the authority for ensuring that admission procedures are non-discriminatory by ethnicity or gender'.

No. 157, in clause 86, page 65, line 7, after 'school', insert 'or city technology college.'

New clause 22—*Establishment of entry clearance systems*—

'Every local education authority shall, for each school year, set up or ensure the setting up of an admissions clearance organisation for its area through which all applications for and on behalf of residents of its area to community, foundation, voluntary or maintained nursery, primary and secondary schools, and city technology colleges, shall be made.'.

Mr. Hughes: I declare an interest, in that I speak in the light of my experience as a trustee of Bacon's Church of England city technology college and the chair of governors of St. James's Church of England primary school. I hope that the amendments and the new clause will find favour with the Government, because they are designed to correct two perceived, and real, injustices in our state-funded schools' admission procedures.

On Second Reading, the Secretary of State responded positively to a general proposition that I put to him on this subject. I was grateful for that, and I hope for a specific positive response from him tonight.

The previous Government set up city technology colleges, and, because of the way in which they were constituted, they were from the beginning—technically, they still are—outside both the local authority and the Church systems. The city technology college of which I speak happens to be a Church of England CTC, but many are not.

Pupils apply to such colleges in the same way as others apply to other secondary schools. They are funded in large measure by the taxpayer and the local authority, as other schools are, topped up by money and obligations from the local diocese and the diocesan board of education. Selection is on an even, non-selective basis, banded in the normal way, and they are mixed schools to which youngsters can apply just as they would to any other Church of England secondary school.

I give full credit to the Secretary of State, who came to speak at Bacon's the other day and acknowledged that CTCs are very popular, for one reason or another. Bacon's is the most popular secondary school in my constituency, and the number of applicants considerably exceeds the number of places.

It is completely unjust that there is no independent appeals system for the pupils and parents who are rejected. If a pupil is turned down by a local primary school, there is an independent appeals system; when someone is turned down for a place at a local secondary school—be it a Southwark-run school or a Roman Catholic or Church of England diocese secondary school—there is an independent appeals system; yet, when the same families apply to another school that is to all intents and purposes of the same type, they discover that they cannot appeal.

I am asking the Secretary of State to make a correction that an earlier Secretary of State, the right hon. and learned Member for Rushcliffe (Mr. Clarke), very nearly agreed to but then backed away from. We need a mechanism to assess independently the proper running of the admissions policy.

That is important also because of the inevitable subjectivity in any decision. Selecting pupils for a city technology college on the basis that it is a particular type of school builds in subjectivity. Someone independent of the school must be able to give a second opinion and adjudicate. I speak as a school trustee who is hugely concerned about a system that I find it impossible to defend.

Amendments Nos. 157 and 150 would introduce arrangements to achieve those aims. Amendment No. 150 would include city technology colleges' governing bodies in the list of those who will be governed by codes of practice on admission arrangements to be drawn up by the Secretary of State. So it is a light touch approach. I simply want to ensure that the provisions of the Secretary of State's codes of guidance include CTC governing bodies.

The amendment to clause 86 would ensure that an appeal arrangement was set up. On reflection, it is probably not felicitously drafted, and if I were redrafting it, I would include a separate clause or subsection to provide for admissions appeals provisions for local education authorities, the community or voluntary controlled schools maintained by them and for foundation, or voluntary aided schools under the Government's proposals as well as city technology colleges.

Therefore, I do not seek to die in the ditch for that amendment to that clause, but the proposition is clear, and I hope that the Government will concede that admissions appeals systems for CTCs ought to be set up by the time that the Bill reaches the statute book.

My final point on new clause 22 is equally important—in fact, it is more important to more people than the CTC amendment. We propose a co-ordination system for school applications. I wish to make a suggestion to the Secretary of State, and I hope that he will be warmly disposed towards it. At the moment, the parent of a five-year-old who wants to come to my primary school or of a 10-year-old who is rising 11 and has to go to secondary school makes an application. The parent may apply to one school, or to two or more.

The bright, forceful, vocal, pushy and well-prepared parents know how to work the system. Less able parents sometimes apply only to one school, saying that that is the school they want their youngster to go to. They do not think it through, or imagine that the youngster may be turned down. Once he or she is turned down and the parents have appealed, and perhaps not succeeded, they are too late for any more applications. Even if they are not too late, the child may not get in.

[Mr. Hughes]

People of my generation had six choices available on the then Universities Central Council on Admissions form. Since then, it has been amended, and there is a five-option choice for the Universities and Colleges Admissions Service and for UCAS. None the less, it is still a multiple choice for applications to colleges and universities. We would serve the cause of equal opportunity and equal access for the pupil if local education authorities or someone else—I am not sold on them, but they are the logical starting point—had a duty to set up what I have called an admissions clearance organisation. The authorities would not have to run it, and in some ways I would rather that they did not.

I shall give an example. Parents living two doors away from me just off the Old Kent road with a child who is 10 this year would then have to deal with the fact that they have to make more than one choice and that it could cover Roman Catholic, Anglican and non-denominational schools. They could be required to think through the order of priority, but someone else would then do the administration.

I can say from bitter experience that a very deserving youngster is often not as well served as his or her peers because he or she does not have bright, active and pushy parents who work the system to their advantage. Also, parents applying for their first child do not know the ropes nearly as well as they will when they have to do it for the second.

I ask the Minister to allow us to have a common admissions clearance system. I ask him to think about it positively. I entirely concede that the wording of my amendment is not perfect, but the proposition is clear. The system should apply for state-funded nursery schools, primary schools and secondary schools. The same principle should apply everywhere, because the same issues apply. If we are to provide equality of access, there must be an objectively run system that will allow people to make their choice.

Finally, many youngsters and their families believe that they have the right to the school of their choice, but that is not the case in many parts of Britain—it is normally not the case in rural areas, and often it is not in urban areas. If we are to help people to understand that we may not give people the choice of the school they want but we hope to give them a choice of school, we must from the beginning provide a system that makes it clear that it is not a simple case of saying that one wants one's child to go to this primary school, and, because it is a feeder for that secondary school, they will automatically go there.

We must get them to face up to the fact that choices may be unsuccessful. This system is a way of doing it. If it works for post-16 applications for state-funded institutions, there is no reason why it should not work for under-16 applications to similarly state-funded institutions.

Mr. Dafis: I want to speak to amendment No. 114, which is tabled in my name and that of my hon. Friends. The amendment has to be seen in the context of amendments in the next group, including my amendment No. 115. We will debate selection when we get to that list.

Amendment No. 114 has been tabled because of the effect of selection on parental choice. It would add an additional condition to those listed in clause 78(3) on parents' rights to choose schools. It would simply mean that authorities would not be required to comply with parental preference among other things

"if compliance with the preferences would prejudice the ability of any child living within the locality to gain admission to the school of his choice".

I had to use the word "locality", because I understand that the term "catchment area" is no longer de rigueur.

This amendment should not be controversial, and I anticipate that the Secretary of State might accept it because, on Second Reading, he said:

"I am able to confirm that the Bill and the criteria I will lay down as part of our admissions policy will remove partial selection where it currently exists . . . we are not against the exercise of a parental preference; we are against situations in which, for no other reason than the partial selection system and because parents are exercising their preference from a distance, local parents living in close proximity to a school in, for example, Bromley, find it impossible to get their children into it."—[*Official Report*, 22 December 1997; Vol. 303, c. 664.]

However, not everyone has been convinced by the right hon. Gentleman's assurances. Specifically, the Campaign for State Education has not been convinced. The situation in Wandsworth, as described at an impressive meeting that CASE and the National Union of Teachers held not long ago, is well known to the House, so I do not need to give the details.

John Valentine of the Campaign for Local Education described the situation in a letter to members of the Standing Committee thus:

"All the secondary schools have an entrance test. All the tests are different. Each test takes three hours and takes place in the secondary school under exam conditions. As far as the 50 per cent. selective schools are concerned, siblings account for the entire remaining intake. There are no places on proximity at all. Local children who fail the test or who have no older sibling are not in the catchment area for any other school and must travel five or six miles to go to school."

He then gives an example, saying:

"My daughter's junior school shares a campus with Graveney school which selects 50 per cent. on general ability. This year, 17 pupils from that school took the test for Graveney school and six got places. There are certainly four children living within 200 metres of the gates of Graveney school who have no place. Seven children have no offer of a place anywhere at the moment."

That was in February.

I am not against parental choice. Indeed, I have already spoken in favour of it this evening, when I presented amendments on behalf of the Third Sector Schools Alliance. Choice is important, in that it can provide for the needs of parents who have preferences regarding type of education, which sometimes cannot be catered for in schools close by. The choice of parents in those circumstances should never prevent other pupils from having the choice of going to their local school. Our amendment would safeguard that fundamental right.

8 pm

Mr. Willis: I wish to speak to amendment No. 140. I thank the Under-Secretary for her comments on the need to monitor the performance of children from ethnic backgrounds in respect of determining standards in

schools. We are grateful for her comments as reported in column 804 of the *Official Report* of the Standing Committee on Tuesday 3 March 1998.

Discrimination on the grounds of gender or race is very real, even though it often happens inadvertently. At first sight, and even after close examination, admissions procedures often do not suggest problems of discrimination, but those are exactly what they can create. Take the Education Act 1980. Most hon. Members would accept that the policy of open enrolment has generally been a good thing, and that many advantages have been gained from it. However, the removal of some of the access arrangements has given rise to discrimination on the basis of race, culture and ethnicity.

A school may give precedence to pupils who have family connections with it. Older siblings are reasonable, but if the school's criteria include parents or even grandparents, it will almost certainly disadvantage students from ethnic minorities. Departmental circular 6/93 drew attention to the potential discriminatory affects of that criterion. Subsequent circulars omitted that reference. It is especially important that local education authorities be required to ensure that all procedures and criteria should be non-discriminatory.

Giving preference to applicants in certain neighbourhoods may have the effect of discriminating on grounds of race or ethnicity. The neighbourhoods given preference may be mainly white, while others equally near or equally convenient in terms of public transport may contain a high proportion of people from ethnic minorities.

If primary schools give preference to pupils who attended attached nursery classes, it may discriminate against families where the parents are in full-time employment and cannot send their children to part-time nurseries. Afro-Caribbean mothers are known to work full time more than white mothers, so it can discriminate against them.

Selection tests and examinations are discriminatory if they are culturally biased, or if tests for cognitive ability, potential or aptitude require levels of competence in English that pupils who have recently arrived in the United Kingdom cannot possibly be expected to have achieved. If musical talent is a criterion for admission, it would be discriminatory if the school insisted on talent in western classical music rather than, say, south Asian music.

There is a widespread suspicion that prestigious schools do not admit children from groups whose members are disproportionately likely to experience exclusion or to have low achievement. Any instance of treating a prospective pupil as a member of a group rather than an individual would be unjustifiably discriminatory.

The purpose of the amendment is to put in the Bill a requirement for local education authorities and schools to make their admissions policies clear, so that there will be no discrimination on the basis of race or gender.

Mr. Blunkett: I will come in a moment to the amendments of the hon. Member for Ceredigion (Mr. Dafis) and of the hon. Member for Southwark, North and Bermondsey (Mr. Hughes). First, let me say that I was sympathetic when the hon. Member for Harrogate and Knaresborough (Mr. Willis) started. By the time he had finished, I realised what a dog's dinner would result if we agreed to amendment No. 140.

The Sex Discrimination Act 1975 and the Race Relations Act 1976 must be adhered to. If there is a real difficulty in implementing them through the code that we shall issue, I would be disposed to consider the matter again. The longer the hon. Gentleman went on, and the more we delved into the esoteric depths of full or part-time workers with full and part-time nursery children, the more I realised that, on reflection, he could not expect such a provision to be put into a Bill by any party. I ask him to reflect on that, given that I acknowledge, in a spirit of non-partisan politics, that acting against discrimination is crucial.

The hon. Member for Southwark, North and Bermondsey was good enough to say that I had been to Bacon's city technology college. I am impressed by what it is doing. I appreciate that many parents will want to get children into it.

There are only 15 CTCs, which are unique in the sense that their structure, establishment and raison d'etre are different from those of other schools. They are, in essence, independent, but substantially funded from state funds. They are prepared to co-operate with the new framework that we are laying down. They will be part of the overall code that we will issue. They have an obligation to adhere to the wider policies laid out in the Bill.

I am prepared to talk to CTCs further about how to meet particular problems where procedures have not been followed and where an appeal might be appropriate. The present admissions criteria are unique—though some boroughs wish to band their pupils—and there is a difficulty in terms of opening up the procedure in the manner of the admissions policy as a whole. We are establishing the adjudicator not only in relation to the nature and procedure of the policies but in relation to independent appeals in respect of individual children.

The hon. Member for Southwark, North and Bermondsey is right to draw the issue to the attention of the House, but I do not think that it can be addressed in precisely the way that the amendments seek. The consultation with the 15 CTCs could make some useful progress. I and Ministers are prepared to do that. In the spirit of the fact that CTCs want to be part of the system, and want to collaborate with us in ensuring that their systems are seen to be fair and transparent, I think that that is reasonable.

Mr. Simon Hughes: I have listened carefully to the right hon. Gentleman, and I am reassured. Does he accept the fundamental point that the system for independent adjudication or appeal for CTCs should be similar to, and be seen to be similar to, those of other schools? If he accepts that that is the starting point, I am sure that there will be a way of accommodating them in the general structure that he has described.

Mr. Blunkett: I accept that the transparency we seek should be part of the total process. Because of the different admissions criteria and policy of CTCs, it is the fairness of those procedures, and whether they have been adhered to, that I am most concerned to ensure is open to scrutiny. We need to discuss with them the way in which appeals on such grounds could be dealt with.

The hon. Gentleman lives with the issue as a constituency Member. Hon. Members with CTCs in their areas know that the competition for places may make the

[Mr. Blunkett]

situation more heated than it is elsewhere. That is part of the wider issue that amendment No. 114 seeks to address, which is the difficulty of getting an admissions policy that balances parental preference and sensible planning and organisation, and is fair to those who put their neighbourhood school down as their first preference, and to those who exercise a preference from outside the area. For instance, I do not retract one jot of the words that have been quoted from the Second Reading debate on the Monday before Christmas. We need to try to find a way through what is undoubtedly a jungle in terms of admissions policy. I know a lot about the Rotherham judgment, because the parents lobbied me heavily about their case before they went to the High Court.

I believe that there is a way forward, but it will require a great deal more collaboration and co-operation than has been apparent and has been fostered in recent years. The market has assumed that supply and demand will balance themselves, but of course they do not. That answers the case put in new clause 22. I am sympathetic to clearance. Through the code, as part of the new collaborative arrangements, we should encourage authorities and schools to work together to achieve that.

Schools cannot expect someone else to pick up the problem if they discard children. I do not want schools to feel that they do not need to own the problem—that they can pass it over and that someone else will sort it out. I am mindful of real cases such as that of a little girl called Rebecca—I shall not give her full name—from St. Albans, who has shortened tendons. She does not have a place at any of the three schools to which she and her parents applied for the coming September. She cannot walk to the school that has been suggested for her, whereas the three that she opted for are in easy reach. These are real, human problems, not ideological ones in the sense that divides us politically. We need to find a way forward. The guidance that we shall issue shortly for the interim period and the code, on which we shall consult, will seek that way forward.

The discussion tonight shows that there is a genuine issue here that we all need to tackle together. I ask the hon. Member for Southwark, North and Bermondsey to allow us to do that, and not to press the amendment. I ask him to recognise that we genuinely want to overcome the legacy of recent history and move forward by achieving a balance between the choice we seek to achieve and the genuine heartache that is pressed on youngsters who discover that, through no fault of their own, they cannot get into a school anywhere near them, never mind the one that their parents thought that they were exercising their right to prefer.

Mr. Simon Hughes: With the leave of the House, I rise again. I am grateful for the Secretary of State's considered and positive response. I am happy to collaborate with my hon. Friends the Members for Bath (Mr. Foster) and for Harrogate and Knaresborough (Mr. Willis), the Secretary of State and his ministerial and civil service colleagues, and with the schools in question to find a way forward on both issues where I believe that a way forward exists.

I wish to end the debate by, in a sentence, painting a picture that the Secretary of State has also seen as a constituency Member, as a shadow Minister and as a Minister. At the end of this exercise, I should like never again to have the experience that I have every year when I go to present the prizes at the local authority primary school every July. When I talk to the youngsters, I discover every year that several, as they leave primary school, still do not know where they will go to secondary school two months later.

Few things undermine youthful self-confidence more than that. It makes the children feel less wanted, just at the moment when they are meant to feel that they are going on to greater things. If we can end that lottery of opportunity, we shall be doing them a good service. In that spirit, I am happy to withdraw the amendment, and to continue the conversation elsewhere at an early opportunity. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

8.15 pm

Mr. Don Foster: I beg to move amendment No. 147, in page 67, line 40, leave out from 'ability' to 'any' in line 43.

Mr. Deputy Speaker: With this, it will be convenient to discuss the following amendments: No. 145, in clause 92, page 68, line 24, after '(1)', insert

'Subject to subsections (5) to (9).'.

No. 148, in page 68, line 25, leave out 'by ability or'.

No. 149, in page 68, line 27, after 'continue', insert

'until the appropriate local education authority has, within three years of the coming into force of this Act, and after consultation with relevant persons and bodies, determined the future or otherwise of such a school.'.

No. 146, in page 68, line 43, at end add—

'(5) This section shall cease to apply at such date as may be determined in accordance with sub-clause (7) in relation to any school in respect of which the adjudicator, or the Secretary of State, as the case may be, has decided to uphold an objection made under subsection 5.

(6) The Local Education Authority or the admissions authority for any maintained school in the area of the Local Education Authority in which a school to which sub-section (1) for the time being applies is situated, may at any time make objection to the adjudicator about the continuation at that school of the provision for selection by ability or by aptitude to which this section refers.

(7) Upon receipt of an objection such as is mentioned in subsection (4) the adjudicator shall either

(a) decide whether and (if so) to what extent the objection should be upheld, or

(b) in such cases as may be prescribed, refer the objection to the Secretary of State for that question to be decided by him.

(8) The decision of the adjudicator or the Secretary of State on the objection shall be binding on the admission authority for the school to which subsection 1 applies and shall have effect on such date as may be specified by the adjudicator or the Secretary of State as the case may be.

(9) For the purposes of this section "the admission authority" shall have the same meaning as Chapter 1 of this Part.'.

No. 115, in clause 94, page 69, line 28, leave out from the beginning to the end of line 6 on page 70.

No. 90, in page 69, line 28, leave out 'Subject to subsection (2)'.

No. 91, in page 69, leave out lines 36 to 39.

Mr. Foster: I am delighted to see the Secretary of State in his place for this important debate. I have enormous respect for him. He has done a great deal to improve the quality of education in the short time since the new Government took office. He has given new heart to many of the people who work in education. However, the Secretary of State will have disappointed many people working in our schools as well as many of his Back Benchers on the issue of partial selection, with which amendment No. 147 deals. He has failed to deliver commitments that he offered to his party and to the nation before the general election. I shall argue that he has even failed to deliver commitments that he made since the general election and since he took office as Secretary of State.

A number of amendments in this group are tabled in my name and that of my hon. Friend the Member for Harrogate and Knaresborough (Mr. Willis). I do not intend to detain the House on any of them other than amendment No. 147, save to say that I hope that the Government will be prepared to consider carefully the proposal in amendment No. 146 to give LEAs the right of appeal to the adjudicator against partial selection. I hope that the Minister will say that it is the Government's intention to allow the LEA to be one of those that can make such an appeal.

I certainly do not intend to become embroiled in the debate on selection by aptitude which I suspect is to follow shortly. Suffice it to say that, in our deliberations in Committee, we, like the right hon. Member for Charnwood (Mr. Dorrell), were unconvinced by the Government's arguments about the possibility of selection by aptitude. We argue that, except perhaps in the case of music and art, any attempt to discuss selection by aptitude is merely a covert way of talking about selection by ability.

Amendment No. 147 would end partial selection where it exists and ensure that there is no opportunity for further extension of partial selection in our schools. The whole House will remember the ringing words of the Secretary of State at a recent Labour party conference:

"Watch my lips: no selection by exams or interviews under Labour".

Unfortunately, if the amendment is not accepted and the Bill remains as written, there will continue to be selection under Labour.

It is worth bearing it in mind that even the White Paper from which the Bill was drawn said clearly in chapter 7, paragraph 33:

"The use of partial selection, though limited, has led to controversy and caused parents concern in areas such as Bromley and Hertfordshire."

Even at the time of the drafting of the White Paper, after the election, it was clear that the Government were concerned about the problems created by partial selection. They knew, and they still know today, that selection does not give choice to most parents; it gives choice only to a few whose children pass the various selection tests. The Government know only too well that, with selection, it is the school that selects the pupil, not the parents who select the school.

The Government will be aware of opinion polling on selection. The Gallup opinion poll in 1996 showed that only 19 per cent. of the public thought that selection should be encouraged, while 77 per cent. were opposed to it. The Government will be well aware of what the Audit Commission has had to say on selection. In its report "Trading Places", the Audit Commission spoke of the real problems of "planning gridlock" in many of our local education authority areas. It went on to note that, once individual schools were able to set their own admission policies independent of each other,

"a situation could arise in which all schools in an area opt to select a proportion of their pupils on academic ability—which may not be in the best interest of the local children who fail to selected for any school."

That real problem is not one that the Audit Commission fantasised might happen; it is, as I explained in Committee, already happening in various parts of the country.

In Wandsworth, for example, there are 10 secondary schools: two are Roman Catholic and select by interview, which is something to which the Secretary of State said he would be opposed; two select 50 per cent. of their pupils by ability; one selects 50 per cent. of its pupils on a specialism; one is a specialist technology college, which selects 100 per cent. of its pupils; one selects 25 per cent. of its pupils on ability; and the remaining three use a banding system, taking 20 per cent. of pupils in each of five bands.

Because of those selection arrangements in every one of Wandsworth's secondary schools, many parents in the area are very concerned—to the point where, at forthcoming local elections, some of those parents intend to put up anti-selection candidates. I received a letter from one of those concerned Wandsworth parents. She wrote:

"Our local school is 50 per cent. selective and has been for three years. This year there are no places on geography at all. My son's primary school is on the same site—17 children took the test and six got places. Seven children have no place at any school at present. At least four of the children who didn't get a place live within 200 metres of the school gate. One child refused to go to school the day after the results; one told their mother they felt humiliated . . . The last few months have been hell for everyone and continue to be so for some. My own son has got a place but I have seen him lose confidence and self esteem in the process. His teacher reports that the whole of year 6 is very difficult because of the stress the children are under. The least able are given a very clear message that they are failures."

That is what is happening in one part of the country because of the continuation of partial selection in local schools. That is something that the Government said would not continue, yet, if the Bill is not amended as proposed in amendment No. 147, those problems will continue. In his helpful comments on earlier amendments, the Secretary of State spoke of real human problems, described the plight of Rebecca of St. Albans, and pointed out that that was the sort of issue about which we should all be concerned—how right he was. I hope that he will understand that there are real human problems in Wandsworth, Bromley, Hertfordshire and many other parts of the country where partial selection is used.

We are aware that many members of the Labour party are concerned, as are all Liberal Democrats, about partial selection. In Committee, I referred to the views on partial selection of the hon. Member for Birmingham, Yardley (Ms Morris), now the Under-Secretary of State for Education and Employment, who said in January 1997:

"The arguments against selection are well known and well made: it weakens parental choice and preference; it institutionalises low expectations of children; and it labels too many of young children as failures."—[*Official Report*, 27 January 1997; Vol. 289, c. 92.]

[Mr. Foster]

In a speech in November 1996, the then hon. Member for Sheffield, Brightside (Mr. Blunkett), now the Secretary of State, said:

"There are only two ways in which to deal with the problem of parents not being offered choice by their neighbourhood school: first, to lift the standards in those schools dramatically and, secondly, to have a comprehensive and sensible admissions policy that covers the entire area."—[*Official Report*, 11 November 1996; Vol. 285, c. 51.]

It is clear that the vast majority of members of the Labour party had anticipated the ending of partial selection in the Bill. They will have been disappointed, and I suspect that some are still somewhat confused by it.

Mr. Blunkett: I should like to put it on record that I agree with myself; I agree entirely with my remarks that the hon. Gentleman has quoted. I should like to make it clear to the hon. Gentleman and to the House that, although they may be discrete, the mechanisms which we have put in place and which are present in the Bill actually achieve the goal which he is setting out this evening. If there is any confusion, it is not on the Treasury Bench, but on the Liberal Democrat Benches.

Mr. Foster: If the Secretary of State agrees with himself, I hope that he will listen carefully to the quotation which I shall give shortly. I hope that he will be willing to intervene a second time and tell me whether he still agrees with that comment.

Some Labour Members continued to be confused, even during our detailed debates in Committee. On 24 February, the hon. Member for North–West Norfolk (Dr. Turner) said:

"The hon. Member for Bath said correctly that the Labour party has not believed in the principle of selection by ability for many years, and he rightly grasps what unites us".

The hon. Gentleman is clearly very confused indeed, because it is the Labour party that now wants selection to continue in some of our schools. He went on to say:

"partial selection was an unfortunate consequence of the competitive GM experiment introduced by the previous Government".—[*Official Report, Standing Committee A*, 24 February 1998; c. 589-90.]

From those remarks, it is clear that the hon. Gentleman was keen to see the end of partial selection.

I hope that I have clearly established that the Liberal Democrats have long opposed selection in our schools and that we are opposed to the continuation of partial selection, which the Bill will allow if the amendment is not passed. I shall end by asking the Secretary of State whether he still agrees with one of his own comments, made when he introduced the Bill on Second Reading. He said:

"I am able to confirm that the Bill and the criteria I will lay down as part of our admissions policy will remove partial selection where it currently exists."—[*Official Report*, 22 December 1997; Vol. 303, c. 664.]

I hope that, if the right hon. Gentleman rises to say that he still agrees with that, he will add that he will support amendment No. 147, which would give effect to that clear commitment given on Second Reading.

Mr. Dorrell: Conservative Members will certainly not support the amendments tabled by the hon. Member for Bath (Mr. Foster). As his speech made clear, his amendments serve the Liberal Democrat purpose, which is to eliminate selection, whether by ability or aptitude, in all our schools, whether or not it has been shown to be supported by local parents or local teachers, or, most important, to deliver high-quality education in the round to local children. I do not believe that the Liberal Democrats are right to continue a policy of blanket opposition to selection in all circumstances.

I hope that, when he responds to the debate, the Minister for School Standards will, on behalf of the Secretary of State, disavow the words he uttered on 22 December. I hope that the Minister will be able to confirm, on behalf of the Secretary of State, that it is not true that the Bill

"will remove partial selection where it currently exists."—[*Official Report*, 22 December 1997; Vol. 303, c. 664.]

That certainly is not my understanding of the Bill's effect, which is why I regard as a welcome step in the right direction those aspects of clauses 91 to 95 that provide recognition and some entrenchment for existing provision for selection by ability and the prospect of selection by aptitude, on which subject I shall have more to say shortly. Therefore, I shall certainly invite my right hon. and hon. Friends to oppose amendments Nos. 147, 145, 148, 149 and 146.

I do not believe that selection is the right answer in every school and in all circumstances. The last thing we need in our school system is a return to an extremely sterile argument about 11-plus, grammar school or secondary modern school in all circumstances. When we discuss the next group of amendments, we shall talk about the arrangements for existing grammar schools and debate whether there should be arrangements to allow, in some areas, grammar schools to be introduced where they do not currently exist, but it is not my case that we should return to a single, blanket model, applicable in all circumstances.

I seek to argue that admission arrangements should be allowed to vary in different schools, reflecting the different views of the teaching profession working in different parts of the country, and reflecting too the different views of parents in the communities that the schools exist to serve. I do not believe that the arguments for and against a specific form of selection can be shown to be so conclusive that they are right in all circumstances and in all localities.

Against that background, I am pleased that the Government's Bill—I suspect, to the surprise of some Labour Back Benchers—recognises existing selection arrangements and, to a limited degree, entrenches the current selection arrangements. I have a different question for the Government: why do Ministers, who are apparently prepared to accept the principle of selection by ability, believe that the position that they inherited from the outgoing Conservative Government on 1 May 1997 represents the best conceivable balance of those different interests that can be achieved?

I say that because the Government's Bill establishes the principle that the selection arrangements that they inherited should be safeguarded. A ring fence should be built around them. They should not be allowed to develop. Presumably the ideas are right, because the Government have the opportunity to change the ideas, and they are not doing so. Why should we accept that the arrangements that the Secretary of State inherited from his predecessor on 2 May 1997 are so perfect that they are incapable of improvement?

8.30 pm

Mr. Blunkett: Once again, I want to place on the record the fact that we do not accept the principle of selection by ability. That is absolutely clear, and I have made it clear ever since I took the job of shadow Secretary of State. However, we accept that the removal of selection by ability in whatever form should be undertaken with the maximum consensus and with the legitimacy that comes from the involvement of those most directly concerned. Our policies and the Bill seek to achieve those goals in exactly that way.

Mr. Dorrell: With all respect to the Secretary of State, he is getting into trouble, because he is promoting a Bill in which clause 92(1) says:

"Where at the beginning of the 1997-98 school year the admission arrangements for a maintained school made provision for selection by ability or by aptitude . . . the admission arrangements for the school may continue to make such provision"

for as long as

"there is"—

and indefinitely is the practical effect—*[Interruption.]* All right; I shall read it in full:

"the admission arrangements for the school may continue to make such provision"

for as long as

"there is, as compared with the arrangements in force at the beginning of that year—

(a) no increase in the proportion of selective admissions in any relevant age group, and

(b) no significant change in the basis of selection."

Clause 92(1) envisages no end date. The Secretary of State is promoting a Bill that explicitly allows existing selection by ability to continue. It is a pity if the Secretary of State is promoting a Bill a key element of which he is not prepared to defend.

I believe that the terms of the Secretary of State's Bill are right, not because I consider that selection by ability is right in all circumstances, but because—the Secretary of State will recognise this—professional teachers, parents and supporters in the local community around existing schools that operate partial selection wish to continue to operate that system because they believe that it is in the best interests of the children of their area.

If the Secretary of State disagrees with that, he has the opportunity to say that partial selection is wrong in all circumstances. I am pleased that he is not taking that opportunity; I only regret the fact that he is not prepared to defend partial selection.

That is only part of the case that the Government are making to the House in the clauses on selection. The Government are saying that there can be no further development of selection by ability, but they are opening up the possibility of new selective arrangements, provided that we undertake to draw a distinction between selection by ability and selection by aptitude.

I regret the fact that the Secretary of State is not responding to the debate, because that would have provided him with the opportunity to adjudicate—if we may use that word in the context of the Bill—between the Minister for School Standards, sitting on his right, and the Under-Secretary, sitting on his left. I suspect that that is literally true in the context of this argument.

We analysed the issue of ability and aptitude in Committee. We sought to draw out the Under-Secretary on what she understood by the concept of selection by aptitude. Her answer was to avoid the subject and say, "Don't worry; the Minister of State will answer this debate later in the day and I am looking forward to hearing what he has to say." I believe that the Under-Secretary was no more persuaded by the words of the Minister for School Standards in seeking to distinguish between selection by aptitude and selection by ability, than any other member of the Committee. It is not entirely surprising.

The purpose of amendments Nos. 90 and 91 is to seek—if it makes it easier for the Government—to build on the fiction of the distinction between selection by aptitude and selection by ability. The purpose of those amendments is simply to eliminate from clause 94 the effect of subsection (2)—in other words, to allow selection by aptitude without the bar on selection for general aptitude; to allow the Government to preside over the continued slow development, with safeguards, by schools that wish to apply the principles of selection, and to allow that continued development, under the heading of "selection by aptitude", without seeking to obstruct it in the way that clause 94(2) would do.

The reason I say that the distinction between aptitude and ability is total nonsense is emphasised by a look at the dictionary. The Minister for School Standards seeks to persuade us that there is a difference of principle between assessing the natural ability of a child being considered for entry to a school and assessing the aptitude of that child for a range of subjects. In the "Oxford English Dictionary", the word "aptitude" is defined as "natural ability". The Minister is suggesting that we should not be prepared to allow ourselves to select by ability, but that we should be prepared to select children by aptitude, the dictionary definition of which is "natural ability". He has gone a long way around the houses to return to where he started. In my view, the distinction that the Minister seeks to draw is nonsense squared.

The Minister believes in allowing the slow development—where schools want it—of selection by aptitude. In Committee, and now in the House, he has tried to persuade us that selection by aptitude is different from selection by ability. The Labour party and, indeed, the whole House know that it is nonsense to draw a distinction between selection by aptitude and selection by ability.

I am sure that the Secretary of State is speculating about an alliance between the Stephens. We are both in favour of the small-scale continued development of selection, where that is supported by the school and its teachers. I am happy to extend the hand of friendship to the other Stephen in establishing selection—whether by ability or by aptitude—where it is shown to have the support of the teaching profession, the governing body, the admissions authority and the parents. I look forward to my colleague Stephen linking arms with me in that aim.

I am happy to continue the fiction of the distinction between aptitude and ability—it is fiction—if it serves the cause. It allows the Minister to part company with most of the Labour Members who have come into the Chamber to listen to the debate and, with the courage of his convictions, to pursue the development of selection by aptitude where that is shown to be in the interests of the children. I hope that he will recognise the opportunity that

[Mr. Dorrell]

we are offering him, and will not argue that the state of affairs which he inherited on 1 May 1997 is incapable of further improvement.

Mr. Tom Cox (Tooting): The debate on this group of amendments is of interest both to me and to my constituents. I am one of the Members of Parliament who represent constituencies in the London borough of Wandsworth. Over a long period, the Conservative local authority has deliberately set out to lose as many of its education responsibilities as possible. It has encouraged schools, especially in my constituency, to opt out of the local education system. It then claims that it has nothing to do with the schools and has no authority over them. Because of that, the practice of selection has increased throughout the borough.

The right hon. Member for Charnwood (Mr. Dorrell) should come to my constituency before he pays such glowing tributes to selection. He said that parents' views should be taken into account, but he should come to my constituency and hear what parents there are saying. They are angry and bitter about the system that has been in place in the borough for a number of years. It is no exaggeration to say that there are schools and head teachers in my constituency who make their own rules. They take no notice of the views of local parents.

The schools in my constituency that have adopted a selection procedure are: Graveney school, which selects 50 per. cent of its intake, as does Ernest Bevin; Burntwood, which selects 30 per cent.; and Chestnut Grove, which selects 40 per cent. on subject specialisation. In the borough generally, 10 schools have some form of selection or testing for entry. That system has been in place in Wandsworth for many years.

I have been involved in the issue for a long time, as it is the sort of issue that causes people to come to my advice surgery. I have taken up the matter with Wandsworth council, but it immediately says, "This is nothing to do with us; we have no control over those schools." I took up the matter with the previous Secretary of State, the right hon. Member for South-West Norfolk (Mrs. Shephard); her response was, "We have no responsibility for those schools; they decide their entrance procedures."

8.45 pm

There are youngsters in the borough who live close to their local schools, but cannot get places in them, yet youngsters who do not live within the borough—often not even in adjacent boroughs—get places in those schools. Parents complain that the system is unfair and unjust. It is an abuse of the rights of young children. They set their hearts on getting into their local schools, but then, because of selection or entry procedures, they cannot get places.

Mr. Don Foster: I agree with everything that the hon. Gentleman has said. He will have seen the document "Choose a Wandsworth School". Page 3 tells parents that they should expect their children to undergo seven different sets of tests, followed by admission interviews, for two particular schools. That must put an enormous strain on the pupils as well as the parents.

Mr. Cox: The hon. Gentleman has highlighted one of the criticisms about selection. I have to tell the Secretary of State and the Minister of State that I share the views of parents.

I was not a member of the Standing Committee. Had I been, I would have made many of the comments that I am making now. What my right hon. Friend said on Second Reading clearly suggested to parents and, indeed, to me, that there would definitely be a change in the selection procedures allowed in a number of authorities. My right hon. Friend said:

"I am able to confirm that the Bill and the criteria I will lay down as part of our admissions policy will remove partial selection where it currently exists . . . we are not against the exercise of a parental preference; we are against situations in which, for no other reason than the partial selection system and because parents are exercising their preference from a distance, local parents living in close proximity to a school . . . find it impossible to get their children into it."—[*Official Report*, 22 December 1997; Vol. 303, c. 664.]

That was a clear statement, which I welcomed—but it is not how I interpret the Bill, especially clause 92.

Clause 92 states:

"Where at the beginning of the 1997-98 school year the admissions arrangements for a maintained school made provision for selection by ability or by aptitude",

there will be

"(a) no increase in the proportion of selective admissions in any relevant age group, and

(b) no significant change in the basis of selection."

I must say to my right hon. Friend that, unless those matters are cleared up this evening, there will be continuing concern among parents in my constituency about their right to seek entry for their youngsters to a local school. I do not intend to read loads of quotations, although it would be easy to do so—I am not exaggerating when I say that I have received hundreds of letters over the years from parents in my constituency. A local lady involved in local education was reported to have said:

"Parental choice is a myth in Wandsworth. It is only the academic elite or children of parents who can afford coaching for their school entrance tests."

That sums up the position in the borough of Wandsworth.

We know that there are to be adjudicators who will decide disputes. This is the appropriate time to ask my hon. Friend the Minister to comment on this aspect of policy. Like my constituents, I want to know how adjudicators will approach such disputes. Unless changes are made, the disputes will continue. Can my hon. Friend tell us what the adjudicators' terms of reference will be? What will be their code of practice? There are head teachers in my constituency who have no intention of changing their entry policies unless legislation is introduced that obliges them to do so.

How will parents express their wishes to an adjudicator? Will a parent go to an adjudicator to complain about the non-entry of their child to a local school? Assuming that the parent wins the case, must the head of the school accept the decision, or can the head reject a decision that goes against him or her?

There are other questions on which I should like my hon. Friend to comment. Will there be a test case for a school, or will there be a succession of appeals to the

adjudicator by disgruntled parents who feel that their children have not been given the opportunity to get a place in the school of their choice because of the head teacher's attitude and the school's entrance policy? If the adjudicator finds in favour of the parents and allows the child to enter one of the schools that I mentioned, will that become a requirement of that school for all youngsters who seek entry into it? Those issues are repeatedly referred to me by local parents.

I close my remarks with one or two further points. Can my hon. Friend tell us how the adjudicator will be appointed? To whom will he or she report decisions? Will it be to the Secretary of State, and if so, what action could the Secretary of State take on the adjudicator's decision? Would the decision be binding on the Secretary of State, as well as on the school?

This is an extremely important local issue in my constituency. We have an opportunity in the debate this evening to clear up some of the doubts and confusion that, sadly, exist.

Mr. Dafis: I shall speak to amendment No. 115, which would in effect delete clause 94 and remove the provision for the extension of selection by aptitude in one or more subjects. My amendment would have a similar effect to that tabled by the Liberal Democrats, and the opposite effect to amendments Nos. 90 and 91 tabled by the Conservatives.

I look forward to a Division on the amendments, which will unquestionably be a Division on the principle of selection. It will be a matter of whether we approve, to some degree, of selection, and whether we want an enhancement and strengthening of the selection principle in our education system.

The Secretary of State said that there was confusion on these Benches, and that the provisions of the Bill would phase out selection. I must tell him that the confusion is far more widespread than these Benches. Many people from all sectors of education have studied the Bill and come to the conclusion that it will extend selection, rather than reduce it.

The question is not why I and my hon. Friends tabled amendment No. 115, nor why the Liberal Democrats tabled a similar amendment in Committee and have tabled other amendments before us tonight. The issue is why the Government devised clause 94 in the first place. On top of the fact that they are allowing pre-existing arrangements to continue, they have devised a clause that extends the provision.

Might the Government have done that out of conviction? Are they enthusiastic about the idea of specialisation? Do they believe that certain schools with a specialism might offer high-quality provision, which would be available to pupils from other schools as well?

I know that that is being said, but I am highly sceptical about building specialisation formally into the school structure. I am certainly in favour of allowing schools to develop as centres of expertise and excellence in particular subjects, as the opportunities arise and as the talents of teachers at a particular time allow. Schools have always done that, and other schools have benefited from that example. If the intention was to extend that, one might see some merit in it, but why associate it with selection?

That brings me to my second hypothesis. Might the reason be that the Government have swallowed the George Walden line? The concern, which I believe is sincerely felt, is that the public-private divide is a fundamental flaw in the English school system, and that the only way to entice the private sector into the public sector parlour is by conceding to some degree on the issue of selection—allowing an element of selection as a way of trying to close the divide between the public and the private sector. If that is the case, the Government are conceding on a principle that is fundamental to a united, inclusive society. As far as Wales is concerned, they are addressing a problem that does not exist. We do not have that divide in Wales.

As a third possibility, do the Government feel that they must mollify sectors of the electorate whose loyalty they regard as necessary for electoral victory? They might be wrong about that, as some public opinion polls—which have already been mentioned in the debate—show. However, if such mollification was the Government's reason for compromising on a matter of fundamental principle, it was an even worse reason.

Margaret Tulloch, the spokesperson for the Campaign for State Education, CASE, said in a press release:

"CASE is amazed that a Labour Government seems to be happy to allow more selection to be introduced especially when it claims it wants schools to be inclusive and is concerned about social exclusion.

Rather than encouraging selection this Government should be unpicking the school pecking order which has reduced choice for most parents and damaged our children for so long."

I do not think that the Bill will unpick anything. Ministers claim that that is not true, and that the Bill will gradually achieve an unpicking of our current selective system. If that is true, they were being fiendishly clever in their design of the legislation.

9 pm

As I said, the Bill will strengthen selection on the basis of ability. Let us be clear about the word "ability", as the Government seek to distinguish between aptitude and ability. As the right hon. Member for Charnwood (Mr. Dorrell) said, the distinction is completely spurious. The right hon. Gentleman quoted the "Oxford English Dictionary" in making his point. I should like to quote Wordsworth, who described Michael—in that very great poem of the same name—as being "apt for all affairs". In other words—using a different word for the same thing—Michael was able to perform his tasks well. He had the aptitude, skills and ability to do well all the tasks needed for his calling. There is no substance in the distinction between aptitude and ability.

The Government would say that selection will be practised in only a small minority of subjects. It is worth asking: how many is "one or more" subjects? How large a minority is it: one, two or possibly even more? Three or more subjects would be a substantial minority. Moreover, I am not convinced that the Government are considering including only subjects such as music and art. I dare say that they are considering subjects such as science. If so, subjects will be included that are pretty close to the core curriculum.

Ministers would also say that only 10 per cent. of pupils will be selected on the basis of ability. I have two comments on that. First, in clause 94, the Government are

[Mr. Dafis]

giving credibility to the principle of selection on the basis of ability. Once that principle is established, it could be more enthusiastically applied later. I do not think that the Secretary of State has any enthusiasm for the principle: my regard for him is too high to believe that he does. However, a future—Labour, Conservative or any other—Administration might wish to apply the principle with much greater enthusiasm.

Secondly, the provision and principle will be entrenched—as the right hon. Member for Charnwood said—in the statute book. The Bill will entrench the selection principle. If 10 per cent. selection is acceptable, why not 20 per cent. or more? The percentage might well be increased.

As I said in the debate on Second Reading, aptitude in two or more subjects—or even in one subject—is a good indicator of general ability. Although that is not always true, it is largely true. Someone with considerable aptitude in one subject will have good general abilities.

Clause 94 will therefore implement selection by ability and establish selection as a principle in school education in England and—unfortunately—in Wales. Moreover, it will do it so that selection may be expanded.

In some ways, the current situation is worse than in the old days of the 11-plus exams, certainly as I remember them. In those days, pupils were guaranteed a place in a local school—whether it was one of two or, at the most, three schools. Furthermore, the child had to sit only one exam, which decided the matter. Under the old system, there was also an opportunity to change schools at the 13-plus. Now, however, we have an extraordinary, complex mish-mash that imposes severe strain on children and has serious inherent inefficiencies. The Government seem to be intent on adding to that mish-mash, making it even more complex.

There is no wonder that there are strong feelings—not only among people such as myself—about selection. In a letter to me, CASE's representative says:

> "I do hope that there is a vote on the clauses allowing existing partial selection and the 10 per cent. selection on aptitude. Labour MPs should be ashamed to vote for them"—

which is the same as saying that Labour Members should be ashamed to vote against this group of amendments.

There is no consensus in Wales on selection, but—as far as I can determine, because the matter will not be subject to regulation or secondary legislation—clause 94 will apply to Wales. The Under-Secretary of State for Wales, the hon. Member for Neath (Mr. Hain), said that Wales will be a selection-free zone. I do not know whether he said, "Read my lips," when he uttered that statement, but he said it. I am glad that I heard him say it, and am sure that it is the type of thing that he would wish were true. I should be interested to know—it is unfortunate that the hon. Gentleman is not in the Chamber—how Wales can be excluded from the provisions of the clause, which will be primary legislation and cannot be varied in secondary legislation.

Groups of parents in Wandsworth say that, in local elections, they will run candidates against Labour candidates on a "no selection in education" ticket. There is a political message for Labour there. In Wales, however, such groups would not have to use those methods. At least one party—I am sure that the hon. Member for Bath (Mr. Foster) would say at least two parties—is available to such groups as an alternative, as we remain totally committed to the comprehensive principle.

I hope also that, in a year or two, there will be an alternative approach in raising standards—which is undoubtedly necessary—and in ensuring rigour in the education system. We also need an alternative approach in developing the competitive market that has been introduced in the past 18 years and more. That matter is not being tackled, to put it rather mildly. I hope that an alternative approach will emerge from the deliberations of the National Assembly for Wales. The big question for me and for other people from Wales is whether the assembly will have the powers to provide that—it will certainly wish to.

Mr. Tony Benn (Chesterfield): I shall vote for the amendment moved by the hon. Member for Bath (Mr. Foster), because I read it as the Labour party policy to which I personally have been committed throughout my years in the House. If there is one thing that has characterised the thinking of the Labour party it is that it has been in favour of comprehensive education—not just comprehensive schools but comprehensive education.

The Conservatives were arguing for the 11-plus. They have now modified that view for the simple reason that comprehensive education was much more popular among Conservative voters. For every winner there are losers, and Conservative voters who discovered that their little boy or girl had not got into a selective school were very angry. It is true that selection is a terrible tragedy. The Bill might talk about selection by aptitude or ability, but that could be transformed into rejection by aptitude or ability. The Bill provides that certain people can be rejected because they are thought to have inadequate ability or inadequate aptitude. That is no basis for education.

I am a great believer in choice in education. By that I mean that every child should have the opportunity to go to a school where the full range of knowledge is available. That is the basis of comprehensive education. The idea of giving teachers or heads the opportunity to keep people out is not about choice for pupils but about the determination of head teachers to control admission, even if it is not in the public interest.

The issue will not go away. I am very disappointed because I thought that the amendment would be endorsed by the Government, or that the principle would have been in the first draft of the Bill. That was not the case. Having stood for Parliament many times on the basis that I believed in comprehensive education, I have to say that amendment No. 147 corresponds to my deeply held conviction and the pledges that I have given in 15 or 16 general elections to the constituents who have elected me to the House.

Mrs. May: In no debate in Standing Committee was the difference between old and new Labour brought so sharply into focus as in the debate on selection, and especially on whether selection could be made on the basis of ability or aptitude and whether there was a distinction between the two. I venture to suggest that that difference between old and new Labour has been all too clearly exemplified by the speech just made by the right hon. Member for Chesterfield (Mr. Benn). In Committee, the difference emerged in a number of ways.

The Minister for School Standards assured us that there was a clear distinction between aptitude and general ability. He said that he would give examples of how aptitude could be assessed. The hon. Member for Stretford and Urmston (Ms Hughes) told us:

"I do not know of any reliable measures of aptitude".—[*Official Report, Standing Committee A*, 24 February 1998; c. 597.]

As the hon. Member for Bath (Mr. Foster) pointed out, the hon. Member for North-West Norfolk (Dr. Turner) told us:

"the Labour party has not believed in the principle of selection by ability for many years".—[*Official Report, Standing Committee A*, 24 February 1998; c. 589.]

Indeed, that position was reinforced tonight by the Secretary of State, who said in an intervention that the Labour Government did not accept the principle of selection by ability.

I refer the Secretary of State and the Ministers here tonight to a speech made in Southwark cathedral by the Prime Minister back in January 1996 when he was Leader of the Opposition. Hon. Members may be aware that at the time it was regarded as seminal in defining what the stakeholder approach meant in various spheres.

In that speech, the right hon. Gentleman talked about the need to make good

"those things left undone at the time of the ending of the 11-plus. Comprehensive admission does not of itself make for good schooling."

He went on to talk about

"transcending old structures, refusing to go back to the 11-plus but refusing too to make do with uniformity."

He then referred to a previous speech in which he had talked about

"the need to recognise that children do have different abilities"—

not aptitudes, but abilities. He also talked about how this could be recognised in primary schools, and continued:

"It is even more self-evident at the secondary school level. It is important that we break down the rigidity in our system that assumes all pupils learn at the same speed in different subjects".

Quite why the different abilities to which the right hon. Gentleman referred in that speech have been turned in the Bill into aptitude has not been explained by Ministers who, having promised in Committee to define the distinction between aptitude and ability, singularly failed to do so.

I venture to suggest that the interpretation by the hon. Member for Ceredigion (Mr. Dafis)—I see from his expression that I have badly mispronounced his constituency—is correct. His reading of the Bill is that the clauses that refer to selection by aptitude are nothing more than references to selection by ability, and that there is no distinction between them. That very point was made by my right hon. Friend the Member for Charnwood (Mr. Dorrell), who gave us the dictionary definition of the words.

The reality is that the Government are trying to pull the wool over the eyes not only of the general public but of their own Back Benchers. By pretending that there is a difference between aptitude and ability, they are suggesting that they have not left behind the solid Labour party principle, enunciated in the Chamber tonight and previously in Committee, that there should be no such thing as selection by ability. The Bill will allow selection to continue; indeed, it will allow its extension.

We must ensure that the education provided for each child is appropriate to particular needs and circumstances, and that may be achieved by providing for different forms of selection, for particular schools that select on ability or aptitude and for setting or streaming in a school. In my constituency, there are some first-class comprehensives, but no selective schools; however, some first-class junior schools find that setting in English and in maths works extremely well. In some circumstances, it is better to teach children of certain abilities together rather than to teach a class of children who cross the whole range of abilities.

I support amendments Nos. 90 and 91. Although the Government pretend that they have not, they have accepted selection and selection by ability. They have also accepted the extension of selection. The amendments would help the Government to achieve their apparent objective of allowing schools to provide the right education for children by permitting a degree of selection.

In Committee, the Under-Secretary spoke in support of schools being able to select by ability. In a debate about banding, she said:

"Some people think that for a school to be effectively comprehensive it should have a cross-section of ability. That is debatable, and I do not feel strongly about it. I certainly do not feel that a school cannot be comprehensive unless it has a cross-section of ability."—[*Official Report, Standing Committee A*, 24 February 1998; c. 642.]

The Government should accept the Bill's effects, and they should also accept the amendments.

9.15 pm

Mr. St. Aubyn: I support amendments Nos. 90 and 91 for the simple reason that I believe in freedom of choice. We have heard many comments about the London borough of Wandsworth, but we did not hear an explanation why, despite the criticisms, the people of Wandsworth have voted time and again for a local council that continues with policies of selection.

I respect the wishes of my constituents and endorse whole-heartedly the fact that they vote for a non-selective system, despite being only a short distance down the A3 from Wandsworth. The system works in the area I represent, but, as my hon. Friend the Member for Maidenhead (Mrs. May) said, words have been used selectively in our debate about a non-selective system.

There is selection at 18 and at 16; indeed, many people in the education world are reaching a consensus that there should be an element of selection at 14, and in schools an element of setting—and therefore of selection—is increasingly being found to deliver better results, not only for the ablest pupils, but for pupils at every stage of ability.

A self-selective system exists alongside my area's non-selective system. The parents of nearly one in five children in Surrey have chosen of their own volition to put their children through an independent education, which may involve an element of selection. It is deeply dispiriting that Ministers who claim to have endorsed the spirit of the enterprise economy, and who claim to want the private sector to become more involved in education, are turning against the principles that underpin the success of independent schools despite being aware of the evidence of their success. That contradiction is at the heart of the Minister's policies.

[Mr. St. Aubyn]

Ministers should understand that the ideal is cohabitation between independent and state schools. Indeed, in parts of the country that objective is already being achieved. It is not socially divisive if one family chooses to spend its money on independent education while another family in the same street chooses to spend its money on a holiday—or a second or third holiday—overseas. The choice is there, and it is in that spirit that we should all defend the principle of parents' right to ask for a selective system. Some hon. Members may not believe that such a system is right for their own children, or for other children; let them persuade parents of that.

I am left with a nagging worry. Perhaps the fact that there is a consensus in favour of selection among adolescents is due to the fact that there is a consensus about the means by which academic achievements are measured by the time children reach that age. What if we find that we can adopt new methods of assessment enabling us to assess more fairly the different academic abilities of those at lower school ages?

In such circumstances, we can imagine the determination to stamp out selection in that age group being seen for what it is—a dogmatic throwback to the era of education that failed us in so many ways, and would fail us again if it ever got a grip on the Department. What worries many Conservative Members is what lies behind the warm words and tokenism that are a hallmark of the Bill.

There is no better example of such tokenism than the distinction drawn by the clauses that we seek to amend between aptitude and ability. If we read those clauses literally, we must deduce that a school that wishes to encourage children with musical ability will be allowed to ask those children to sing "Twinkle, twinkle, little star" from memory, but will not be allowed to ask them to read it from a music sheet because that would be a test of their reading ability. [HON. MEMBERS: "Come on."] It is true. As in many other contexts, the drafting of the Bill means that everything is down to interpretation and the leniency or otherwise of Ministers.

Like many other parts of the Bill, the clauses that we seek to amend are all about putting power and decisions into the hands of a few Labour Members and taking power and decisions away from the parents who should have them. In tabling our amendments, we asked the Government to respect our view.

Sir Teddy Taylor (Rochford and Southend, East): I sincerely apologise for missing the beginning of the debate—*[Interruption.]* I was at what I assure hon. Members was an important meeting. I will tell them all about it if they want me to.

I want to make three brief points. First, let me ask the right hon. Member for Chesterfield (Mr. Benn) to consider genuinely whether abolishing selection tests helped the working class. As hon. Members know, I come from Glasgow and was educated there. There used to be selection tests in Glasgow, and they gave people an opportunity to break through the class barriers.

A few weeks ago, I sent the Secretary of State figures showing what had happened to Glasgow education since we abolished selection tests. What we have now is blatant class segregation. Parents who want to help their children are trying to find the cash with which to buy a house in a nice area where there appears to be better education. The tragedy is that better education does not stem from buildings, teachers or anything apart from parental expectation. I can think of one school in which any child who gains any qualification is regarded as having done well, while a child living half a mile away who does not get to university is regarded as not having done well.

I hope that the right hon. Member for Chesterfield will go to Glasgow, look at educational achievement since selection was abolished, and realise that abolishing tests does not help working-class people. It damages them and prevents them from breaking through rigid barriers in cities such as Glasgow, Manchester, Birmingham and many others. We do no service if we build walls over which people cannot jump.

What is the relevance of the 10 per cent. selective admissions figure? In Southend-on-Sea, where I now live, tests provide for 25 per cent. selection. I would like Ministers to appreciate that, although we happen to have a great deal more poverty, much more unemployment—I am afraid it is about 9.7 per cent. in my constituency, which is extremely high—much bed-and-breakfast accommodation, many broken homes and a great deal of social deprivation, in A-level results we are streets ahead of the rest of Essex, which I am sure has far more large houses, people with big salaries and the kind of financial situation which many in Southend would like. I got the figures from the Library earlier today.

I appeal to the Minister to consider the situation in Northern Ireland. We automatically think that Scotland has the best education in Britain. In fact, achievement in Northern Ireland, as in Southend, is streets ahead—not because people are cleverer but because a 25 per cent. selection system achieves better results overall. If any hon. Member or the Minister would like to see the figures from the Library, I would be only too glad to supply them. The average points score in Southend for achievement at A-level is 19.8, whereas in Essex as a whole it is 16.6—and Essex is supposed to be quite good.

I appreciate that the Secretary of State and the Government have moved on grammar schools and selection. I do not believe that that is in any way an attempt to win votes or to try to stop socialism; I am sure that the Secretary of State has realised that he would not be helping able people from good families and poor homes by abolishing selection tests or grammar schools.

I hope that, having made concessions that will allow selection and grammar schools to continue in some form, the Labour party will realise that, although in places such as Glasgow Labour councillors, for the best possible motives, abolished selection tests and grammar schools, genuinely believing that that would produce equality of opportunity and get rid of some privilege, all that such actions did was destroy opportunities for the working class, build class values and do no good for education. I am sure that the Secretary of State will have looked with care and attention at the list of Glasgow examination results that I sent him two weeks ago and realised that the steps that he is taking are helpful to education and not damaging to socialism, as some would suggest.

Mr. Byers: The amendments address two distinct issues: partial selection and of 10 per cent. selection on the basis of aptitude for a specialism. I shall deal with both.

It is worth reminding the House that clauses relating to partial selection will be subject to the code of practice on admissions, to which clause 76 refers. Hon. Members have, of course, made their comments without being aware of the contents of that code of practice. The House will have the opportunity, as clause 77 clearly states, to debate and vote on the detail of the code of practice at a later date.

That is particularly relevant to the comments of my hon. Friend the Member for Tooting (Mr. Cox) about parents in his constituency—and, indeed, in Wandsworth generally—being angry and bitter about the situation in which they find themselves. My right hon. Friend the Secretary of State will produce a code of practice, there will be consultation, and it will be presented to the House.

The Bill provides that the adjudicator will be responsible for determining issues when there is no local agreement. He will have to follow the code of practice, which will give him the power to end existing partial selection if he believes that it is not in the best interests of other local schools, children and their parents. Without giving away the likely details of the code of practice, I can tell the House that my right hon. Friend would not be prepared to have a code that allowed seven different tests to apply to children, as currently happens in Wandsworth.

9.30 pm

The hon. Member for Bath (Mr. Foster) asked whether a local education authority could refer a matter to the adjudicator. That is an important issue. The local education authority will be an admissions authority, because it will have responsibility for community schools. It will have the power to refer matters to the adjudicator.

We want to go further than that. There may be situations in which a local education authority that contains partially selective schools is not the only interested body. Neighbouring authorities may also have a legitimate interest because of the impact that partial selection has on children in their area. It would be appropriate to give power to a neighbouring authority to refer a matter to the adjudicator in such circumstances. When my right hon. Friend brings regulations forward, he will be mindful of the problems of neighbouring authorities, such as Southwark and Wandsworth or Greenwich and Bromley. Those neighbouring authorities have a legitimate interest in the effects of partial selection.

To respond to my hon. Friend the Member for Tooting, adjudicators will have to follow the guidelines laid down by the Secretary of State. If they fail to do so, their decisions can be subject to judicial review if anyone disagrees with them.

Mr. St. Aubyn: Will the Minister explain how the adjudicator will cope with the potential disappointment and bitterness of a child from a less well-off background who, under the proposed new non-selective system, finds that the distance from his home to the school that his academic ability demands is too great, denying him the education that his ability requires?

Mr. Byers: I shall try to make sense of what the hon. Gentleman has said because I have a generous spirit—that is part of my nature. I disagreed with many of the points made by my right hon. Friend the Member for Chesterfield (Mr. Benn), but I agreed with his comments about the basis of selection. The school selects; the parent does not choose. That is the nature of selection. By promising no extension of partial selection and producing a code of practice under clause 76, we shall ensure that the continuing of partial selection does not cause difficulty for local children. That has been a consistent Labour policy.

Mr. Dafis: Did I hear the Minister aright? I thought I heard him say that there would be no extension of partial selection. In that case, what is clause 94 about?

Mr. Byers: I shall move on shortly to talk briefly about the idea of 10 per cent. specialism by aptitude, but first I must conclude my comments on what has been said about partial selection. I know that it is creating difficulties in areas such as Bromley—

Mr. Brady: Will the Minister give way?

Mr. Byers: No, I want to make my point first.

Bromley, Hertfordshire and Wandsworth are probably the three local education authorities most adversely affected by partial selection. When my right hon. Friend the Secretary of State brings the code of practice before the House, hon. Members will see how we intend to deal with the problem.

We had a full debate in Committee on the distinction between aptitude and ability, and exchanged definitions from the dictionary and elsewhere. I had not had Wordsworth quoted to me on the subject before, and I am grateful to the hon. Member for Ceredigion (Mr. Dafis) for drawing the reference to our attention.

A clear distinction exists between aptitude and ability. The right hon. Member for Charnwood (Mr. Dorrell) said that that was a nonsensical distinction, so it may be worth drawing to his attention what the right hon. Member for South-West Norfolk (Mrs. Shephard) said on 20 May 1996 when, as Secretary of State for Education and Employment, she launched some research:

> "To help specialist schools which want to identify a pupil's aptitude for the specialist subject as opposed to ability, I am announcing today a government funded research project".

The right hon. Lady was clearly of the view that there was a distinction between ability and aptitude. The findings of that research project were interesting; that ability is an all-embracing factor that suggests whether a candidate will be able successfully to undertake a course of study, whereas aptitude is narrower, determining whether someone can take advantage of a particular course of study. A clear distinction was made, and the findings were made available by the former Secretary of State for Education and Employment.

The point of our proposals on selection according to aptitude is that, although we believe in the comprehensive principle, it has to be modernised—and that is what the proposals in the Bill will do. Modernising the comprehensive principle is part of the Government's commitment. We shall embrace concepts such as setting, where that is appropriate in the interests of individual

[Mr. Byers]

pupils; we have no problem with that, and we shall have a range and diversity of provision, but within the comprehensive principle.

Mr. Bob Blizzard (Waveney): Will my hon. Friend give way?

Mr. Byers: No; I want to make progress.

The amendments are in many respects backward looking; they do not take the debate forward. Our proposals are pragmatic and realistic and put the interests of children first. They are modern and they are based on partnership. In that spirit, I ask the House to reject the amendments, and to support the Bill in its present form.

Mr. Don Foster: The Minister was at his most generous when he told us that he accepted the fact that local education authorities need to be able to object to partial selection in their areas. His generosity went even further when he said that neighbouring authorities could also object, and I am grateful for that.

However, the hon. Gentleman was at his most enigmatic when he told us that much would depend on the code of practice to be announced by the Secretary of State—yet, although speaking from the Dispatch Box, he told us that he himself would not be giving away any details about what would be in that code of practice. I suspect that this is the one occasion when we would have welcomed the full monty from the Minister.

The Minister made an interesting slip of the tongue. He wanted to say that he had a generous "spirit", but he said something that sounded like "spin-it". In his attempts to explain to the House the difference between aptitude and ability, he was spinning around. He will know that the majority of researchers do not accept what he says, including Professor Peter Mortimore, who in today's *The Guardian* makes it clear that there is no evidence for making a distinction between the two.

The hon. Member for Tooting (Mr. Cox) made clear his concern about the situation in Wandsworth. The Minister told him that he need have no worries because the Bill will introduce a system in which there will be an adjudicator. If a parent in Wandsworth objects to what is going on, he can appeal to the adjudicator. If the adjudicator decides to, he can get rid of partial selection. I hope that that does not reassure the hon. Gentleman. Even if partial selection by ability goes, there will be a continuation of partial selection by aptitude, and that can grow.

One of the most worrying things I have seen in the House since the general election is the way in which the Labour and Conservative parties have joined in the Lobbies to take away benefits from lone parents. Labour Members ought to be concerned when they hear an offer from the right hon. Member for Charnwood (Mr. Dorrell) to stand together, arm in arm, with the Government on selection by aptitude and ability. I hope that that sets bells ringing for many Labour Members.

On Second Reading, the Secretary of State said that the Bill would get rid of partial selection. The Bill does nothing of the sort. Without our amendment, partial selection by ability and aptitude will continue. We are fundamentally opposed to that, and I hope that all other right hon. and hon. Members who are opposed to selection by ability or aptitude will join us in the Lobbies.

Question put, That the amendment be made:—

The House divided: Ayes 44, Noes 284.

Division No. 223] **[9.41 pm**

AYES

Allan, Richard
Baker, Norman
Ballard, Mrs Jackie
Beggs, Roy
Bell, Martin *(Tatton)*
Benn, Rt Hon Tony
Brake, Tom
Brand, Dr Peter
Breed, Colin
Bruce, Malcolm *(Gordon)*
Burnett, John
Burstow, Paul
Cable, Dr Vincent
Chidgey, David
Corbyn, Jeremy
Davis, Cynog
Davey, Edward *(Kingston)*
Fearn, Ronnie
Foster, Don *(Bath)*
George, Andrew *(St Ives)*
Hancock, Mike
Harris, Dr Evan
Harvey, Nick
Heath, David *(Somerton & Frome)*
Hughes, Simon *(Southwark N)*
Jones, Ieuan Wyn *(Ynys Môn)*
Jones, Nigel *(Cheltenham)*
Kennedy, Charles *(Ross Skye)*
Kirkwood, Archy
Livsey, Richard
Maclennan, Rt Hon Robert
Oaten, Mark
Öpik, Lembit
Rendel, David
Russell, Bob *(Colchester)*
Sanders, Adrian
Smith, Sir Robert *(W Ab'd'ns)*
Taylor, Matthew *(Truro)*
Tonge, Dr Jenny
Tyler, Paul
Wallace, James
Webb, Steve
Wigley, Rt Hon Dafydd
Willis, Phil

Tellers for the Ayes:
Mr. Paul Keetch and
Mr. Andrew Stunell.

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Allen, Graham
Anderson, Donald *(Swansea E)*
Anderson, Janet *(Rossendale)*
Armstrong, Ms Hilary
Ashton, Joe
Atherton, Ms Candy
Barnes, Harry
Barron, Kevin
Battle, John
Bayley, Hugh
Bennett, Andrew F
Benton, Joe
Bermingham, Gerald
Berry, Roger
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Blunkett, Rt Hon David
Borrow, David
Bradley, Peter *(The Wrekin)*
Brinton, Mrs Helen
Brown, Rt Hon Nick *(Newcastle E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Byers, Stephen
Caborn, Richard
Campbell, Alan *(Tynemouth)*
Campbell-Savours, Dale
Canavan, Dennis
Cann, Jamie
Caplin, Ivor
Casale, Roger
Caton, Martin
Chaytor, David
Chisholm, Malcolm
Church, Ms Judith
Clapham, Michael
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Coleman, Iain
Colman, Tony
Connarty, Michael
Cook, Frank *(Stockton N)*
Cooper, Yvette
Corbett, Robin
Corston, Ms Jean
Cousins, Jim
Cryer, John *(Hornchurch)*
Cummings, John
Cunliffe, Lawrence
Cunningham, Rt Hon Dr John *(Copeland)*
Cunningham, Jim *(Cov'try S)*
Dalyell, Tam
Darling, Rt Hon Alistair
Darvill, Keith
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dewar, Rt Hon Donald
Dobbin, Jim
Donohoe, Brian H
Doran, Frank

Dowd, Jim
Drown, Ms Julia
Dunwoody, Mrs Gwyneth
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Ellman, Mrs Louise
Ennis, Jeff
Field, Rt Hon Frank
Fitzpatrick, Jim
Fitzsimons, Lorna
Flint, Caroline
Flynn, Paul
Foster, Rt Hon Derek
Foster, Michael J *(Worcester)*
Foulkes, George
Fyfe, Maria
Galloway, George
Gapes, Mike
Gibson, Dr Ian
Gilroy, Mrs Linda
Godman, Norman A
Golding, Mrs Llin
Grant, Bernie
Griffiths, Jane *(Reading E)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Gunnell, John
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hanson, David
Heal, Mrs Sylvia
Healey, John
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hewitt, Ms Patricia
Hill, Keith
Hinchliffe, David
Hodge, Ms Margaret
Home Robertson, John
Hoon, Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Jackson, Helen *(Hillsborough)*
Jamieson, David
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Helen *(Warrington N)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Jon Owen *(Cardiff C)*
Jones, Martyn *(Clwyd S)*
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Kemp, Fraser
Kidney, David
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kumar, Dr Ashok
Ladyman, Dr Stephen
Lawrence, Ms Jackie
Laxton, Bob
Lepper, David
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Lock, David
McAvoy, Thomas
McCabe, Steve
McCartney, Ian *(Makerfield)*
McDonagh, Siobhain
Macdonald, Calum
McDonnell, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
McLeish, Henry
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
Mahon, Mrs Alice
Marek, Dr John
Marsden, Paul *(Shrewsbury)*
Marshall, Jim *(Leicester S)*
Marshall–Andrews, Robert
Martlew, Eric
Maxton, John
Meacher, Rt Hon Michael
Michie, Bill *(Sheff'ld Heeley)*
Milburn, Alan
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morgan, Ms Julie *(Cardiff N)*
Morgan, Rhodri *(Cardiff W)*
Morris, Ms Estelle *(B'ham Yardley)*
Mountford, Kali
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Naysmith, Dr Doug
Norris, Dan
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
O'Hara, Eddie
Olner, Bill
O'Neill, Martin
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pope, Greg
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Prescott, Rt Hon John
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quin, Ms Joyce
Quinn, Lawrie
Radice, Giles
Rammell, Bill
Rapson, Syd
Raynsford, Nick
Reed, Andrew *(Loughborough)*
Reid, Dr John *(Hamilton N)*
Robertson, Rt Hon George *(Hamilton S)*
Rogers, Allan
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Ruddock, Ms Joan
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Savidge, Malcolm
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Short, Rt Hon Clare
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Spellar, John
Squire, Ms Rachel
Starkey, Dr Phyllis
Stevenson, George
Stoate, Dr Howard
Stott, Roger
Strang, Rt Hon Dr Gavin
Stringer, Graham
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Walley, Ms Joan
Wareing, Robert N
Watts, David
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Mrs Betty *(Conwy)*
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Woolas, Phil
Wray, James
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*

Tellers for the Noes:
Mr. John McFall and Jane Kennedy.

Question accordingly negatived.

Clause 94

PERMITTED SELECTION: APTITUDE FOR PARTICULAR SUBJECTS

Amendment proposed: No. 90, in page 69, line 28, leave out 'Subject to subsection (2)'.—*[Mrs. Browning.]*

Question put, That the amendment be made:—

The House divided: Ayes 131, Noes 331.

Division No. 224] **[9.54 pm**

AYES

Ainsworth, Peter *(E Surrey)*
Ancram, Rt Hon Michael
Arbuthnot, James
Atkinson, Peter *(Hexham)*
Baldry, Tony
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Body, Sir Richard
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Brady, Graham
Brazier, Julian
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Burns, Simon
Butterfill, John
Chapman, Sir Sydney *(Chipping Barnet)*
Chope, Christopher
Clappison, James
Clark, Rt Hon Alan *(Kensington)*
Clark, Dr Michael *(Rayleigh)*
Clarke, Rt Hon Kenneth *(Rushcliffe)*
Clifton–Brown, Geoffrey
Colvin, Michael
Cormack, Sir Patrick
Cran, James
Curry, Rt Hon David
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice)*
Dorrell, Rt Hon Stephen
Duncan, Alan
Duncan Smith, Iain
Emery, Rt Hon Sir Peter
Evans, Nigel
Faber, David
Fabricant, Michael
Fallon, Michael
Flight, Howard
Forth, Rt Hon Eric
Fox, Dr Liam
Fraser, Christopher
Gibb, Nick
Gill, Christopher
Gillan, Mrs Cheryl
Gorman, Mrs Teresa
Gray, James
Greenway, John
Grieve, Dominic

Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hawkins, Nick
Hayes, John
Heald, Oliver
Hogg, Rt Hon Douglas
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Jack, Rt Hon Michael
Jenkin, Bernard
Johnson Smith, Rt Hon Sir Geoffrey
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lilley, Rt Hon Peter
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Luff, Peter
MacGregor, Rt Hon John
MacKay, Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
Malins, Humfrey
Maples, John
Mates, Michael
Maude, Rt Hon Francis
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Moss, Malcolm
Nicholls, Patrick
Norman, Archie
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Prior, David
Randall, John
Redwood, Rt Hon John
Robathan, Andrew
Robertson, Laurence *(Tewk'b'ry)*
Roe, Mrs Marion *(Broxbourne)*
Rowe, Andrew *(Faversham)*
Ruffley, David
St Aubyn, Nick
Sayeed, Jonathan
Simpson, Keith *(Mid-Norfolk)*
Soames, Nicholas
Spelman, Mrs Caroline
Spicer, Sir Michael
Spring, Richard
Stanley, Rt Hon Sir John
Streeter, Gary
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Taylor, Sir Teddy
Townend, John
Trend, Michael
Tyrie, Andrew
Viggers, Peter
Wardle, Charles
Waterson, Nigel
Wells, Bowen
Whitney, Sir Raymond
Whittingdale, John
Widdecombe, Rt Hon Miss Ann
Wilkinson, John
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Ayes:
Sir David Madel and
Mr. Stephen Day.

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Allan, Richard
Allen, Graham
Anderson, Donald *(Swansea E)*
Anderson, Janet *(Rossendale)*
Armstrong, Ms Hilary
Ashton, Joe
Atherton, Ms Candy
Baker, Norman
Ballard, Mrs Jackie
Barnes, Harry
Barron, Kevin
Battle, John
Bayley, Hugh
Bell, Martin *(Tatton)*
Benn, Rt Hon Tony
Bennett, Andrew F
Benton, Joe
Bermingham, Gerald
Berry, Roger
Best, Harold
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Blunkett, Rt Hon David
Borrow, David
Bradley, Peter *(The Wrekin)*
Brake, Tom
Brand, Dr Peter
Breed, Colin
Brinton, Mrs Helen
Brown, Rt Hon Nick *(Newcastle E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Bruce, Malcolm *(Gordon)*
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnett, John
Burstow, Paul
Byers, Stephen
Cable, Dr Vincent
Caborn, Richard
Campbell, Alan *(Tynemouth)*
Campbell-Savours, Dale
Canavan, Dennis
Cann, Jamie
Caplin, Ivor
Casale, Roger
Caton, Martin
Chaytor, David
Chidgey, David
Chisholm, Malcolm
Church, Ms Judith
Clapham, Michael
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Coleman, Iain
Colman, Tony
Connarty, Michael
Cook, Frank *(Stockton N)*
Cooper, Yvette
Corbett, Robin
Corbyn, Jeremy
Corston, Ms Jean
Cousins, Jim
Cryer, John *(Hornchurch)*
Cummings, John
Cunliffe, Lawrence
Cunningham, Rt Hon Dr John *(Copeland)*
Cunningham, Jim *(Cov'try S)*
Dafis, Cynog
Dalyell, Tam
Darling, Rt Hon Alistair
Darvill, Keith
Davey, Edward *(Kingston)*
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dewar, Rt Hon Donald
Dobbin, Jim
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Drown, Ms Julia
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Ellman, Mrs Louise
Ennis, Jeff
Fearn, Ronnie
Field, Rt Hon Frank
Fisher, Mark
Fitzpatrick, Jim
Fitzsimons, Lorna
Flint, Caroline
Flynn, Paul
Foster, Rt Hon Derek
Foster, Don *(Bath)*
Foster, Michael J *(Worcester)*
Foulkes, George
Fyfe, Maria
Galloway, George
Gapes, Mike
George, Andrew *(St Ives)*
Gibson, Dr Ian
Gilroy, Mrs Linda
Godman, Norman A
Golding, Mrs Llin
Grant, Bernie
Griffiths, Jane *(Reading E)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Gunnell, John
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hancock, Mike
Hanson, David
Harris, Dr Evan
Harvey, Nick
Heal, Mrs Sylvia
Healey, John
Heath, David *(Somerton & Frome)*
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hewitt, Ms Patricia
Hill, Keith
Hinchliffe, David
Hodge, Ms Margaret
Home Robertson, John
Hoon, Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Hughes, Simon *(Southwark N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Jackson, Helen *(Hillsborough)*
Jamieson, David
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Helen *(Warrington N)*
Jones, Ieuan Wyn *(Ynys Môn)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Jon Owen *(Cardiff C)*
Jones, Martyn *(Clwyd S)*
Jones, Nigel *(Cheltenham)*
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keetch, Paul
Kemp, Fraser
Kennedy, Charles *(Ross Skye)*
Kidney, David
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kirkwood, Archy
Kumar, Dr Ashok
Ladyman, Dr Stephen
Lawrence, Ms Jackie
Laxton, Bob
Lepper, David
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Livsey, Richard
Lock, David
McAvoy, Thomas
McCabe, Steve
McCartney, Ian *(Makerfield)*
McDonagh, Siobhain
Macdonald, Calum
McDonnell, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
McLeish, Henry
Maclennan, Rt Hon Robert
McNulty, Tony
Mactaggart, Fiona
Mahon, Mrs Alice
Mandelson, Peter
Marek, Dr John
Marsden, Paul *(Shrewsbury)*
Marshall, Jim *(Leicester S)*
Marshall-Andrews, Robert
Martlew, Eric
Maxton, John
Meacher, Rt Hon Michael
Michie, Bill *(Sheff'd Heeley)*

Milburn, Alan
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morgan, Ms Julie *(Cardiff N)*
Morgan, Rhodri *(Cardiff W)*
Morris, Ms Estelle *(B'ham Yardley)*
Mountford, Kali
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Naysmith, Dr Doug
Norris, Dan
Oaten, Mark
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
O'Hara, Eddie
Olner, Bill
O'Neill, Martin
Öpik, Lembit
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pope, Greg
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Prescott, Rt Hon John
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quinn, Lawrie
Radice, Giles
Rammell, Bill
Rapson, Syd
Raynsford, Nick
Reed, Andrew *(Loughborough)*
Reid, Dr John *(Hamilton N)*
Rendel, David
Robertson, Rt Hon George *(Hamilton S)*
Rogers, Allan
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Ruddock, Ms Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Sanders, Adrian
Savidge, Malcolm
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Short, Rt Hon Clare
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Rt Hon Chris *(Islington S)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, Llew *(Blaenau Gwent)*
Smith, Sir Robert *(W Ab'd'ns)*
Soley, Clive
Spellar, John
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stoate, Dr Howard
Stott, Roger
Strang, Rt Hon Dr Gavin
Stringer, Graham
Stunell, Andrew
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Taylor, Matthew *(Truro)*
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Tonge, Dr Jenny
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tyler, Paul
Wallace, James
Walley, Ms Joan
Wareing, Robert N
Watts, David
Webb, Steve
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Wigley, Rt Hon Dafydd
Williams, Rt Hon Alan *(Swansea W)*
Williams, Mrs Betty *(Conwy)*
Willis, Phil
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Woolas, Phil
Wray, James
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*

Tellers for the Noes:
Mr. John McFall and Jane Kennedy.

Question accordingly negatived.

It being after Ten o'clock, further consideration of the Bill stood adjourned.

Motion made, and Question put forthwith, pursuant to Standing Order No. 15 (Exempted business),

That, at this day's sitting, the School Standards and Framework Bill may be proceeded with, though opposed, until any hour.—*[Ms Bridget Prentice.]*

Question agreed to.

As amended (in the Standing Committee), again considered.

Sir John Stanley: Mr. Deputy Speaker, I wish to raise a point of order arising out of a different aspect of a letter to which I referred earlier in our proceedings. The letter in question is that sent by an official of the Department for Education and Employment dated 9 March to the Kent education authority. That letter included a schedule of 45 schools, primary and secondary, that were potential candidates for closure on the grounds of surplus places. It is extraordinary that among the secondary schools in the list is the Judd grammar school in Tonbridge in my constituency, where in 1997, 100 per cent. of the pupils gained five or more grade A to C GCSEs.

The letter in question is, I believe without doubt, legally highly prejudicial to the proper and fair conduct of a ballot in relation to the Judd school and any other grammar school that has been the subject of similar letters. That being the case, it is incumbent on the Minister to assure the House that, in proceedings on the amendments, a Law Officer will be summoned to the House to say whether, in his view, the Secretary of State for Education and Employment has been responsible for misdirecting himself; whether the Bill will have to be amended to ensure that schools that have been treated in the same way as the Judd school are excluded from the provisions of the Bill; or that the letter will be formally be withdrawn.

Mr. Deputy Speaker (Sir Alan Haselhurst): I have listened carefully to what the right hon. Gentleman has said, but the more he has said, the clearer it has become that his point is a matter of argument, which he has put on the record. There are other ways in which the matter must be pursued. It is not a matter on which the occupant of the Chair can rule this evening.

Clause 96

DESIGNATION OF GRAMMAR SCHOOLS

Mr. Dorrell: I beg to move amendment No. 175, in page 70, line 23, leave out 'had' and insert 'has'.

Mr. Deputy Speaker: With this, it will be convenient to discuss the following amendments: No. 176, in page 70, line 23, leave out

'at the beginning of the 1997–98 school year'.

No. 177, in page 70, line 32, at end insert—

'(3A) Regulations may make provision that where a maintained school is not a grammar school,—

(a) the admission authority for a school may submit an application to the Secretary of State to change the admission arrangements of the school so that the school will qualify for designation as a grammar school under this section;

(b) when the Secretary of State receives an application under this subsection he shall arrange for a ballot of parents who would qualify to vote in a ballot under section 97 and if a majority of those parents support the application of the admission authority, the admission authority shall secure that the admission arrangements of the school are revised in accordance with its proposal.'.

No. 178, in page 71, line 10, leave out from 'read,', to first 'as' in line 12.

No. 160, in clause 97, page 71, line 22, at end insert—

'(bb) to any grammar school or group of grammar schools of a denominational character.'.

No. 179, in page 71, line 27, after 'section', insert,

'provided that the parents of children who are for the time being pupils of the grammar school shall always be so eligible'.

No. 165, in page 72, line 40, after 'not', insert 'at public expense'.

Mr. Dorrell: The amendments deal with the Government's approach to the remaining grammar schools left in the maintained system—just over 160. I firmly believe that clause 96 and the way in which the Government have handled it are one of the worst aspects of the Bill. The Labour party's attitude to grammar schools goes back a long way. It would be improper of me to repeat the quote that is attributed to Anthony Crosland on grammar schools. His attitude was expressed in the late 1960s. As we saw in Committee, Labour Members' prejudices towards grammar schools have changed not one iota in the intervening 30 years. The Minister's attitude is slightly different, but that of his Back Benchers, as it was manifested in Committee, is not different in any important detail from that expressed all those years ago by the late Anthony Crosland.

We do not need to look at Labour Back Benchers' facial expressions to see contemporary evidence of the strength of that prejudice within the Labour party. The present Secretary of State, when interviewed by the *Daily Mail* in January 1996, made clear his approach to the question of grammar schools as of that moment. He was quoted as saying:

"It is 30 years since Crosland embarked on this. I don't think anyone should expect me to complete his work in the first three months of a Labour Government."

He made it clear that his instinct was the same as Anthony Crosland's; he simply asked for greater time than three months to deliver the objective that Anthony Crosland had set out. Later in the same interview, he said:

"We have made a clear pledge. There will be no more selection. I'm going to be as blunt about it as that."

In January 1996, the attitude adopted by the present Secretary of State was extremely straightforward: he was opposed to selection and he was opposed to grammar schools as the manifestation of selection. It was a continuation of the policy pursued by the Labour party, both in government and in opposition, for more than 30 years. In January 1996, the position was clear.

My hon. Friends will remember that, little more than a year later, there was a by-election in the Wirral, which was awkward from the Labour party's point of view.

Mr. David Jamieson (Plymouth, Devonport): Who won?

Mr. Dorrell: The Whip intervenes—although he should never intervene because he is unable to respond to the reply—to ask who won the Wirral by-election. That is a matter of history, as are the Labour party's pledges during the by-election, which certainly contributed to its result. During the Wirral campaign, it became clear to the Labour party that the attitude expressed by the present Secretary of State in that *Daily Mail* interview and on numerous other occasions in the preceding months was not saleable on the streets of the Wirral.

Mr. Michael Fabricant (Lichfield): Where is he?

Mr. Dorrell: It is, indeed, a pity that the Secretary of State is not here.

During the Wirral by-election campaign, the attitude of the Labour party evolved to the extent that, by 7 February 1997, the *Financial Times* was not reporting firm opposition to the principle of selection in grammar schools; on the contrary, it was saying that, under a Labour Government, there would be

"no threat to their continuance, or to their ethos, or to their quality."

Mr. Andrew Rowe (Faversham and Mid-Kent): Does my right hon. Friend believe that that is one of the reasons why the Labour party is so keen on regional development agencies? With regional development agencies, there could be a different Labour party policy for each part of the country.

Mr. Dorrell: We are not trying to encourage the Labour party to have different policies in different parts of the country. We are attempting to give effect, in a Bill introduced after the general election, to the Labour party's pre-election policy commitments. During the Wirral by-election, the Labour party was at pains to say that there would be no threat to grammar schools if a Labour Member were elected in the Wirral or, come to that, if a Labour Government were elected. During that by-election, the Labour party started to promote the idea that the future of a grammar school or group of grammar schools should be decided by a ballot of local parents.

In answer to the question, "How do you trigger a ballot under the provisions of Labour's proposal?" a briefing given to *The Times* in February 1997 said that there could be a ballot

"only if a sufficient number of parents wanted a change".

The Times continued:

"Although Mr. Blunkett declined to give a figure, Labour sources said, 'it will be a very high threshold—i.e. it won't happen'".

Therefore, guidance issued by the Labour party before the general election was not consistent with the policy that the Secretary of State had espoused a year previously, and—more critically—that policy is not consistent with the policy that is embodied in the Bill.

We have before us a rushed series of proposals—so rushed that the Minister of State was unable to tell the Committee the details of the arrangements that will prevail for the conduct of ballots. He could not even answer the most basic question that must be asked about any ballot; he cannot tell us who will be able to vote in the balloting process.

10.15 pm

The Bill vests in the Secretary of State a power to introduce regulations establishing the terms on which a ballot will be held to determine either the future of selective arrangements in a whole local education authority area, or the selective arrangements that will

apply to the continued existence of a grammar school in an area where there are both grammar schools and other forms of school.

I shall discuss whole-area ballots first. The Minister's guidance to the Committee says that, if a local education authority currently operates a full, traditional selective system, there will be a ballot for the whole local education authority area, to determine the future of grammar schools in that area.

As my hon. Friend the Member for Altrincham and Sale, West (Mr. Brady) said, that policy does not deliver on the Government's commitment to allow the parents in an area to determine the continuance or otherwise of grammar school arrangements to meet the educational needs of their individual children. The area that my hon. Friend represents is large, and it is perfectly possible that parents looking to one grammar school might reach different conclusions from parents looking to a different grammar school; yet the Government led those people to believe that the matter would be determined by local parents.

The outline of the voting arrangements says that all my hon. Friend's constituents will be lumped into a single ballot, and that different groups of parents will have no opportunity to reach different conclusions—hence amendment No. 160, which my hon. Friend will seek to move later. That amendment would allow a group of parents who wanted a denomination-based grammar school for their children to hold a separate ballot, regarding a single grammar school or a group of grammar schools, to determine whether that school or those schools should have continued access to a selective system.

Our first argument against the grammar school provisions is that the arrangements for whole-area ballots do not deliver on the Government's pledge to allow parents of children at a school to determine whether that school continues to be selective.

The Government get into worse and worse trouble on the arrangements for ballots to determine the future of individual schools. According to my reading of the material that is currently available to us, the first and most obvious inequity is that the Government anticipate that parents of children at feeder schools will have a right to vote to determine the future of an existing grammar school whose future is not the subject of a whole-area ballot, but that parents whose children currently attend the school will have no vote to determine the future of the school in which their own children are being educated.

I look forward to hearing the argument that the Minister will use when confronted with parents who may have a child aged 11 in a school with 11-to-18 provision, and who have been told by this Government that the future of the school will be determined by a ballot of parents—not of the parents of that school, but of the parents of five-year-olds in feeder schools. The parents of that 11-year-old, who still has another seven years' education at the school, will not have the right to determine the future of the school in which their child is being educated.

What possible principle provides that the parents of a child who may never come anywhere near that school, because those parents may move away, have the right to vote in the ballot, but the parents of a child already in that school have no such right? That is nonsense.

Mr. Michael Fallon (Sevenoaks): Does that principle means that an old boy of the school—

Mr. Tom Levitt (High Peak): Old boy?

Mr. Fallon: Or old girl. However, I am thinking of an old boy from the Judd school in Kent, who might well live in my constituency of Sevenoaks, who has a son aged two or three. That old boy may be a governor of the school and have already decided that he would like his son to follow him and attend that school. He will not be able to vote in the ballot.

Mr. Dorrell: It is worse than that. That old boy could have a child in the school and a younger child who is not yet in a feeder school, whom the father wants to attend his old school—which that child's sibling attends—yet he will have no right to vote in the ballot to determine that school's future. That is absurd—*[Interruption.]* The hon. Member for Workington (Mr. Campbell-Savours) is defending the Minister's proposal. I note that no other Labour Member has leapt up to do so. Perhaps the hon. Gentleman would like to tell us the argument that he would use in the sort of case referred to my hon. Friend the Member for Sevenoaks (Mr. Fallon). Would the hon. Gentleman like to offer the Minister an answer to my hon. Friend's dilemma? I suspect that the Minister would be pleased to get one.

The answer is not obvious to me. What will happen when there is an old boy of the school, with a child already at the school and a child not yet in a primary feeder school? There are three specific links with the school, but no right to vote in the ballot to determine that school's future. The hon. Member for Workington is staying firmly rooted in his seat.

Mr. John Bercow (Buckingham): We would dearly love the hon. Member for Workington (Mr. Campbell-Savours) to spring to his feet. However, his credentials on this matter are clear. Only a few weeks ago he described grammar schools as infernal institutions. We know the bigotry that informs his position.

Mr. Dorrell: The hon. Gentleman's use of language is just the right side of what is acceptable in the House of Commons, whereas the language used by the late Anthony Crosland was wildly offside.

The second example is of a grammar school with a number of different feeder schools. In some parts of the area, the primary provision covers the age range five to 11. In other parts, there is a division between infant and junior provision, with children changing primary schools at the age of seven or eight. Is the Minister seriously saying that the parents of a six-year-old in the separate infants school will not have a vote, but the parents of a six-year-old in the combined primary school will? Is that the principle that the Government want to defend? I look forward to hearing the Minister explain why the parents of one group of six-year-olds in a regular, established stream

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would have a vote, while the parents of another group of six-year-olds coming into the grammar school through a different feeder stream would not have a vote.

We then come to perhaps the most absurd proposition of all. I am indebted for this example to the head teachers of two schools in Reading, the Kendrick school for girls and the Reading school for boys. Those are two selective grammar schools, one single-sex male and the other single-sex female. There are mixed feeder schools going into those schools. Is the future of Reading boys school to be decided not by parents of children in the school, but by parents who have daughters in feeder schools of Reading school for boys? The decision would be made by parents of children in the feeder schools who have no prospect of ever going to Reading boys' school, because that school makes a conscious policy decision to offer single-sex provision for boys.

The parents who have a vote in the election are parents of children in the feeder schools, but not the parents of the children in the school itself. The vote is accorded not to the parents of the children in the school, but to parents of girls in feeder schools who have no prospect of going to the school for boys. I look forward to hearing that principle explained by the Minister as well.

Mr. Fabricant: As confused as I am by the logic of the argument so far, I fail to understand whether there is any equity in it. However strange it may be that the feeder school parents can make a choice in the matter, will my right hon. Friend explain to me whether they will at least have the freedom to decide that the school to which their children will go from the feeder school can become a grammar school—or can they only stop it being a grammar school?

Mr. Dorrell: My hon. Friend clearly has long vision and the opportunity to look over my shoulder to see the next point that I was going to make. The Government sought to encourage the view that grammar schools were safe with them, and that there would be no threat to grammar schools' continuance, ethos or quality. One might almost say that the Government were elected on the undertaking that the grammar schools were safe in their hands.

The truth, as my hon. Friend rightly notes, is that a one-way ratchet is envisaged in the Bill—one vote once. If the vote goes against selection in a particular school, decades or perhaps centuries of high-quality education can be swept away on the basis of a single vote—*[Interruption]*—but the opportunity to establish a new grammar school on the basis of parental support is denied throughout the Bill.

Under the Bill as drafted, there is no prospect of any group of parents being able to commission a ballot in order to establish that the parents, teachers and local community in a particular area believe that the grammar school model offers the best future for their children. That is one of the issues to which I shall return.

Mr. Fallon: Did my right hon. Friend hear someone shout from the Government Benches, "What about grant-maintained schools?"? I remind my right hon. Friend that the Secretary of State retains the final decision on grant-maintained schools. When Amherst school last summer decided to go for grant-maintained status by an overwhelming majority, the Secretary of State, in the person of the Minister of State, overruled the school. Five, six or seven hundred years of history can be wiped out by sudden death on a single ballot, and that is the end of the matter.

Mr. Dorrell: I thought that my hon. Friend was about to make a different point—which is that, under the Bill, a grant-maintained school that was established on the basis of parental support in a ballot can be abolished without so much as a by your leave. There is certainly no question of seeking parents' support in a ballot to reverse that status.

Mr. Bercow: Does my right hon. Friend agree that the outrageous state of affairs described by my hon. Friend the Member for Sevenoaks (Mr. Fallon) is compounded by the fact that destruction of a grammar school—a beacon of excellence in our system—can occur in a ballot with absolutely no minimum voter turnout requirement? Is that not an indication of how determined the Government are to skew ballots in one direction rather than another?

10.30 pm

Mr. Dorrell: I think that my hon. Friend is right, but I have no means of knowing whether he is—and neither does the Whip, the hon. Member for Plymouth, Devonport (Mr. Jamieson), who seems very certain about these matters. Moreover, unless the Minister has cleared the draft regulations with the Whip, the Minister will know no better than I do what will be in the regulations when they are tabled.

It is yet another manifestation of the absurdity of our position today: we are being asked to debate and decide a system dealing with the future of 163 grammar schools in England on the basis that the Secretary of State will produce the rules after the House has debated the principles and the Bill is done and dusted. Therefore, the answer to my hon Friend's question is that, although I think he is right, no one in the House really knows the answer.

Mr. Robert Key (Salisbury): Did Ministers give any hints in Committee about how petitions for ballots would work? Like the heads and chairmen of governors of the two grammar schools in my constituency, did my right hon. Friend get the impression that, whereas a ballot might mean the end of the argument—one way or the other—for five years, a parent or group of parents could petition at any time and without any limit? Even if a ballot were held in response to a petition, parents could petition again the day after the ballot, creating instability for years to come.

Mr. Dorrell: Once again, I must say that I do not know for certain the answer to the question, because I have not seen the regulations. However, the indications that we have had from the Government are exactly as my hon. Friend suggests. Ministers seem to accept that, if a school wins a ballot to retain its grammar school status, the issue should be closed for five years. However, I do not think that five years is long enough. In Committee, we moved an amendment that made the point that an 11-to-18

grammar school will educate children for seven years. Therefore, although an unsuccessful ballot may be held in the first year of a child's education in that school, the school's future may again be open to question before the end of that child's education. Therefore, the five-year bar on re-balloting is not long enough.

My hon. Friend is right to say that, if an unsuccessful attempt is made to petition for a ballot, there will be no bar—none has yet been suggested by Ministers—on the right of any individual to launch a new petition and attempt to change a school's status. He is also right to say that, although a school will have a period of grace after its future has been decided in a ballot, a school that does not hold a ballot will be continuously subject to the type of threat that he described.

Mr. John Hayes (South Holland and The Deepings): Will my right hon. Friend concede that, on all those matters, the Bill seems directly to contradict the Labour party's policies on grant-maintained schools? When the issues of balloting grant-maintained schools were debated during and after passage of the Education Reform Act 1988, it was never suggested that the type of arrangements proposed in this Bill should be imposed on grant-maintained schools. Now, such arrangements are being foisted on grammar schools. Does it not show enormous hypocrisy in the Labour party?

Mr. Dorrell: I agree entirely. The Government have told grant-maintained schools that the Secretary of State will sign away their grant-maintained status at a stroke of the pen. I emphasise that a grant-maintained school is grant-maintained only because a majority of parents voted for that status in a ballot. The Secretary of State is taking the power in the Bill to reverse the effect of that ballot, without any suggestion that a ballot should be necessary to support his decision.

I suppose that it is at least a small mercy that a requirement for a ballot is being written into the Bill for grammar schools—although, as I sought to argue, on the basis of the information available to the House, the requirements that have in fact been written into the Bill are wholly unsatisfactory, and some of their effects verge on the absurd.

Given the range of inadequacies in the Bill and in the undertakings that the Government have given about the operation of ballots under it, had we tabled amendments to deal with them all and then encouraged the House to vote on them, we would have been here all night. Therefore, I tabled amendments to deal with the two most important failings of the balloting arrangements as they affect individual schools.

The first of those failings is the proposition that parents of children at an existing grammar school should have no vote to determine the future of that school. That is patently absurd. Amendment No. 179 provides that the parents of children at an existing grammar school should have a vote in a ballot to determine that school's future.

The second most important failing is dealt with by amendment No. 177. Instead of the grammar school principle being a closed list, schools should have the opportunity to seek the support of groups of parents to establish themselves as new grammar schools. That amendment is the most difficult for the Government to argue against.

The Government must believe that grammar schools ought to have a continued place in the school system. It may be unfashionable and awkward for the Minister's Back-Bench supporters that that is the Government's position, but it is what the Bill outlines. If the Government really believe that grammar schools are wrong, they now have the opportunity to abolish them. Presumably they do not believe that grammar schools are damaging to the public interest, because they are passing up the opportunity to do anything about them.

The Government have to explain why a school that is delivering a high-quality service and which they are content should continue to do so, in conjunction with the schools around it, should not be used as a model by parents in other parts of the country to establish similar successful schools to serve their needs and those of their community. The effect of the Bill is to establish a closed paddock: "If you're in there, that's fine. If not, too bad." The ladder is being pulled up. This type of school might work well for some, but the experience and proven track record of a grammar school in one area, serving the needs of certain groups of people, can never be used to offer the same opportunities elsewhere.

The Government claim that they are inclusive and that they promote opportunity and excellence in education. For such a Government to argue that grammar schools should be available to some but not extended to others who may want them and who could benefit from them is absurd.

Mr. Fabricant: Does my right hon. Friend think it ironic that the Minister without Portfolio can use all his venom to accuse the BBC of dumbing down, when he is a member of a Government who want to dumb down centres of excellence in this country?

Mr. Dorrell: I agree. If there is a theme that has run through the Government's schools policy ever since their election, it is their persistent vendetta against established centres of excellence.

I do not doubt the desire of the Minister of State to establish and promote high quality where he can do so, and when we have discussed other parts of the Bill, I have welcomed and encouraged his proposals for education action zones in so far as they provide opportunities to develop new ideas for the provision of schools. The problem that the Minister and his party have in spades, however, is that, whenever an existing, proven track record of success has been achieved under the assisted places scheme, by grammar schools or by grant-maintained schools, the Government's approach has been to sweep those schools away.

The Minister likes to say how important it is to promote high quality where it does not currently exist. No one disagrees with him about that, but he would be a great deal more persuasive if he did not consistently argue against the continued existence of institutions with a proven track record of success.

Mr. David Curry (Skipton and Ripon): At the end of the last debate, the Minister said that we needed to take the discussion forward, and accused my right hon. Friend the Member for Charnwood (Mr. Dorrell) of tabling amendments that looked back. I suggest that the proposals in the Bill look back.

I believe that the issue in education should no longer be about structure—that it should now be about performance. I think that many schools that look forward,

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seek a new agenda and are concerned about performance, will be thrust back into an old argument from which neither they nor pupils will benefit. That is particularly true in my constituency. Inevitably, many of us will wish to speak about constituency cases.

I have mentioned this case to the Minister before, and I pay tribute to his understanding. I believe that he is genuinely anxious to improve the quality of education. As he will know, my constituency—which contains the only three selective schools in North Yorkshire—has what might almost be described as a poisonous history. That certainly applies to the Ripon side. We are trying to turn our backs on the old argument, and look forward to creating different but equal centres of excellence in the spirit of diversity.

Ripon contains a long-standing grammar school of which I was head boy. In fact, I think I still hold the hundred yards record—largely because the boys now run a hundred metres. Across the road is Ripon city school, a secondary modern where my father taught. For many years there was open or covert warfare between the two schools. There is now a new headmaster at the city school, who has decided that he wants to turn his back on that old argument. He is seeking technology status for the school: he wants a centre of excellence that is different. He wants to focus on technological subjects.

When I sent him a copy of the Minister's letter outlining his proposals, Paul Lowery, the headmaster of the school—a city school; the school that might be deemed to have the greatest stake in change in Ripon—concluded his own letter by saying:

"we remain committed to the view that it would be divisive and inappropriate in Ripon"—

reorganisation, that is—

"and would certainly not contribute to the important issue of raising standards!"

I must give a full report of the letter. The headmaster also said that he felt that secondary modern schools had become the overlooked element of the education system. I have reported the letter faithfully.

Mr. Dale Campbell-Savours (Workington): Is he in favour of grammar schools?

Mr. Curry: The headmaster has said that he does not believe in reorganisation in Ripon. Ripon contains a grammar school and a secondary modern, and the nearest comprehensive is in Boroughbridge. I have therefore replied accurately to the hon. Gentleman.

The situation in Skipton is somewhat different. There are twin schools: a high school for girls and Ermysted's grammar school for boys. They are radically different. Ermysted's is aided; it owns its property; it has a foundation.

I have explained to the Minister the importance of the headmaster in Ripon seeking technology status in turning the school towards a new agenda, with a very clear unique selling point, to use the modern jargon. If the threat of reorganisation is to hang over that school, it can wave goodbye to the idea of technology status. Nobody would give a particular status to a school where the constitution is likely to change.

How far does a ballot go in Skipton? Does it extend to the feeder schools to both secondary schools? Does it extend right up the dale to the people who are affected? Where are the limits? That is important. There is a single grammar school in Ripon. One could imagine the Minister saying that the ballot applied to its feeder schools, of which there are 32 or 33. Some send one child a year—or perhaps one child every other year—to the grammar school.

10.45 pm

There are 16 or 17 feeder schools for Skipton high school, many of which are out of the area. People flee from the Keighley area, in Bradford metropolitan borough council, to North Yorkshire for their education—about which nobody can really complain. Is it conceivable that Ripon grammar school would go comprehensive, to leave the two schools in Skipton? Is it conceivable that the two schools in Skipton would go comprehensive, to leave Ripon grammar the sole selective school in North Yorkshire? Does the Minister accept that, in practice, it is all or nothing for those schools—and accept equally the schools' different constitutions, which create a problem for him?

Who ballots? I accept that the Minister has not made up his mind. I accept that his letter set out a series of hypotheses. My speech is to encourage him to look hard at those hypotheses. Ripon grammar has 32 or 33 feeder schools. As my right hon. Friend the Member for Charnwood said, under the Bill, the parent of a child in the first form of a primary school would have a vote, but the parent of a child in the first form of the grammar school, who expected their child to attend that school for six more years, would not have a vote. There is a question of natural justice.

We must ask a further question: if the vote is extended to the grammar school, would it be extended to the other secondary schools in the area? I realise that that is a problem with which the Minister must grapple. I suspect that he wishes that it would go away. That is one element I share with him. The agenda must look forward. The proposals look backwards. We would both like to eliminate the backward-looking agenda.

Mr. Hilton Dawson (Lancaster and Wyre): Coming from the city of Lancaster, I have some understanding of what the right hon. Gentleman is saying. In arguing for the status quo, he is surely undermining the case of his right hon. Friend the Member for Charnwood (Mr. Dorrell) that parents should be able positively to ballot in favour of grammar schools.

Mr. Curry: If it is a postulate of the Government that people should be able to change a school from a grammar school to a comprehensive school, and if the Government believe that we should have a diversity of education, it must be intellectually consistent to argue that parents should also be able to ballot to return to grammar school status. I do not think that that would happen often. I said in my very first sentence that we should look towards performance and not form in education.

I do not think that my party's campaign for a grammar school in every town made a great deal of sense. I did not think that the Labour party's views on grammar schools, which kept changing with every blow of the wind, made a

great deal of sense; nobody knew where it stood. Sensible people on both sides of the argument wanted to bring it to an end. We wanted to look towards performance and delivery.

In the modern world, public services are increasingly asked to demonstrate that they can justify the funding spent on them. That is right; I have no quarrel with that.

A ballot must be requested by 20 per cent. of parents—but over how long? Will the list be open for a month or a year? We know what will happen; people will persuade others to sign for a ballot on the grounds that they are not voting to change the school, but merely voting for a debate. It is a bit like Members of Parliament being asked to sign early-day motions—nothing will happen; it is just an expression of opinion. Before we know where we are, ballots will be triggered.

Mr. John Bercow (Buckingham): My right hon. Friend has put his finger on an important point. Does he agree that, if the period in which signatures can be collected is not limited, we will be in danger of creating a charter for militant political activists—for what Harold Wilson described, in a different context, as a small and tightly knit group of politically motivated men?

Mr. Curry: We are in danger of creating an almost permanent situation similar to that on the board of Newcastle United over the past few days. Such uncertainty would be to everyone's disadvantage. How long will the petition be valid? If there is no time scale, the five-year gap between ballots does not mean much, because people can collect signatures in the meantime.

Mr. Brady: Does my hon. Friend agree that it would be wrong for it to be possible for a petition to roll over to a subsequent year, given that the parents who had signed it may not be part of the eventual electorate?

Mr. Curry: I absolutely agree. Someone who had signed a petition in the initial stages might no longer be eligible to vote by the time of the ballot.

How will campaigns be funded? Rightly, local education authorities are to have no say. Governors are also apparently to have no say. However, I am worried that organisations such as the National Union of Teachers will throw hundreds of thousands of pounds at the campaign to comprehensivise British education.

I should like the Government to issue regulations. They should at least have a view on the funding of campaigns. The Freedom Association, or some similar organisation, will come in on the other side. Before we know where we are, megabucks will be thrown at the campaign. In the ideological battle, people will forget that kids' future is at stake. Opinion in small towns will be polarised, and a divisive bitterness will re-emerge in communities.

If a ballot results in a vote for reorganisation, who will pay for it? The reorganised schools would not use the same buildings in Ripon or Skipton. Where would funding come from for the necessary major physical reorganisation?

I accept that the Minister probably wishes that he did not have to bring the proposals forward. They are the tail end of the old policy. The Government would—rightly—prefer to address a more forward-looking agenda. In many respects they have done so. I support that. Arguments about structures are out of date. We have tried to move the agenda to what happens in schools. How do we improve performance? How do we judge performance? How do we ensure value for money? How do we know that people are getting what they are paying for in education? How are their natural aspirations being achieved?

In the many small towns that still have grammar schools, I foresee a sustained period of bitterness and polarisation.

Mr. Campbell-Savours: So you assume you will lose.

Mr. Curry: I do not assume that. The hon. Gentleman should listen to what I am saying.

Mr. Deputy Speaker (Mr. Michael Lord): Order. More importantly, Members should not intervene from a sedentary position, and Members who are on their feet should not respond to them.

Mr. Curry: I regret that my natural courtesy overcame protocol.

We need to move the agenda forward. Grammar schools still exist. If they were continuing to fire the old salvos across the road at the secondary moderns, I should not leap to their defence. I do not leap to their defence on ideological grounds. Frankly, if anyone could not run an effective education system in the socio-economic conditions of north Yorkshire, my advice would be, "Give up." That is true of Kent and Sussex too, and of large parts of Essex.

I do not believe that comprehensive education would be a catastrophe in North Yorkshire. Heavens above, we have good enough conditions there for it to work. I am asking, "Is it worth the candle?" Do we really want to go back to that argument, or should we look forward to a different agenda in which, most importantly, the secondary modern schools will be able to find a new role in the world?

It is a great mistake to assume that the debate is about grammar schools alone. It is also about the other schools, and about giving secondary moderns a chance to find a new vocation—if I may use a Gallic word that I hope my hon. Friends will not misinterpret—so that they can carve a valid, different, high-quality place for themselves in the education world. If we can do that, we can put the old arguments behind us.

Mr. Dawson: I take the right hon. Gentleman's point about the debate being not only about grammar schools but about the other schools too, but if the system that he describes is so good, would it not be a mark of confidence in that system to hold a ballot? Would not the system be validated by a ballot?

Mr. Curry: That may be so, but we know precious little about the details of the ballots or about who would be able to vote. The evidence is circumstantial; we know little about the time scale, and little about the funding. We need precision to be able to come to the judgment that the hon. Gentleman suggests.

Mr. Dominic Grieve (Beaconsfield): Does my right hon. Friend not agree that Labour Members have been the masters of the art of looking to focus groups? If the

[Mr. Dominic Grieve]

Government wanted to go and find focus groups to register approval or disapproval of the grammar school system, they would have no difficulty in finding them in my constituency in south Buckinghamshire, and I know what the answer would be.

Mr. Curry: My hon. Friend is confident about the outcome of a ballot. I do not make a judgment about that, because my argument is not about whether grammar schools are a "good thing" or a "bad thing". I am simply arguing that the measures before the House would lead to a period of uncertainty, and certainly to a period of division and argument. Above all, they would force the schools concerned to turn their backs on the progress that they are now making towards more extensive co-operation and the creation of a separate identity that works, and that delivers diversity of education, based on excellence in each case.

Mr. Rowe: My right hon. Friend may be interested to know that some of the children who live in my constituency go to a school in the constituency of my right hon. Friend the Member for Maidstone and The Weald (Miss Widdecombe), which, far from being a grammar school, managed through a parental ballot to become grant-maintained, and this year is aiming to send at least two of its children to Oxford or Cambridge.

Mr. Curry: I look forward to the time when the city school in Ripon has a graduates club, and—

Mr. Deputy Speaker: Order. The right hon. Gentleman is now far away from the amendments, and I should be grateful if he would return to them.

Mr. Curry: The point that I am trying to make, Mr. Deputy Speaker, is that one should not get locked into a particular mindset about what a grammar school can do and what a comprehensive or a secondary modern school can do. If people set their minds on developing those schools instead, they can achieve remarkable things—but they have to begin by putting the old arguments aside. In Ripon and Skipton, we are doing that.

The Bill would drag back those old arguments remorselessly out of the past, and that is wrong. I believe that we need an agenda that looks towards performance and delivery. I believe that the Minister, whom I respect considerably, wishes to do that too. I wish to help him, so I hope that, when he finalises the provisions in the Bill, he will bear those points in mind and look resolutely forward towards how we are to deliver education in the future—in diversity, but with excellence—rather than back towards old arguments that were destructive in the past, and will simply prolong that destruction into the future.

11 pm

Miss Widdecombe: I wish to address amendment No. 165, standing in my name, dealing with the gagging clause that the Government have seen fit to insert in the Bill, which prevents a grammar school or its governing body from campaigning or proselytising during the period of a ballot. It is odd that we will have a vote which may not be preceded by a debate among those most concerned in the outcome. Not only do we not know the rules that will govern the ballot, but the most interested parties—the ones whose voices need to be heard locally—will not be allowed to campaign during the ballot.

In my constituency, there are five grammar schools, and they will not be able to state the case for their own continuation. The Conservative county council—which wishes to continue with grammar schools—will likewise not be allowed to put its case. As my right hon. Friend the Member for Skipton and Ripon (Mr. Curry) said, there is nothing to stop any organisation from arguing general principles nationally, but there will not be that opportunity locally—because, under the Bill, there may not be a proper debate.

When this matter was raised in Committee, the Minister's response was that the Government did not want public money used to promote large-scale campaigns during a ballot. That is perfectly fair. All my amendment does is to put that in the Bill. At the moment, the Bill says that bodies concerned "shall not" publish any material, give any financial aid or otherwise campaign. I am simply proposing to add three little words to "shall not"—"at public expense". That leaves heads, governing bodies, parent-teacher associations and anybody who has an interest in the outcome of the ballot free to make the arguments known.

The parents, teachers, heads and governing bodies of Kent would have been offended by the mirth that has been exhibited by Labour Members this evening in discussing something of major importance to them and to the future of their children.

Several hon. Members *rose—*

Miss Widdecombe: I shall give way to my hon. Friend the Member for Faversham and Mid-Kent (Mr. Rowe).

Mr. Rowe: I am flattered that my right hon. Friend has prioritised me. If I understand her correctly, she is suggesting that if, for example, a school's governing body wanted to have some influence on the debate, it should resign en bloc from its position as the governing body. It would then be entirely free to campaign. This seems to be nonsense. I have no doubt that people listening to the arguments that the body puts forward would rather know that it is associated with the school than finding that it is, in some curious way, forced to conceal it.

Miss Widdecombe: That is not what I am suggesting, but it is the only possible reaction to the situation that the Government have created in the Bill. People will look for ways around the measure. My amendment is straightforward, and I am amazed that the Minister is not embracing it. Apparently it deals with his objection, which is the use of public money.

Mrs. Browning: Is my right hon. Friend aware that, in Committee, we referred to the amount of publicity that trade unions could produce in such a ballot? The Minister said that they were external bodies, and nothing to do with him. Experience of grant-maintained schools, however, has taught us that they would have considerable influence, given their resources. The bodies to which my right hon.

Friend is referring would have no power against a body such as a trade union unless the Bill contained the powers as she is defining them.

Miss Widdecombe: My hon. Friend is right, and she does well to remind the House of that exchange in Committee, and the deductions that can be made from it.

I tabled the amendment at the direct request of the head of one of my grammar schools, with the support of other heads of grammar schools. They were severely concerned that there would be a vote but that there would be no input in the debate from the grammar schools.

Mr. Damian Green (Ashford): Is my right hon. Friend aware that parents as well as heads and governing bodies want to take part in the ballots? That is shown by the fact that, next year, both the grammar schools in my constituency—Highworth school for girls and the Norton Knatchbull school for boys—will have to impose a further entry condition because of their popularity among a wider and wider range of parents in and around Ashford.

Miss Widdecombe: Indeed. I heard sedentary comments—to which, of course, I should not respond—asking whether I was afraid of the outcome of the ballot. I refer hon. Members to what happened when a BBC crew conducted a vox pop in the streets of Maidstone on the continuation of grammar schools—the response was 100 per cent. in favour. Interestingly, the crew did not approach people who looked as if they had children who were currently at the grammar schools; it approached those with tiny children—people who certainly did not look as though they had had a grammar school education. Nevertheless, 100 per cent. wanted to keep the grammar schools.

Mr. Fallon: Will my right hon. Friend give way?

Miss Widdecombe: Now, of course, I shall certainly give way.

Mr. Fallon: Last, and quite clearly least.

On that point, will my right hon. Friend bear in mind the fact that, by definition, some of the people who were interviewed would have voted for the Labour party at the general election? Likewise, some of the people who will be disfranchised at those schools will be members of the Labour party. Will she comment on the absence of support for Labour's proposal from Labour Members who represent Kent?

Miss Widdecombe: That is a telling point. I must tell my hon. Friend that I chose my two other hon. Friends before him purely on a geographical basis—confronted with an embarrassment of riches, I had to find some way in which to select, so I chose on a distance criterion. He is, of course, right—both Labour and Liberal supporters wanted to maintain the grammar schools.

Mr. Dawson: If the schools are as popular across the political spectrum as the right hon. Lady says, what on earth is she worried about?

Miss Widdecombe: If the hon. Gentleman had been paying attention in class, he would have heard me say that I was not worried about the outcome in Kent. That does not mean that I want a silly, unfair system in which there is no reasonable debate before the ballot, and in which major national bodies—trade unions and others—can wage a campaign in Kent, whereas the grammar schools will be gagged. The clause is a gagging measure.

The Labour Government have let down the people of Kent. During the general election, I was repeatedly told by people who claimed to be Labour supporters, and whom I had no reason to disbelieve, "It's all right. They won't do anything to the grammar schools when they get in—the grammar schools are safe with them." I reckon that many parents in Kent now bitterly rue the way they voted in the election.

Mr. Brady: I thank my right hon. Friend for giving way. I hope that she appreciates the fact that I am helpfully intervening in strict geographical order.

The hon. Member for Lancaster and Wyre (Mr. Dawson) made a telling point, on which I should be interested to hear him expand. If he believes that comprehensive schools are so popular, I presume that he will support amendment No. 177, which would give parents of children in those schools the chance to vote on whether the comprehensive system should be maintained.

Miss Widdecombe: Indeed, my hon. Friend puts an unarguable proposition to the hon. Member for Lancaster and Wyre (Mr. Dawson).

Mr. Llew Smith (Blaenau Gwent): Will the right hon. Lady explain how she can tell whether someone has been to a grammar school?

Miss Widdecombe: I could not tell, but the BBC crew reckoned they could, so the hon. Gentleman had better put the question to them.

The BBC crew made a point of approaching a range of people of different ages—people who looked as though they might have children at secondary school or at primary school, and people who looked as though they came from a range of professions and occupations—and 100 per cent., from all political persuasions, wanted to keep grammar schools.

That view will be reflected in future votes in Kent. Where are the Kent Labour Members? What are they saying on behalf of the parents who want to keep grammar schools in Kent? We have heard from the hon. Member for Lancaster and Wyre, and the hon. Member for Workington (Mr. Campbell-Savours) often shouts out interventions, but their constituencies are a long way from Kent. Where are the Labour Members from Kent?

Mr. Rowe: Kent has more grammar schools than any other county, and a proud record of fighting to defend their right to remain as grammar schools. That battle, which had to be fought not only against Labour but, sadly, against the Conservative Government, was fought successfully.

We strongly believe that we have nothing to fear from a ballot. In many respects, the nature of the ballot that is imposed on us does not matter much. It is perfectly clear that the Labour Government have absolutely no idea what sort of ballot they ought to run. They are full of internal contradictions and paradoxes, and they will not find it

[Mr. Rowe]

possible to run a credible ballot on the lines that have so far been suggested. Kent is ready to go along with whatever ballot they decide on.

In any debate about selective education, it is never suggested that the schools that have selection are inferior; the suggestion is always that they somehow have an unfair advantage over other schools, the removal of which is the purpose of all the activity. In a country that is desperate to raise its educational standards, with a Government who have declared that their first, second and third priorities are education, education and education, there is something strange about persistently assaulting a form of education about whose standards there is no complaint.

We must find ways of raising standards in other schools to equal those in grammar schools. By becoming grant-maintained, some schools in Kent have broken free of any suggestion that they are less successful than the grammar schools, and have achieved standards of equal quality. It is a tragedy that, when the grant-maintained system was working so well, it was instantly subjected to attack.

Miss Widdecombe: Does my hon. Friend agree that Cornwallis school—one of the first to go grant-maintained in my constituency and one that also serves people from his constituency—now has a high rate of university entrance and is looking forward to its first Oxbridge entrants?

Mr. Rowe: I entirely agree; that was the point that I made earlier. That was the school that I had in mind, but there are others.

Obviously, what is frustrating about this debate is that, although the Labour Government appear to be concentrating on a backward-looking assault on a proven system of education—

Mr. Deputy Speaker: Order. I remind the hon. Gentleman that this is a debate not about the relative merits of schools or educational systems, but about a certain group of amendments, and he is very wide of the mark. Will he please return to the amendments that are before the House?

11.15 pm

Mr. Rowe: Basically, I am speaking in support of my right hon. Friend the Member for Maidstone and The Weald (Miss Widdecombe), because I believe, as she does, that there is something inherently absurd in debarring the people who know most about the system from taking any active part in informing the public of the merits of system in which they operate. As I said in my intervention on my right hon. Friend, the proposition that, to take part in the public debate, governing bodies have to resign from being governing bodies and conceal from the public their close connections with the schools that they are attempting to promote is nonsense. It should be written out of the Bill.

The amendment is entirely apropos the argument and it should be supported. I hope to hear that the Minister accepts that argument.

Mr. Brady: I am pleased to support the amendments on grammar schools that stand in my name and that of my right hon. and hon. Friends. As hon. Members who served with me in Committee are well aware, it is with great pride and pleasure that I not only defend the excellent grammar and secondary modern schools in my constituency, but go a little further than one or two of my right hon. and hon. Friends and recommend that the grammar school system be available to parents throughout the country. That is why I wish to speak in particular to amendment No. 177, which would give parents in areas that do not have the benefit of grammar schools the facility to enjoy those benefits if they wish.

My right hon. Friend the Member for Charnwood (Mr. Dorrell) mentioned the changes in the position of the Labour party, as did my right hon. Friend the Member for Skipton and Ripon (Mr. Curry). One unfortunate aspect is that we seem to be in between the position held by very old Labour, when Sidney Webb and R. H. Tawney supported grammar schools because they believed that they gave opportunities for advancement to people from ordinary backgrounds—

Mr. Deputy Speaker: Order. I do not think that the hon. Gentleman can have heard what I told the hon. Member for Faversham and Mid-Kent (Mr. Rowe). He should now speak directly to the amendments.

Mr. Brady: I was trying to point out, Mr. Deputy Speaker, that that education system must be available to parents whether they are in areas that have grammar schools or not. In fact, there has always been a wide spread of opinion on both sides of the House and support in the Labour movement and on the Conservative Benches for that proposition.

I shall certainly try to refer specifically to the amendments as you request, Mr. Deputy Speaker, but it is essential for parents who do not have the option of a selective education system to be able to look to areas such as mine in the borough of Trafford and those represented by my right hon. and hon. Friends in Kent and Buckinghamshire that have the benefit of that system.

It is utterly unacceptable for the Government to include provisions in the Bill, which they claim are there to give choice and rights to ordinary people and local parents to decide, when they are not prepared to be even-handed. They are not prepared to allow a ballot to institute new grammar schools where parents wish. They are prepared only to have the one-way ratchet which, they hope, will lead to the end of the grammar schools. It must not be a one-way door. If there is to be fairness, choice, an element of local democracy and decision making and a balloting procedure, it is fundamental that the system operates in both directions.

I return to the point that I made to my right hon. Friend the Member for Maidstone and The Weald (Miss Widdecombe). The hon. Member for Lancaster and Wyre (Mr. Dawson) believes that, if we are confident of the popularity of the grammar schools in our constituencies, we should be happy with the balloting arrangements. He cannot argue that we should be comfortable with the balloting arrangement, however

structured, when Labour Members are not prepared to accept the same proposition for the system of education that they seem to prefer. *[Interruption.]*

Mr. Deputy Speaker: Order. General conversation appears to be breaking out. I should be grateful if hon. Members would listen to the hon. Gentleman who is speaking.

Mr. Brady: I look forward to some meaningful and intelligent interventions from Labour Members, if they can refrain from the juvenile gestures that they are making. They must explain why they are not prepared to allow parents across the country the choice of looking at the success of the grammar school selective education system, and deciding that it patently works and should be replicated in their areas. The results of the system in the borough of Trafford, which has the best A-level results in the country, or in Buckinghamshire, which has the best GCSE results in the country, show the quality of selective education. Parents should be free to consider that and to decide that they want that education to be available for their children, and not just in those few areas fortunate enough to preserve grammar schools.

If the Government accepted the amendment, it would have the important effect of demonstrating the good faith of the pledge that they made before the Wirral, South by-election and of subsequent occasional comments on the subject. It would remove the thread of hostility to grammar schools that runs through not only the Bill but nearly everything that Labour Members say on the matter. The amendment would allow access to the excellent academic results that selective education can give.

Mr. Levitt: Why would parents vote for a selective system in which four out of five would not qualify because of the process of selection, which classifies four out of five children as failures, and which makes its education, however excellent, accessible to only a small minority?

Mr. Brady: I thank the hon. Gentleman for bringing on my next point and, in a sense, underlining it.

Different selective systems involve different percentages. That is not a particularly relevant concern. If the hon. Gentleman believes that parents will not vote for the selective system because they do not believe that all children will go to grammar schools, he must explain why it is not reasonable to allow other parents the same balloting procedure. The hon. Gentleman is confident that they would not wish to take that option up, but if he is so confident, why will Labour not allow parents that choice? He says that parents will not accept it, but I think that they may in certain circumstances.

The reason for that is clear from a selective system that works and has developed over the years as it should have. I speak from strong personal experience, although I admit with some shame that I was only deputy head boy of Altrincham grammar school. With a system that works to the advantage of all local children, not only through excellent grammar schools but through excellent secondary moderns across my constituency, we can see the result of a system that has been developed as it should have been.

I have accepted throughout this debate and in Committee that flaws in the implementation of the system arose from the Education Act 1944. Those parts of the Act, those pillars of the tertiary system, that were not properly resourced and put in place should be encouraged and built up. It should be a case not of using a skewed balloting arrangement to level down and to remove quality and excellence where it exists but of allowing all the schools to rise to the same standards.

Mr. Jonathan Shaw (Chatham and Aylesford): In Kent, 50 or 60 per cent. of children in many secondary schools have special needs. How will schools right across the board rise to the level of the grammar schools, which cream off the top 30 per cent?

Mr. Brady: The hon. Gentleman makes a rather tendentious point. I do not argue that all schools will achieve the same A-level results or the same type of highly academic education, or that the output—

Mr. Deputy Speaker: Order. I am sorry to have to stop the hon. Gentleman again, but will he now return from general debate to the amendment?

Mr. Brady: I apologise, Mr. Deputy Speaker. I was trying to deal directly with the point put to me by the hon. Member for Chatham and Aylesford (Mr. Shaw). I should have been delighted to do that, but I accept your strictures and will move on. *[Interruption.]* In an English school, as well.

The critical point is that selection by ability is not only about creating grammar schools. It is about providing the best form of education for each type of child, each type of educational ability—dare I say it, each aptitude. Perhaps I should use those words interchangeably.

The quality of the results from secondary modern schools in my constituency, such as Ashton on Mersey school—which has received two outstanding awards from Ofsted and two charter mark awards, has now been made a sports college and is achieving better academic results than most comprehensive schools—demonstrates the value of a good selective system. I have the greatest pleasure, therefore, in supporting the amendment to promote the choice of parents in areas where there are no grammar schools. I also support the other amendments in this group.

Some critical effects must be understood in looking at the balloting arrangement. The proposal for LEA-wide ballots runs through the structure of the outline procedure on balloting and through the provisions in the Bill, and certainly impacts on my local schools. The justification for such ballots is supposedly that the future of one school is intimately bound up with the future of other schools. That has a critical relationship with the importance of being able to create new grammar schools in particular areas and particular circumstances.

There may already be an imbalance, especially in areas that do not already have fully selective education systems, but have some grammar schools. There may be an imbalance if there is just one grammar school, or an imbalance in single-sex provision by grammar schools. To take the example of Altrincham, there may be different denominational grammar schools. In those instances, it is essential that there is a procedure whereby education provision can be evened out and a new grammar school put in place to ensure proper and fair provision between sexes and denominations, or to ensure that there are sufficient places.

[Mr. Brady]

The hon. Member for Chatham and Aylesford made a point about the percentages of children in different schools. The decision may be taken, or parents may take the view, that it is appropriate to have a greater percentage going into grammar schools, in which case it would be appropriate for them to vote in a ballot to increase grammar school provision in their area.

We must not forget that, if grammar schools are voted out of existence through the balloting process as it stands—a one-way door, a ratchet—we shall see not only grammar school status disappearing, but mergers and the restructuring of education systems in large parts of the country. That will create imbalances that can be evened out only by the provision of new grammar schools in areas where parents want them.

It is tragic that the Government have sought to avoid responsibility on this issue. Ordinarily, I should be happy to support the idea that a decision of this sort should be taken locally, by a ballot if that is the appropriate means of doing it; but I fear that underlying the Government's attitude toward our arguments and to the amendment that would extend ballots and choice to other parents is an unfortunate state of affairs whereby Ministers are trying to avoid responsibility. The Government are trying to farm the issue out to local ballots because they do not want to take responsibility as a Government or even as a party at local authority level.

I see my neighbour, the hon. Member for Stretford and Urmston (Ms Hughes), sitting opposite; she will know well the constant battle over grammar schools in the borough of Trafford over the years. The Government are keen to remove the whole issue from the normal political arena precisely because of the popularity of grammar schools. It is most reprehensible of the Government to refuse to accept that all parents should have the same rights to vote in ballots. They refuse to accept responsibility and are farming the issue out to a skewed balloting arrangement in the clear hope and with the clear intention that, over time, grammar schools will be gradually chipped away.

Mr. Bercow: Does my hon. Friend agree that, if the Government want to sustain their claim that they are not hostile in principle to the continued existence of grammar schools, the best way in which they could prove their case would be to provide in the Bill for a minimum turnout requirement in the ballots?

11.30 pm

Mr. Brady: I should be happy to have a minimum turnout requirement. However, I suspect that, for once, I disagree with my hon. Friend, because I think that the best way for the Government to demonstrate their good faith would be for them to accept the amendment. Doing so would clearly demonstrate that they believe in the principle of local decision making, that all parents should have an equal right to make decisions of that sort and that all parents should have a choice. It is most unfortunate that the Government do not accept that argument.

If the Government seek to defeat the amendment, as I fear they might, they will be putting their cards on the table and making it clear to the British people—especially those in constituencies where grammar schools exist, or those in nearby constituencies—that the Government harbour the same hostility toward grammar schools as Labour Back Benchers. In some ways, I should welcome a more honest and open approach from the Government than the weasel words which we have heard so far. In opposition, the Labour party says one thing when a by-election is pending; in office, it does another. That is most unacceptable.

Amendment No. 179 would be a crucial improvement to the Bill. It would tidy up the anomaly whereby in those areas where there are only some grammar schools and not a wholly selective system parents of children currently attending grammar schools are not able to vote in the ballot. That is utterly unacceptable to the parents of such children—they have a clear and direct interest in those schools. The words that the Government employ in their outline of the balloting procedures are clear: they say that the objective of the procedure is to give the choice and decision on the future of those grammar schools to those parents who have a direct interest in the future of those schools. However, the Government are still not prepared to allow those with the clearest possible direct interest—parents of children attending those schools—a vote on the future of those schools.

Amendment No. 179 would remove an anomaly. It would create fairness and it would be seen to be fair. The Government should recognise that there would be some clear benefit in that.

My right hon. Friend the Member for Charnwood referred to a letter from the heads of the Reading and Kendrick schools. They draw attention to several serious anomalies and unfairnesses in the proposed balloting arrangements, and it would be constructive to consider one or two of them. The heads of the Reading and Kendrick schools say:

> "If feeder schools are Junior rather than Junior Mixed and Infant, this means in some ballots Years R/1/2 parents will have votes, in others they will not. The right to vote will be determined by the detail of primary organisation. This is demonstrably both inconsistent and unfair. A common provision is needed."

They also make clear the fact that the Reading and Kendrick schools have received children from more than 150 feeder schools during the past few years.

All those arguments point clearly to a balloting arrangement that is ill thought out and patently unfair, and which will not be well received in those parts of the country that are still pleased, proud and fortunate to retain grammar schools and selective education.

Finally, I shall discuss amendment—[Hon. Members: "Hear, hear."] I said that I had reached the final amendment that I would discuss; I did not give any hint about the detail in which I would discuss it. It is amendment No. 160, which is especially important to parents in my constituency.

It is vital to enshrine in the Bill provisions to ensure fairness in the balloting procedures, not just for the normal maintained county grammar schools, some of which are to be found in my constituency, but for the denominational grammar schools in my constituency.

There are two Roman Catholic grammar schools in my constituency. Under the Government's outline proposals on the balloting arrangements, the future of those schools will be decided not by the parents of children attending those schools, or by Catholic parents in my constituency, or even by Catholic parents throughout the borough of

Trafford; their future will be decided in a single ballot, which will apply to Catholic schools and to non-Catholic schools. The Government's approach shows no consideration for the position of Catholic parents in my constituency, or in the borough of Trafford.

Amendment No. 160, which would allow the Government to take separately balloting arrangements on denominational grammar schools, has a vital purpose in restoring some fairness and balance to the Government's proposals. It would give Catholic parents the decision on the future of Catholic schools.

I suspect that such a position arises in very few parts of the country. Altrincham and Sale, West may be the only constituency in which there are two Roman Catholic grammar schools. Therefore, it is especially important—*[Interruption.]* I know that the hour is late, but the Secretary of State has had plenty of time out of the Chamber, and he could have had a strong cup of coffee to sustain him through this time. It is very unfortunate that he should yawn volubly during discussion of a crucial matter for the future of Catholic schools in my constituency. That is clear evidence of the trivial approach that he and his colleagues have taken to the future of denominational schools.

Mr. Blunkett: Perhaps the hon. Gentleman will explain to the House, in words of one syllable, how allowing children into a Catholic secondary school without an 11-plus threatens the school, the pupils or the ethos of the Catholic religion that they seek to obtain? Will he withdraw his remark, on the ground that he is seeking to frighten people into believing that selection is essential to keep the school open or to continue to have Catholic education available to those children?

Mr. Brady: I am pleased that I now have the close attention of the Secretary of State. I have no intention of withdrawing my remarks, because they represent the views of parents, as expressed to me when visiting the Catholic grammar schools in my constituency. It is unfortunate that the right hon. Gentleman bats aside such serious and legitimate concerns.

Mr. Byers: I have a simple question: does the amendment have the support of the Church education authorities—yes or no?

Mr. Brady: The amendment has the support of the Catholic grammar schools in my constituency. The Minister should accept that it is my responsibility to represent the interests of my constituents, and I shall do so.

Mrs. Browning: Having visited the Catholic grammar schools in my hon. Friend's constituency just two weeks ago, I am concerned to hear that Ministers believe that parental preference and the views of teaching staff are secondary in the way in which the Government assess what they would call fair and just. When the Government took office, we heard, "Fairness and justice; fairness and justice; fairness and justice." There is nothing fair and just about ignoring the sincere and firmly held views of parents and staff. Does my hon. Friend think that, when the Labour party prays in aid—*[Interruption.]*

Mr. Deputy Speaker: Order. That is an excessively long intervention.

Mr. Brady: I thank hon. Friend the Member for Tiverton and Honiton (Mrs. Browning) for her intervention. Not only is there nothing fair and just about the way in which the Government are approaching the matter; it is not consistent with the principles that they have previously stated. Once again, the Government are failing to take into account their stated principle that the parents with a direct interest in the future of a school should decide the future of that school.

This is another clear instance of the Secretary of State—who is now indulging in ribald laughter instead of taking the point seriously—giving the right to vote in the ballot and make a decision not just to the parents with a direct interest in the future of the Catholic grammar schools, but to all the parents in the borough of Trafford. That is a clear breach of the principle that the Government have previously stated.

Mr. Levitt: If the only Catholic school in an area is a selective school, and a Catholic parent wishes to send his child to that Catholic school but the child fails the selection process, what choice is there for that child to attend a Catholic school? None at all.

Mr. Brady: I am pleased that the hon. Gentleman has given me the opportunity to mention another of my excellent local schools—the Blessed Thomas Holford school, which is a fine Catholic secondary modern. Currently, if children do not get into the Catholic grammar schools, they have the option to go to the Catholic secondary school, which achieves results rather better than most comprehensive schools. It is another clear example of how a selective education system works, but I know that you, Mr. Deputy Speaker, will not want me to pursue that point further.

On the specific point raised by the hon. Member for High Peak (Mr. Levitt), I can say only that I am pleased to have a variety of Roman Catholic schools in my constituency—*[Interruption.]* The Government proposal will limit choice, certainly for my constituents. That is unacceptable. The hon. Gentleman is looking puzzled, so I shall explain why. This might be relevant to the point raised by the Secretary of State, who has again disappeared from the Chamber.

The two Catholic grammar schools in my constituency were independent until last year. They were so impressed by grant-maintained status that they chose to opt into the state system so that they could take children regardless of their ability to pay. They are now providing free grammar school education to my constituents within a Catholic environment. As a result of the Government's proposals for the removal of grant-maintained status and the threat to grammar school status, at least one of those grammar schools, St. Ambrose college, is giving serious consideration to the possibility that the only way to protect its status as a Catholic school and as a grammar school is to leave the maintained sector again.

That should be a source of great embarrassment to Ministers and Labour Members. If they are creating an education policy that has the perverse effect of driving

[Mr. Brady]

away good schools, to the extent that those schools not only change their status but leave the maintained sector, the policy is having an appalling effect.

The Minister has spoken of standards, not structures, but the Government's proposals are having a terrible effect and destroying a structure that works and provides choice. In this instance, their proposals are potentially even driving a school away from the maintained sector. That, in my view, is the definition of a failed education policy.

11.45 pm

Mr. Fallon: I shall speak briefly to amendment No. 179. I do so on behalf of my constituents who are parents at the Judd school and those who are parents at grammar schools in Dartford, Tunbridge Wells and elsewhere in Kent. Those are the parents who will be disfranchised under the ballot proposed in the Bill.

Many of those parents may have supported the Labour party at the general election, in Dartford and elsewhere in Kent. They may have been beguiled by that Labour slogan, "Standards, not structure", yet here we are, nine months later, debating structure, rather than standards. Any hon. Members who doubt that have only to look at clause 96(7):

"In this Chapter 'grammar school' means a school for the time being designated under this section."

Grammar schools reflect not just the designation of Ministers or the prescription of councils. They reflect above all the consent of their communities and the approval of the parents who send their children to them. By disfranchising parents from the ballots that will decide the future of those schools, the Government are proposing a monstrous unfairness. I want the Minister to reconsider that disfranchisement.

When we proposed ballots for grant-maintained schools, we did not get the ballots and the rules for them entirely right. We subsequently revised them. However, two points are clear. First, we had the courage to write those ballots into the Bill. That is not the case in the present Bill. Pieces of paper were simply circulated in Committee. I defy any hon. Member to read the four relevant clauses and say how the ballots will work. They are being left to subsequent regulations.

Secondly, we made sure that where there were to be ballots for grant-maintained schools, they involved the parents of the schools. That was our cardinal principle. We did not enforce grant-maintained status. It was one of the options for status under the Education Reform Act 1988. The schools could have been local authority schools, city technology colleges or grant-maintained schools.

Mr. Rowe: Does not the method chosen by the Government, of making regulations later, raise the—I am sure unworthy—suspicion that they are waiting to analyse the results of their various focus groups, so that they might create the type of ballot that they think will give them the answer they most want?

Mr. Fallon: That may well be the case. I suspect that, in those four clauses, old Labour is still at work, and Labour has not properly thought through how it can move to the new Labour ground of effective consultation.

It is noteworthy that, even in those local authorities where Labour took control and which have retained grammar schools, those Labour-controlled local authorities did not propose abolition of grammar schools, although they had the opportunity under the current statute to do so. Those Labour-controlled local authorities feared the reaction of local parents. Now, those precise parents will be the only group in their local area to be disfranchised. That is what Labour means by democracy.

Unless we pass amendment No. 179, those four clauses will be another example of the politics of envy. If Labour Members really believe in excellence, they should be attempting not to abolish but to extend—to build on the success of grammar schools, to build on the support that parents give to grammar schools, and to rejoice in that support—and to determine how they can strengthen the relationship between parents and their schools in other schools across our country.

Mr. Fabricant: I rise not in defence of any grammar schools in my constituency—I have none—but in defence of those constituencies, including Lichfield, which may want the opportunity to have a grammar school.

First, however, I join the clarion call of my right hon. Friend the Member for Maidstone and The Weald (Miss Widdecombe), who asked why Labour Kent Members were not in the Chamber for this debate. I should like to know where the hon. Member for Wirral, South (Mr. Chapman) is. I was there for the Wirral, South by-election and heard him say that grammar schools were safe in Labour hands. It should be noted that he is not in the Chamber tonight.

Amendment No. 177 would deal with the asymmetry of the legislation, which says that there should be a ballot to get rid of grammar schools—

Mr. Campbell-Savours: Good.

Mr. Fabricant: The hon. Gentleman says, "Good," from a sedentary position. However, if he supports balance, fairness and opportunity, which he talked about often enough in the general election—he nods assent now—why will he not also support balance in allowing grammar schools in areas that have none—*[Interruption.]* Mr. Deputy Speaker, although I shall heed your earlier admonition not to respond to sedentary interventions, the Government Whip, the hon. Member for Plymouth, Devonport (Mr. Jamieson), has just said, "Because you lost the general election." He defiantly tells parents, "You fell for our con. You voted Labour. You actually believed our promise that choice was safe in our hands. Now hear what we arrogantly say: there can be only one-sided ballots—to get rid of grammar schools, not to create them."

As I said in an earlier intervention, arrogant Labour Members and the Minister without Portfolio attack the BBC—perhaps rightly—for dumbing down, yet they belong to the very party that wishes to destroy centres of excellence. What hypocrisy. [HON. MEMBERS: "Where is he?"] He came in earlier, but scurried out.

As my right hon. Friend the Member for Charnwood (Mr. Dorrell) said, there is a one-way ratchet. Once the decision has been made to get rid of a grammar school, history and excellence are destroyed.

I have a constituency interest—

Mr. Bercow: Will my hon. Friend give way?

Mr. Fabricant: I am a generous person, and I shall give way shortly.

King Edward's school in Lichfield was founded 500 years ago. It was a grammar school, and Dr. Johnson was educated there. I know that some parents of pupils there would like the opportunity to choose whether it should be a grammar school again, but that opportunity is not being made available.

Mr. Bercow: My hon. Friend referred a few moments ago to the Minister without Portfolio. Is he aware that the Minister benefited from a grammar school education? Does not he think it appalling and typical that the Minister is not in the Chamber now to witness the dirty work that he expects others to do in his name?

Mr. Fabricant: I thank my hon. Friend, but the Minister without Portfolio is not the only one who benefited from a grammar school education—the Minister for School Standards, who wants to be the hangman for opportunity in this country did, too. *[Interruption.]* The Government Whip, the hon. Member for Devonport, is another, and I am told that there are more.

A great opportunity is being destroyed. There is to be no opportunity to vote for a grammar school, and although there is to be an opportunity to get rid of a grammar school, it is not the parents of children who attend that school who can make that decision. Why not? If I were a suspicious person, I might say that it is because the Minister for School Standards, who benefited from a grammar school education, believes that, if those parents were balloted, they would want grammar schools to maintain their status. So what do the Government do? They are so determined, for dogmatic reasons, to destroy grammar schools that they disfranchise the parents of children at those schools and allow only the parents of children at the feeder schools to vote. They know that the majority of the parents of children at feeder schools would want all their children to attend a grammar school, and therefore think that the ballot would come out in their favour.

The Bill is ill thought out, as well as being asymmetrical and unfair. There is no mention of a quorum. How many people are going to be allowed to vote to do away with history? Will it be five or 10? If that many parents vote in favour of a change of status while the others stay at home, will that be sufficient to destroy certain schools and history, simply because of the politics of envy?

As my right hon. and hon. Friends have pointed out, there is no control of funding. What is to stop the National Union of Teachers and other pressure groups paying for campaigns to make sure that schools with an excellent history are destroyed in the way that I have described? There has been no consideration of this point, either in Committee or in the Bill itself. If, despite all the odds that the Minister has set up to try to destroy grammar schools, the ballot fails and a grammar school is maintained, there is absolutely nothing in the Bill to prevent another ballot from taking place five or 10 minutes later.

The Bill is ill thought out, and it shows the intrinsic weakness of new Labour. When it comes down to it, new Labour is no different from old Labour. All the Labour party wants is to destroy choice, opportunity and excellence; it wants to level down, and it despises the excellent.

Mr. Geoffrey Clifton-Brown (Cotswold): Does my hon. Friend agree that the Bill will do what Shirley Williams and old Labour could not do, and abolish all the remaining grammar schools? Far from being new Labour, this "new Labour" party is old Labour, with all the venom and spite involved.

Mr. Fabricant: The Labour party is not just following in the footsteps of Shirley Williams; it is following in the footsteps of Anthony Crosland, who thought that it was his holy crusade to destroy excellence—an excellence that had been created so that people like the Ministers present tonight, who may or may not have been born with silver spoons in their mouths, would have the opportunity given to ordinary, decent people to excel if they had the ability to do so.

As I said, the Labour party wants to level down. It despises the excellent; it wants to promote unfairness; it wants to make a virtue out of dogma; it wants to destroy parents' choice in our country. More important, it wants to restrict the choice of our children and the future of the nation. I hope that the Labour party—and the Minister, who benefited from a grammar school education—will consider adopting amendment No. 177.

12 midnight

Mr. Oliver Letwin (West Dorset): I had not intended to speak, but since my election I have made a practice of noting the times when my right hon. Friend the Member for Maidstone and The Weald (Miss Widdecombe) is speaking, or has tabled an amendment. I came into the Chamber tonight to listen to her speech, and to note what she was saying. *[Interruption.]* Labour Members may have pause for thought in a moment.

Let me draw the House's attention to the precise words to which my right hon. Friend's amendment No. 165 attempts to draw its attention. Clause 97(9) states:

"An authority or body"—

in this context, a governing body—

"to whom this subsection applies shall not . . . publish any material which, in whole or in part, appears designed to influence the result of a ballot".

My right hon. Friend proposes that a codicil should be added to that, providing that such arguments should not benefit from public funds.

The issue that we are debating in the context of amendment No. 165 is not related to grammar schools, and is not related purely to ballots. It is not related to educational choice; indeed, it is not an education issue at all. We are debating an issue relating to free speech, a fundamental liberty that the House defends. Indeed, the very purpose of the House's existence is to defend free speech in this country.

Tonight the Government have an opportunity to refute a proposition that is implicit in my right hon. Friend's amendment—that they are a Government who deny, and

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wish to continue to deny, and wish to legislate to deny, the right to free speech. To refute that proposition, the Government need only accept the three simple words suggested by my right hon. Friend.

Let us remember that, in the past few months, the Government have defended efforts by the European Commission to issue propaganda in favour of certain measures, with the use of public money. They have defended those efforts on the basis that the public deserve to be informed. Here we have a harmless governing body—a group of men and women, many of whom are doubtless parents, who have put themselves forward conscientiously with the aim of understanding the interests of their schools. What do the Government propose? They propose to legislate to prevent that body—the group of men and women most closely concerned with the school—from expressing a corporate opinion about a matter that is closely related to their interests, and, in many cases, the interests of their children.

Mr. David Lidington (Aylesbury): Does my hon. Friend agree that the implication of the Bill as it stands is that, if those volunteers, the members of the governing body, pressed ahead nevertheless and spent money—not public funds, but money voluntarily donated to protect the admission arrangements of their schools—the Bill would seek to make them criminals? Is that not a complete denial of justice and democracy?

Mr. Letwin: With his customary acuity, my hon. Friend moves the debate to the next question: what is the actual effect of the subsection? Is it, as he suggests, the intent to make criminals of such a body? I do not know whether it is possible in English law to make criminals of a body corporate. That raises a most interesting question. If it is not, is such action intended to be unlawful so that it could be prevented by injunction? Are we perhaps in the terrain suggested by the Lord Chancellor, when he proposed—I believe contrary to the opinions of many of his Front-Bench colleagues—that there should be injunctions ex ante to prevent certain things from being said by the press? Are we, on the contrary, dealing with something that would enable somebody to sue a governing body? If so, on what basis? We do not know.

I very much suspect that the Minister, for whom my hon. Friends and I have considerable respect, has included the statement in the Bill without sufficient thought about the consequences not just in education but across the terrain of public liberty. What is it to legislate to prevent a body corporate that does not use public money from making a statement, perfectly reasonably, about things that intimately concern it and its community? Is it to create criminals of such a body?

Mr. Grieve: Is not what emerges from the clauses the extent to which Government Front Benchers—undoubtedly the Secretary of State and the Minister—have been torn by the realisation that only by creating a rigged ballot can they get their way? It is because they have realised that that is an unpalatable truth that they have kept the clauses so vague. In fact, they do not know what to do.

Mr. Letwin: I think that my hon. Friend must be right. Ministers hope by the vagueness of the clauses to catch much, not knowing what they may in practice be having to catch.

Mr. Denis MacShane (Rotherham): He is an old Etonian.

Mr. Letwin: I am absolutely convinced that the Government, in their better moments, cannot conceivably intend to achieve the effect that the subsection would achieve in the absence of amendment No. 165.

Mr. MacShane: He is an old Etonian.

Mr. Letwin: The Minister cannot possibly tell us that it is the Government's intention to restrict free speech in this country.

Mr. Clifton-Brown: Has my hon. Friend considered whether the Bill might be in contravention of article 2 of the European convention on human rights, on the protection of minorities and freedom of speech? Does he think that the Bill has been cleared by the Government in that respect?

Mr. Letwin: I am grateful to my hon. Friend, because I was coming exactly to that question. The situation is worse than he imagines. The Government do not rely merely on the European convention on human rights; they seek to enact it in British law. Has the Minister considered how a British court will adjudicate on the possibility of an injunction, criminal proceedings or whatever the Government may imagine under the clause, given the human rights legislation that they promote?

I cannot imagine, in the light of human rights legislation, the many things that the Government have said about freedom of information and the whole tenor of their rhetoric, that they genuinely intend to argue that free speech on these matters should be prevented by law. This must therefore be a case of legislative mischance. The draftsman must have slipped up. The Government must not have intended to put what they have included in the clause.

My right hon. Friend the Member for Maidstone and The Weald, with her customary generosity, has offered the Government in three simple words a way of defending themselves against an attack that will otherwise resonate not just for the next few weeks or months, but for coming years.

Mr. MacShane: Old Etonian.

Mr. Letwin: Such an attack will be based on the principle of free speech, which the House must support—Labour Members as much as Conservative Members.

I genuinely hope that the Minister will tell us that, regardless of whatever else he accepts, he is willing to accept amendment No. 165. If he fails to do that, he will stand convicted of believing that individuals, knowing their situation and that of their children, should not be allowed to take a view.

Mr. Bercow: I am a strong supporter of grammar schools. I should dearly like there to be more. It is natural that I should support my right hon. Friend the Member for Charnwood (Mr. Dorrell) on the amendments. I shall focus my remarks on amendments Nos. 177 and 165.

Labour Members have made some rumbustious, but not very articulate, sedentary interventions on the schooling of certain hon. Members. During the outstandingly eloquent speech that my hon. Friend the Member for West Dorset (Mr. Letwin) has just made in support of my right hon. Friend the Member for Maidstone and The Weald (Miss Widdecombe), the hon. Member for Rotherham (Mr. MacShane) made comments about the old Etonian background of my hon. Friend the Member for West Dorset. I take this opportunity to emphasise that, in supporting amendment No. 177, I am motivated by an overwhelming desire to ensure that people who have not enjoyed a grammar school education and those who do not currently enjoy such an education should offer that prospect to others in future.

Unlike Labour Members, I am not shy about my educational background. I have no hesitation in stating that I did not enjoy the benefit of a public school or a grammar school education. It was my dubious privilege to go to a mid-market comprehensive school in the Finchley constituency then represented by my right hon. and noble Friend, Baroness Thatcher of Kesteven. I am delighted that, with the assistance of a small number of outstanding teachers and some application on my part, I managed to get to university.

It is a matter of concern that, though the hon. Member for Rotherham is happy to make abusive remarks about the education of others, he is not prepared to acknowledge the reality of his own. He is probably weak on the principle of free speech, and he is certainly weak on full disclosure. In his biographical details, he is suddenly afflicted by an unusual bout of reticence, which most of my hon. Friends have not previously detected in his character. He acknowledges that he—the great anti-elitist—went to Merton college, Oxford. I believe that he gained an MA in modern history at that noble establishment.

Mr. Rowe: I assure my hon. Friend that he should not judge Merton college entirely by the hon. Member for Rotherham (Mr. MacShane).

Mr. Bercow: My hon. Friend—

Mr. Deputy Speaker: Order. I should be grateful if the hon. Gentleman would return to the amendments.

Mr. Bercow: I happily return to the amendments. I was emphasising the rationale behind the support of Conservative Members for amendment No. 177. Those who have not enjoyed a grammar school education can wish others to do so. I simply observe that, if the hon. Member for Rotherham opposes amendment No. 177 and refrains from making a proper, crafted speech, preferring to make down-market and offensive contributions from a sedentary position, he should at least—in the context, of course, of debating amendment No. 177—make his educational background clear.

Mr. Fabricant: Would my hon. Friend be interested to learn that not only are we not hearing from the hon. Member for Rotherham in the Chamber, but that any reference to where he went to secondary school has been deleted not only from "Dod" but also from "Who's Who"? The hon. Gentleman went to Merton college, Oxford, but it is a complete mystery where he was before that. Perhaps he would like to volunteer the information. Could he have been at Eton too?

12.15 am

Mr. Bercow: As you will know, Mr. Deputy Speaker, and as I am sure the House will be happy to acknowledge, I am always, everywhere and in every particular a charitable individual, so it is not be for me to impugn the motives or the integrity of the hon. Gentleman, despite the disgusting socks that he regularly sports in the Chamber.

None the less, it is a matter of legitimate concern that, although he has opposed from a sedentary position amendment No. 177, and even amendment No. 165, which was so ably and articulately explained by my right hon. Friend the Member for Maidstone and The Weald, the hon. Gentleman has declined to divulge to the House his educational background. If there is a secret of which he is ashamed, the best way to ensure that it is kept in perpetuity is to rise to his feet in the House of Commons at this time of night and make a speech.

The issues in the debate, exemplified by the amendments, are of the essence in the context of our objections to the Bill. I begin my remarks about them by acknowledging at the outset that the Minister for School Standards has been fair in giving a hearing to views different from his own.

In the presence of other hon. Members who are aware of the fact, I can tell the House that a meeting sought by my hon. Friend the Member for Aylesbury (Mr. Lidington) and attended by my hon. Friends the Members for Chesham and Amersham (Mrs. Gillan) and for Beaconsfield (Mr. Grieve) and by several Buckinghamshire county councillors was held at the Department for Education and Employment on 6 November.

The courtesy of the Minister's acceptance of our representations is not in doubt, although the soundness of his subsequent response most assuredly is. That is a matter for regret. There are good reasons why Conservative Members wish not only for the retention but for the extension of grammar schools in the United Kingdom. It is painfully apparent that not one Labour Member present is prepared to argue the case for grammar schools.

Mr. Grieve: Did it not become apparent at the meeting that we were really trying to do the Minister a good turn? One thing is certain: the loser from the Bill will be the Government. They may not get their referendums, but if they do get them they may lose them, and if they win them, there will be such disruption to the school system in Buckinghamshire that standards will fall.

Mr. Bercow: My hon. Friend is right. At that meeting and in our subsequent contributions to the debate we sought to help the Government. We attempted to extract them from the imbroglio into which their internal party politics had plunged them—

Mr. Blunkett: Imbroglio?

Mr. Bercow: If the Secretary of State for Education and Employment has difficulty in understanding that

[Mr. Bercow]

word, I suggest that he repairs to the Library, even at this late hour, and consults a copy of the "Oxford English Dictionary". I assure the right hon. Gentleman that he will find the word there.

There are good arguments both for the retention and for the extension of grammar schools, of which the first is that they are successful. They are beacons of excellence in the education system. I put it to the House, and more particularly to my right hon. and hon. Friends, that it is precisely the grammar schools' success that is the source of Labour Members' resentment of them.

Mr. Hayes: Does my hon. Friend agree that it is not just grammar schools that are successful, but the selective system? If one compares the composite results of grammar schools and secondary modern schools with neighbouring LEAs with comprehensive systems, one finds that all the children at the grammar schools and the secondary modern schools—

Mr. Campbell-Savours: The hon. Gentleman is wrong.

Mr. Hayes: The hon. Gentleman may be a public school boy. I do not know—I do not want to be rude. The evidence suggests that grammar schools and the selective system help all children in a given area.

Mr. Bercow: My hon. Friend is entirely correct, and it is precisely for that reason that we wish to see the possibility of the extension of grammar schools. Grammar schools' very presence provides a catalyst for the raising of standards throughout the system.

Mr. Lidington: Does my hon. Friend recall that the results from schools in our county show that secondary modern schools and upper schools in Buckinghamshire—despite Labour Members' allegations that grammar schools have creamed off the top 25 or 30 per cent. of the intake—were nevertheless often attaining significantly better results than comparable comprehensive schools in neighbouring counties?

Mr. Bercow: My hon. Friend is entirely correct. Moreover, the point is underlined by what people said during the election campaign. If the Government's logic is to be followed, it necessarily implies that, in an area where there are one or more grammar schools—attended, inevitably, by a minority of local children—the parents of most other children locally are antipathetic to grammar schools. The evidence is demonstrably the opposite.

In Buckinghamshire, only a small proportion of children go to grammar schools—in my constituency, it is a small proportion—yet support for grammar schools is enormous. In the context of this debate, I appeared on Channel 4 the other day. As a consequence, I have received a stream of letters from parents of pupils at schools other than the grammar school in my constituency saying that they strongly support and wish to see extended the number of grammar schools—and, therefore, that they strongly support amendment No. 177.

Mr. Grieve: Does my hon. Friend recall that, in April and May of last year, so great was the popularity of grammar schools among Buckinghamshire parents that the local Liberal Democrats got extremely upset—to the extent of threatening legal action—when it was pointed out that they had opposed selective education over many years? Does this explain their silence in tonight's debate?

Mr. Bercow: My hon. Friend is entirely right. The lily-livered Liberal Democrats, in their characteristic fashion, had said one thing in the past, were not prepared to admit to it in the present, and denied their intention to revert to it in the future. That is of a piece with Liberal Democrats' politics—they are pioneers in unprincipled politics, and they are without equal in the UK.

Mr. Nigel Evans (Ribble Valley): I cannot let the debate pass without mentioning Clitheroe royal grammar school in my constituency and the fact that my Liberal Democrat opponent said during the election that he did not support the retention of the grammar school and the selective procedure. I believe that that was one of the reasons I had one of the lowest swings in the country against me. Does not the fact that grammar schools are oversubscribed show their popularity? People want to go to grammar schools, and they travel for miles—even from outside my constituency—to Clitheroe royal grammar school because of the good education that it delivers.

Mr. Bercow: I have no doubt that the quality of grammar schools in my hon. Friend's area was a significant contributor to his success at the election, but it would be unfair to pass on without mentioning that his success must also have been due to his outstanding diligence and charm, which are regularly on display in equal measure.

I fear that, in developing the point about the success and continuing popularity of grammar schools, I am inviting comments—it is a welcome invasion—from the hordes of my hon. Friends who have stories to tell of the dramatic successes of the grammar schools and upper schools in their constituencies. It is a merry tale.

Mr. Deputy Speaker: Order. The problem is that it becomes rather repetitive.

Mr. Bercow: Far be it from me to want to fall foul of the amiable temper that is usually on display in the Speaker's Chair. I shall therefore take note of your kindly advice, Mr. Deputy Speaker. However, I cannot resist the opportunity to refer to the success of grammar schools nationally and locally, as that provides the rationale for amendment No. 177, which represents our request that individuals be granted the opportunity to vote to create grammar schools as well as to destroy them. The success of grammar schools nationally is not in doubt—no Labour Member has argued that they are failures.

Mr. Clifton-Brown: Does my hon. Friend agree that the mechanism suggested in amendment No. 177 would enable more grammar schools to be retained? If the purpose of the Bill is to abolish grammar schools, does he think that that would in any way raise educational standards? In answering that question, will he be mindful of Pates grammar school in Gloucester, which has 170 applicants for each place?

Mr. Bercow: I am grateful to my hon. Friend, who confirms the popularity of and demand for grammar

schools. The idea is absurd and illogical that, by dismantling those institutions that are already achieving excellence, we increase the chances of achieving excellence elsewhere in the system at some time in the future.

Nationally, grammar schools are tremendously successful: 94 per cent. of children who attend them obtain five or more GCSEs at grades A to C; more than 94 per cent. stay on in the sixth forms of those schools; and more than 88 per cent. of them go on to higher education. That all testifies to the institutions' success.

Locally, in Buckinghamshire, the position is similar. At the Royal Latin grammar school in Buckingham, 96 per cent. of children in the relevant age cohort secure at least five GCSEs at grades A to C, and more than 64 per cent. achieve A-levels at grades A to C. A substantial proportion of those children go on to higher education.

Grammar schools are succeeding, which is a powerful reason why those who do not have the opportunity of a grammar school education should be given one and why future generations should also be afforded that opportunity. That would be consistent with what the Secretary of State said in opposition—as was reported in the *Financial Times* of 7 February 1997. He said that a Labour Government would pose no threat to the continuance, ethos or quality of grammar schools. If that is what he believes, why is he going to allow ballots, which will have no minimum turnout requirement, to destroy excellence overnight? That simply does not hang together logically.

If the Secretary of State values or does not want to threaten the ethos of those schools, what is the objection in principle to giving people the opportunity to spread that ethos elsewhere in the education system? Perhaps the Minister can tell us tonight—or should I say this morning?

Mr. Rowe: Does my hon. Friend agree that there is not only obvious demand for the grammar school ethos but huge scope for a wider variety of schools? The highly academic ethos of the grammar school is by no means the only successful model that ought to be spread round the country.

12.30 am

Mr. Bercow: I am in favour of having as wide a market and as great a diversity in education as possible. That is our commitment and our belief, and that was our record. That could not credibly be said of the Labour Government. That is why we support amendment No. 177.

We also support amendment No. 165, for the reasons eloquently stated by my right hon. Friend the Member for Maidstone and The Weald and by my hon. Friend the Member for West Dorset. We believe passionately in free speech. Either the Government believe in the principle and practice of free speech or they do not.

If the Government are content with the idea that trade unions can mount expensive and probably unrepresentative campaigns against grammar schools, why are they not prepared to allow governing bodies to campaign for them, especially if they do not do so at public expense? The concern about public expense expressed by the Minister has been met by my right hon. Friend the Member for Maidstone and The Weald, so the Government should accept amendment No. 165.

I cannot for a moment see why teachers and governors of grammar schools should be required to keep mum and to preserve neutrality on whether the institutions to which they have given outstanding commitment should continue to exist. The idea that they should be obliged to remain impartial between good and bad, right and wrong, future success and future failure, is positively absurd.

My right hon. Friend the Member for Maidstone and The Weald made the argument overwhelmingly for amendment No. 165, and the response from Conservative Members demonstrated beyond peradventure that we all agree with her. What credible argument does the Minister have to offer in response? Let it be stated this morning, and let it be lucid.

Mr. Byers: I could not resist the temptation offered by the hon. Member for Buckingham (Mr. Bercow) to reply to this important debate. We have listened to Opposition Members' concerns about our proposals. We certainly do not treat these matters as trivial, as some of them suggested. I have been pleased to discuss these matters with several right hon. and hon. Members. We want the ballot procedures to be open, fair and transparent.

We have been helped in drawing up the draft proposals by Opposition Members' contributions. I have been pleased to be able to meet several of them—not only those from Buckinghamshire—and they have taken me in detail through the arguments as they affect their schools. I believe that our proposals, which I shared with members of the Standing Committee, reflected in some measure some of their contributions. I regret the fact that we could not meet all the concerns that were expressed, but we were able to move some way towards addressing them.

I have to disagree with the right hon. Member for Charnwood (Mr. Dorrell), who said at the beginning of the debate that he had no notion of the detailed procedures that the Government would want to adopt. We circulated draft proposals to Committee members, which ran to seven pages and 37 separate paragraphs and which revealed our present thinking, but we are prepared to continue to listen. Indeed, one of the benefits of this debate is that Conservative Members have raised a number of issues which I am certainly prepared to reflect on and reconsider in the light of our draft proposals.

The right hon. Member for Charnwood raised one issue on which I agreed. He said that, if we had wanted, we could have moved in this Bill to the abolition of grammar schools. The Bill does not do that. In fact, it honours our manifesto commitment in the run-up to the election on 1 May, when we said clearly that the future of grammar schools would be a matter for local parents to determine. That is exactly the policy that is reflected in the regulations and the proposed approach that we shared with Committee members. Local parents will be able to determine the future of grammar schools: not local education authorities, not individual schools, not the National Union of Teachers, but local parents, will have the power and responsibility to determine the future of those schools.

Mr. Bercow: At the risk of embarrassing the hon. Gentleman, I want to place it on record that I have the highest admiration for his talents and ability as a Minister. I hope that he will take my point in good part. To prove his good intentions, will he now give the House a

[Mr. Bercow]

commitment that, when the regulations are issued, they will contain something specific on the subject of a minimum ballot turnout before a grammar school can be abolished?

Mr. Byers: There is a far better way to approach the issue, which is by providing a minimum number to trigger the petition. If there is not local support for a ballot, it would be far more effective to ensure that that is tested at a far earlier stage than looking at turnouts at the ballot itself, which is why my right hon. Friend the Secretary of State has made it clear since the early days of our consideration of this matter that we will expect a petition to be triggered by 20 per cent. of eligible parents, reflecting the position that Conservative Members adopted on grant-maintained school ballots. So that is the position.

I can go further and say that there will not be a rolling petition going from school year to school year. The Government intend to ensure that the petition is triggered in the school year in which signatures are first collected. That has always been our intention, and we shared that with the right hon. Member for Charnwood in Committee.

Mr. Dorrell: Will the Minister therefore assure the House that the petition will not merely be time-limited, but that, if an attempt is made in one school year to mount a petition and the promoters fail to secure the support of at least 20 per cent. of parents, it will not be possible for a further petition to be mounted for five years?

Mr. Byers: No, I am not prepared to give that undertaking, because our view is that the moratorium should apply to a ballot once it has been held. I think the hon. Member for Lichfield (Mr. Fabricant) said that there could be one ballot and then another five minutes later. Our present thinking is that there should be a moratorium of five years on ballots, rather than petitions. We are of the view that local parents should be able to trigger the petition in any one school year, and do not intend to block parents expressing their views by doing so.

Mr. Fallon: Therefore, why should not parents at the school be able to be involved in that ballot?

Mr. Byers: There will be two different situations. I think hon. Members are aware of the distinction that we have drawn between whole authority-wide ballots, in which parents will be involved, and free-standing ballots. We have taken the view that, on balance, it is not appropriate for only a grammar school's parents to make the decision on that school; it should be the feeder schools.

Is the hon. Gentleman suggesting that all parents of children attending secondary schools—not only the grammar schools but other secondary schools—should be part of the ballot? If he is, we may want to reflect on it, because it would allow all parents whose children go to secondary schools to have a vote on whether secondary education should be selective or non-selective. It is a logical conclusion of his point that, if grammar school parents have a ballot, it should be extended to all parents with children at secondary schools. Is that what he is suggesting?

Mr. Fallon: I know that the Minister has been thinking about these matters. By inviting us to consider whether parents of all secondary schools in an area should be involved, he is admitting that it is wrong to disfranchise the parents of the grammar school itself.

Mr. Byers: No. We believe that our proposals, which would make the parents of children attending feeder schools the electorate, is the right way forward. I am saying in a spirit of generosity, to open up a dialogue with the hon. Gentleman, that, if he is suggesting that we should spread the franchise to parents of children attending all secondary schools, I would be prepared to consider it.

Mr. Grieve: In Buckinghamshire, in my constituency, there is much movement between upper schools and grammar schools of pupils aged 15 and 16. That is another argument for allowing all those in secondary education to be included. If I understood it, the Minister's rationale was that those directly affected, without going to a de minimis rule, should be allowed the vote. If it is to go to those who are directly affected, the parents of pupils at grammar schools must be included.

Mr. Byers: Yes, and in many cases they will be, because we will distinguish between free-standing grammar schools and places where a wholly selective system covers a local education authority. In those circumstances, the parents of children attending grammar schools will have a vote.

Several hon. Members *rose—*

Mr. Byers: I shall not give way for a while, because it has been a lengthy debate and I wish to make some progress.

The right hon. Member for Skipton and Ripon (Mr. Curry) made several important points. I have reflected carefully on them, and on those that he made when we met a couple of weeks ago about our proposals on the details of the balloting arrangements. On the campaign, we have made it clear that, if there is any misleading information that might materially affect the outcome of a ballot, the Secretary of State will have the power to declare it void. That reflects the position on balloting arrangements for grant-maintained status.

The right hon. Member for Maidstone and The Weald (Miss Widdecombe) discussed amendment No. 165 and said that there was a gagging clause. I would not have put it like that, but she is right to say that we have sought to introduce restrictions on the information that governing bodies and local education authorities can provide.

I listened to the right hon. Lady carefully. I considered at an earlier stage the possibility of introducing a condition about campaigning at public expense to overcome the concerns that she expressed. Practically, it will be difficult to distinguish between spending at public expense by the local education authority or a school governing body, and spending money that may be raised by the people involved.

There is no attempt to gag or to deny free speech. There will be nothing to stop the governors of a grammar school setting themselves up as friends of the grammar school to campaign against selection. They will be entitled to do that, not as governors but in their separate capacity as individual members of the local population. They will be free to do that.

Amendment No. 177 would allow new grammar schools to be established. We believe that grammar schools and the selective system are flawed, which is why we are drawing a line in the sand and saying that there will be no new grammar schools and that it will be a matter for local parents to determine the future of the 164 grammar schools that remain.

We do that because we take the view that selection denies choice. It is the school that chooses, not the parent who selects. We had a good example from the hon. Member for Cotswold (Mr. Clifton-Brown), who said that, in one of his local schools, 170 parents were competing for each place. The reality is that 169 parents are denied the school of their choice. That is the nature of selection.

Mr. Bercow: Will the Minister give way?

Mr. Byers: No, I want to make progress.

I shall be asking the House to reject amendment No. 177 because it would simply turn the clock back to the days of the 11-plus and a massive waste of talent. At the age of 11, some young people were deemed to be a success, but the majority were deemed to be failures. Labour Members are not prepared to endorse such an approach, which is why I ask the House to reject amendment No. 177.

12.45 am

Mr. Dorrell: The Minister started off sounding reasonably encouraging, but he finished with a tone that was, I am afraid, depressingly familiar and predictable. Anyone listening to the arguments made in the debate must conclude that my right hon. and hon. Friends have made a powerful case, to which the Minister made little or no attempt to respond. My right hon. Friend the Member for Skipton and Ripon (Mr. Curry) was not arguing that we should seek to introduce a traditional selective system across the country, but made the point that the Bill promised his constituents the proposition that the status of Ripon grammar should be permanently open to question—and that from a Government who say that they are interested in standards, not structure.

No one can look at the results achieved by the grammar schools and the other schools serving my right hon. Friend's constituents and say that the system as a whole is not delivering quality. Yet the Government whose slogan is that they are interested in standards, not structure, threaten my right hon. Friend's constituents with the prospect that the arrangements that serve them well will be subject to upheaval and change.

Such change would not be devoted to delivering standards. No case has been made against the standards delivered to my right hon. Friend's constituents. The structure would be reformed in a way that would satisfy the hon. Member for Workington (Mr. Campbell-Savours) and a large number of Labour Back Benchers, but also in a way that the Minister is perceptibly uncomfortable in defending. My right hon. Friend the Member for Skipton and Ripon made a case to which the Minister did not respond.

Mr. Bercow: Does my right hon. Friend recall that, on Second Reading, when the hon. Member for Workington (Mr. Campbell-Savours) made his disreputable comment about grammar schools, the Minister for School Standards raised his eyebrows and looked askance in my right hon. Friend's direction, then at me, in naked embarrassment?

Mr. Dorrell: It is fair to say that that was not the only moment in the debate when the Minister for School Standards looked as though he would have preferred to be somewhere else.

My right hon. Friend the Member for Maidstone and The Weald (Miss Widdecombe) proposed that the admissions authority—the governing body of a school—should have the opportunity to present the school's case. Some of those schools have 500 years'—sometimes even more—experience of delivering high-quality service. All that my right hon. Friend and my hon. Friend the Member for West Dorset (Mr. Letwin) seek is the opportunity for the governing body, as the authority in charge of the school, to present the case for the school's record.

The Minister's response was that, as private citizens, the governors can go out raise money and present the case; but he did not offer any prospect that the governing body as the governing body can present the case to parents of children at the school and its feeder schools for the way in which the school operates. Once again, the Minister did not respond to the case made by my right hon. and hon. Friends.

Mr. Edward Leigh (Gainsborough): Will my right hon. Friend assist me before I determine how to cast my vote? I raise a serious matter on behalf of the parents of children at the Queen Elizabeth high school and the Caistor grammar school. In times past, when there were many grammar schools, the feeder schools were in the immediate locality; now, such schools are so popular that they are drawing pupils from miles around, from Nottinghamshire and Grimsby and from feeder schools that are very distant from those ancient grammar schools. Will my right hon. Friend assist me, because the Minister clearly has not, by explaining exactly how the feeder schools are to be defined? Should we not know that before we vote on the matter?

Mr. Dorrell: I wish that I could help my hon. Friend, who seeks reassurance. I invite him to support the amendment, because the Minister has failed—not only this evening, but throughout repeated debates on this subject in Committee—to offer answers to the question that my hon. Friend poses. Here we have 163 schools, the future of which is to be determined by a balloting process, but the Minister has resolutely refused to offer more than general guidance about how the ballots are to be held, who is to vote, which schools are to be considered feeder schools, or who within the feeder schools is to have a vote.

I asked several questions in my opening speech about which parents from which feeder schools will have a vote in what circumstances, but the Minister did not even address any of those questions when winding up the debate. I should love to be able to offer my hon. Friend answers to his questions, but I cannot, because the Government insist that the House decides the substance of the clause without telling the House what will be its practical effect on the delivery of service by individual schools.

Mr. Hayes: Perhaps I can assist my right hon. Friend and my hon. Friend the Member for Gainsborough

[Mr. Hayes]

(Mr. Leigh) by quoting from the Labour party manifesto, on which the Minister relied heavily during his remarks. In extraordinary detail, the manifesto states—

Mr. Campbell-Savours: Order.

Mr. Hayes: The manifesto states—I approximate—that local parents will decide—

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. What the hon. Gentleman must do in an intervention is abbreviate.

Mr. Hayes: In an abbreviated form, would my right hon. Friend the Member for Charnwood (Mr. Dorrell) concede that most people would deem "local parents deciding" to mean local parents with a direct interest in the school?

Mr. Dorrell: That is precisely right, which brings me to the next question the Minister failed to answer in his winding-up speech. Surely to goodness, the people who have the closest and greatest interest in the continued existence of a grammar school are the parents of the children in the school.

I return to the question with which I started the debate: what is the basis on which the Minister will defend his system when he has to explain to the parents of children in a free-standing grammar school that parents of children in the primary schools that feed the grammar school will have a vote to determine the future of the grammar school, but parents of children actually being educated in the grammar school will have no vote whatever in determining the future status of that school? One can have a parent—

Mr. Campbell-Savours: Tedious repetition.

Mr. Dorrell: I have said it before, as the hon. Gentleman says. It is not tedious repetition; I am reminding the House that the Minister did not answer that question when he replied to the debate. That question will come back to hit the Ministers when they have to explain to parents why they do not have a vote in deciding the future of the school in which their children are being educated.

The parents of 11-year-olds will find that, although seven years of their child's education have been committed to a specific school, the future status of that school will be decided not—as the Government promised before the general election—by the parents of children with an interest in the school, but by parents of children in primary schools, some of whom may well have an interest in the future of the school, but others of whom, before their children reach the age of 11, may move to a different area and have no interest in the school's future.

I asked several more questions in my opening speech. How can it possibly be sensible for all the parents of a mixed feeder school to vote for the future status of a single-sex grammar school? Should parents of girls in primary schools vote on the future status of the boys' grammar school? How can that be justified?

My hon. Friend the Member for Altrincham and Sale, West (Mr. Brady) said that parents must have a right to vote in determining decisions about the school in which their children are being educated. He also emphasised the most important of the principles that came up in the debate—to which, once again, the Minister did not respond: the question whether we should create an opportunity for the success of grammar schools that deliver high-quality service to be copied, extended and reproduced in parts of the country that do not currently have that system.

Mr. Clifton-Brown: I have just taken advice, and I am advised that, in Committee, the question whether the provisions would breach article 2 of the European convention on human rights was not raised. Does my right hon. Friend believe that there is a possible conflict, and could there be a reference to the European Court of Human Rights in respect of these provisions?

Mr. Dorrell: My hon. Friend is right to ask whether there can be a conflict. There might indeed be such a conflict, as the Government propose that a decision affecting individual children be taken for those children by the parents of a collection of other children, brought together by the Minister's guidance but excluding the parents of the children most directly involved in the individual school whose future is in question.

The proposition—*[Interruption.]* The hon. Member for Workington complains about the fact that I keep returning to the point. I have returned to the point because I believe firmly that it is the fatal flaw in the Government's proposal.

The essence of the question before the House tonight is whether grammar schools are safe with the Government. That was the pledge—the reassurance—that the Labour party sought to give, first at the time of the Wirral by-election and then during the general election campaign. I remind the House of what the Secretary of State said of such schools in the run-up to the general election: that there would be

"no threat to their continuance, or to their ethos, or to their quality".

How can anyone who has listened to the debate, and to the views expressed from a sedentary position by a wide variety of Labour Back Benchers, continue to believe that the Government offer no threat to the continuance of grammar schools? That is not the essence of the message that has come from the Labour Benches tonight.

I shall seek, therefore, to withdraw amendment No. 175, in order to seek to divide the House on amendment No. 177. Amendment No. 177 would allow individual schools that want to promote themselves as grammar schools to seek the support of parents of children attending the school to take a successful formula and to introduce it where they can obtain the support of local parents to do so.

It is impossible to argue against extending the principle where it is seen to work and generalising good practice. I seek the support of my right hon. and hon. Friends and, indeed, anyone else in the House, for that important principle. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Amendment proposed: No. 177, in page 70, line 32, at end insert—

'(3A) Regulations may make provision that where a maintained school is not a grammar school,—

(a) the admission authority for a school may submit an application to the Secretary of State to change the admission arrangements of the school so that the school will qualify for designation as a grammar school under this section;

(b) when the Secretary of State receives an application under this subsection he shall arrange for a ballot of parents who would qualify to vote in a ballot under section 97 and if a majority of those parents support the application of the admission authority, the admission authority shall secure that the admission arrangeents of the school are revised in accordance with its proposal.'.—*[Mr. Dorrell.]*

Question put, That the amendment be made:—

The House divided: Ayes 128, Noes 279.

Division No. 225] **[1 am**

AYES

Ainsworth, Peter *(E Surrey)*
Ancram, Rt Hon Michael
Arbuthnot, James
Atkinson, Peter *(Hexham)*
Baldry, Tony
Beggs, Roy
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Brady, Graham
Brazier, Julian
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Burns, Simon
Butterfill, John
Chapman, Sir Sydney *(Chipping Barnet)*
Chope, Christopher
Clappison, James
Clifton-Brown, Geoffrey
Colvin, Michael
Cran, James
Curry, Rt Hon David
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice)*
Dorrell, Rt Hon Stephen
Duncan, Alan
Duncan Smith, Iain
Emery, Rt Hon Sir Peter
Evans, Nigel
Faber, David
Fabricant, Michael
Fallon, Michael
Flight, Howard
Forth, Rt Hon Eric
Fox, Dr Liam
Fraser, Christopher
Gibb, Nick
Gill, Christopher
Gillan, Mrs Cheryl
Gorman, Mrs Teresa
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Gummer, Rt Hon John
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hawkins, Nick
Hayes, John
Heald, Oliver
Heathcoat-Amory, Rt Hon David
Howard, Rt Hon Michael
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Jack, Rt Hon Michael
Jenkin, Bernard
Johnson Smith, Rt Hon Sir Geoffrey
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lilley, Rt Hon Peter
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Luff, Peter
Lyell, Rt Hon Sir Nicholas
MacKay, Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
Malins, Humfrey
Maples, John
Mates, Michael
Maude, Rt Hon Francis
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Moss, Malcolm
Nicholls, Patrick
Norman, Archie
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Prior, David
Randall, John
Redwood, Rt Hon John
Robathan, Andrew
Robertson, Laurence *(Tewk'b'ry)*
Rowe, Andrew *(Faversham)*
Ruffley, David
St Aubyn, Nick
Sayeed, Jonathan
Simpson, Keith *(Mid-Norfolk)*
Spelman, Mrs Caroline
Spicer, Sir Michael
Spring, Richard
Stanley, Rt Hon Sir John
Steen, Anthony
Streeter, Gary
Swayne, Desmond
Syms, Robert
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Taylor, Sir Teddy
Tredinnick, David
Trend, Michael
Tyrie, Andrew
Viggers, Peter
Walter, Robert
Wardle, Charles
Waterson, Nigel
Whitney, Sir Raymond
Whittingdale, John
Widdecombe, Rt Hon Miss Ann
Willetts, David
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Ayes:
Sir David Madel and
Mr. Stephen Day.

NOES

Abbott, Ms Diane
Allan, Richard
Allen, Graham
Anderson, Donald *(Swansea E)*
Atherton, Ms Candy
Baker, Norman
Ballard, Mrs Jackie
Barnes, Harry
Barron, Kevin
Bayley, Hugh
Benn, Rt Hon Tony
Bennett, Andrew F
Berry, Roger
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Blunkett, Rt Hon David
Bradley, Peter *(The Wrekin)*
Brake, Tom
Brand, Dr Peter
Breed, Colin
Brown, Rt Hon Nick *(Newcastle E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Bruce, Malcolm *(Gordon)*
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burstow, Paul
Byers, Stephen
Cabom, Richard
Campbell, Alan *(Tynemouth)*
Campbell-Savours, Dale
Canavan, Dennis
Cann, Jamie
Caplin, Ivor
Casale, Roger
Caton, Martin
Chaytor, David
Chisholm, Malcolm
Church, Ms Judith
Clapham, Michael
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Coleman, Iain
Colman, Tony
Connarty, Michael
Cook, Frank *(Stockton N)*
Cooper, Yvette
Corbett, Robin
Corbyn, Jeremy
Corston, Ms Jean
Cousins, Jim
Cox, Tom
Cryer, John *(Hornchurch)*
Cummings, John
Cunliffe, Lawrence
Cunningham, Jim *(Cov'try S)*
Dafis, Cynog
Dalyell, Tam
Darling, Rt Hon Alistair
Darvill, Keith
Davey, Edward *(Kingston)*
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Rt Hon Ron *(Caerphilly)*
Dawson, Hilton
Denham, John
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Drown, Ms Julia
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Ellman, Mrs Louise
Ennis, Jeff
Fearn, Ronnie
Fisher, Mark
Fitzpatrick, Jim
Fitzsimons, Lorna
Flint, Caroline
Flynn, Paul
Foster, Don *(Bath)*
Foster, Michael J *(Worcester)*
Foulkes, George
Fyfe, Maria
Galloway, George
Gapes, Mike
George, Andrew *(St Ives)*
Gibson, Dr Ian
Gilroy, Mrs Linda
Godman, Norman A
Golding, Mrs Llin
Grant, Bernie
Griffiths, Jane *(Reading E)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hancock, Mike
Hanson, David
Harris, Dr Evan
Harvey, Nick
Heal, Mrs Sylvia
Healey, John
Heath, David *(Somerton & Frome)*
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hewitt, Ms Patricia
Hill, Keith
Hinchliffe, David
Hoey, Kate
Home Robertson, John

Hoon, Geoffrey
Hope, Phil
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Hughes, Simon *(Southwark N)*
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Jackson, Helen *(Hillsborough)*
Jamieson, David
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Helen *(Warrington N)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Martyn *(Clwyd S)*
Jones, Nigel *(Cheltenham)*
Keeble, Ms Sally
Keetch, Paul
Kemp, Fraser
Kennedy, Charles *(Ross Skye)*
Kennedy, Jane *(Wavertree)*
Kidney, David
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kumar, Dr Ashok
Laxton, Bob
Lepper, David
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Lock, David
McAvoy, Thomas
McCabe, Steve
McCartney, Ian *(Makerfield)*
McDonagh, Siobhain
Macdonald, Calum
McDonnell, John
McFall, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
McLeish, Henry
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
Mahon, Mrs Alice
Mandelson, Peter
Marek, Dr John
Marsden, Paul *(Shrewsbury)*
Marshall, Jim *(Leicester S)*
Marshall–Andrews, Robert
Martlew, Eric
Michie, Bill *(Sheffd Heeley)*
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Morgan, Ms Julie *(Cardiff N)*
Morgan, Rhodri *(Cardiff W)*
Morris, Ms Estelle *(B'ham Yardley)*
Mountford, Kali
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Naysmith, Dr Doug
Norris, Dan
Oaten, Mark
O'Brien, Bill *(Normanton)*
O'Hara, Eddie
Olner, Bill
O'Neill, Martin
Öpik, Lembit
Pearson, Ian
Pickthall, Colin
Plaskitt, James
Pollard, Kerry
Pope, Greg
Prentice, Ms Bridget *(Lewisham E)*
Prosser, Gwyn
Purchase, Ken
Radice, Giles
Rapson, Syd
Raynsford, Nick
Reed, Andrew *(Loughborough)*
Reid, Dr John *(Hamilton N)*
Rendel, David
Rooney, Terry
Rowlands, Ted
Roy, Frank
Ruddock, Ms Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Sanders, Adrian
Savidge, Malcolm
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Smith, Angela *(Basildon)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Smith, Sir Robert *(W Ab'd'ns)*
Soley, Clive
Spellar, John
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stoate, Dr Howard
Stott, Roger
Stringer, Graham
Stunell, Andrew
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Taylor, Matthew *(Truro)*
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Tonge, Dr Jenny
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Tyler, Paul
Wallace, James
Walley, Ms Joan
Wareing, Robert N
Watts, David
Webb, Steve
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Willis, Phil
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Woolas, Phil
Wray, James
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*

Tellers for the Noes:
Janet Anderson and
Mr. Robert Ainsworth.

Question accordingly negatived.

Clause 100

HOME-SCHOOL AGREEMENTS

Mr. Don Foster: I beg to move amendment No. 125, in page 74, line 25, after 'adopt', insert

'and from time to time review'.

Mr. Deputy Speaker: With this, it will be convenient to discuss the following amendments: No. 126, in page 74, line 25, leave out 'agreement' and insert 'policy.'.

No. 127, in page 74, line 25, leave out from 'school' to the end of line 26.

No. 128, in page 74, line 28, leave out 'agreement' and insert 'policy.'.

No. 129, in page 74, line 28, leave out 'specifying' and insert

'designed to promote partnership between home and school, including'.

No. 130, in page 74, leave out lines 40 to 45.

No. 131, in page 75, leave out lines 1 to 22.

No. 132, in page 75, line 23, leave out 'agreement or parental declaration' and insert 'policy.'

No. 133, in page 75, line 24, leave out 'agreement' and insert 'policy'.

No. 134, in page 75, leave out lines 30 to 32.

No. 135, in clause 101, page 75, line 41, leave out

'agreement or (as the case may be) in a parental declaration'

and insert 'policy'.

No. 136, in page 76, leave out lines 2 to 13.

No. 137, in page 76, leave out lines 14 to 16.

No. 138, in page 76, line 17, leave out 'agreement' and insert 'policy'.

Mr. Foster: This group of amendments would remove from the Bill a requirement for every school to have a home-school agreement, and to replace it with a requirement for every school to have a home-school policy.

I make it absolutely clear that we are not opposed in principle to the notion of home-school agreements. However, we believe that, if there is to be a home-school agreement, it should be part of a school's home-school policy, and that it should be part of that policy only if the school decides that it is an appropriate contribution within that particular school in developing home-school relationships.

We are specifically concerned about the way in which the Government propose to operate their plans for home-school agreements. In Committee, the Minister for School Standards said:

"The agreement will be signed between a parent's being offered a place and the child actually taking up that place."—[*Official Report, Standing Committee A*, 26 February 1998; c. 688.]

The agreement will therefore have to be signed by the parent before the child has even entered the school—which is rather like establishing a pre-nuptial agreement before the partners had even met.

We appreciate that, in the circumstances covered by the Government's proposals, not one parent will refuse to sign the agreement. If they refuse to sign it, they might fear that their refusal will somehow jeopardise their child's education at a school. Although we realise that the Minister—we are grateful for it—has made it very clear that failure to sign will not jeopardise a child's entitlement to a place, it is nevertheless equally clear that all parents will sign the agreement for fear of jeopardising their child's education.

The concept of a completely non-binding partnership agreement was examined as long as 20 years ago, by the Taylor committee, a majority of whose members concluded that the idea of an unenforceable contract was a bad one. They thought that it was the suggestion by a few of a quick and easy way of enlisting home support, but acknowledged that it would not be a particularly satisfactory way of doing so. We certainly believe that the imposition of such agreements will not improve the relationships between home and school—and, indeed, could even confuse the existing relationships.

1.15 am

In a letter that he wrote on 19 February, the chairman of the Education Forum, Mr. Maurice Plaskow, eloquently summarised the crux of the problem:

"The key issue is whether every school should be required to have agreements, or can choose whether or not to have them, as part of a flexible approach to developing home-school partnerships."

We want that flexible approach to which he refers.

Many groups have expressed considerable concern about the Government's proposals and the detrimental effect that, like us, they believe they might have. Those groups include the Campaign for the Advancement of State Education, the Advisory Centre for Education, the National Governors Council, the Secondary Heads Association—the list goes on.

Many contributed to a letter that appeared in *The Independent* on 7 March this year. I think that a brief extract would be of interest to the House:

"We believe that this requirement could lead to division rather than partnership between parent and school and, further, that it will impose an extra administrative burden on schools."

The Advisory Centre for Education said:

"Disciplinarian home school contracts look like an attractive quick fix. They locate the problem in a particular, discrete area (parents), divert our attention from politically embarrassing questions (the organisation and funding of education), placate powerful interest groups (teacher unions) and fit in neatly with current concerns about social standards".

In other words, they regard the proposed approach as the quick fix rather than what we and they believe is necessary, which is the development of a home-school policy in which there is equal partnership.

If there is to be a contract that all parents are required to sign before the child has even entered the school, it is clear that the parents are not on a par with the school itself. An effective home-school policy involves equality for the partners. There must be an opportunity for both partners—the school and the home—to share ownership of whatever the agreement might be.

Mr. Fallon: Does that mean that the policy, as distinct from the agreement, should be voluntary?

Mr. Foster: The whole point of what I am suggesting is that the school would develop a policy, and that the policy itself would be drawn up by the home and school

[Mr. Foster]

in partnership. The hon. Gentleman is right; it would nevertheless be a voluntary policy, in the same way that the Government's own policy for a partnership agreement cannot have sanctions attached to it, as the Minister has made clear.

I hope that the hon. Gentleman agrees that there is little value in having a document which parents are required to sign in advance of their child entering the school but to which no sanctions can be attached. I am sure that he would prefer a system in which the school and parents work together to develop a policy that may include a partnership agreement of the type that the Minister has described.

I am aware that the House is keen to make progress, but I hope that I have, with those few brief words, explained clearly why the Government's policy is not going to be successful in developing the type of home-school partnership that we all want—a partnership in which, for the first time, we perhaps consider not only the rights of parents and the responsibilities of schools but the responsibilities of parents and the rights of schools. That notion needs to be enshrined in a home-school policy, but one for which the home and school have equal responsibility and of which they have equal ownership.

Mrs. Browning: The problem that the hon. Member for Bath (Mr. Foster) has clearly encountered is one that we encountered in Committee. It typifies the experiences of those who served on the Committee. By failing to present detailed proposals, the Government have deprived both the Committee and the House of an opportunity to deal with the specifics of what they have in mind.

Amendment No. 125 suggests that the policy should be reviewed from time to time, and I do not think that anyone would disagree with that proposal. Most home-school agreements would be subject to review, and that would be a good thing. When presenting his idea, however, the hon. Member for Bath seemed unclear about the exact difference between an agreement and a policy, if both were to be voluntary.

The Minister told the Committee that home-school agreements would be subject to consultation. He said that the contracts would contain the sort of provisions that one would expect to see—for example, provisions relating to standards of education, the ethos of the school, regular and punctual attendance, discipline, homework and information that schools and parents exchange. We agree with all that in principle, but the hon. Member for Bath is now saying that what is in the Bill will be insufficient, and will not represent a true partnership between parents and schools.

In Committee, we discussed exclusions. It was suggested then that the conditions on which a child who had been excluded from a school was readmitted might—I emphasise the word "might"; again, the Government were not specific—be written into the agreements. In that event, when parents sent their children to a school, they would know in advance—because of what had been published in the home-school agreement—the conditions on which children who had been excluded might be taken back. In Committee, however, we never really clarified exactly what the Government had in mind, and whether they were happy for such agreements to encompass the conditions on which exclusions would be dealt with.

As the hon. Member for Bath said, partnership is needed. Schools and teachers, including head teachers, do not always receive the support they should be able to expect. Equally, parents often complain that schools do not share information with them, and that they are not always made aware of school rules or standards relating to, for instance, when homework is expected to be delivered. They do not always know what their role is.

I think hon. Members on both sides of the House agree that partnership is needed between parents and schools, but it is not always possible to legislate for that, because parents do not always agree with actions that teachers consider appropriate. In the middle of all that—between the school and the parents with whom it would have a contract—are the children themselves. They clearly need to be made aware of an agreement to which they would be party.

The way in which the agreements would be communicated is still rather unclear, because the House has not been told exactly what is behind the Government's thinking. We find it peculiar that they cannot give us the details, thus saving—perhaps—some time on amendments such as this. After all, they have been able to come up with the costing for the contracts. According to the Government's own figures, the administrative cost of home-school contracts is likely to amount to £1.6 million in 1998-99, and to an additional £0.5 million a year thereafter.

It therefore seems strange that, in an important part of the Bill on which there could be quite a bit of cross-party consensus, the Government have been able to provide costings but still cannot provide detailed information on the content of a contract, and more particularly, on exactly how much autonomy a school and a group of parents will have in drawing it up.

The hon. Member for Bath has made it clear that he believes that there should be dialogue and a contract drawn up before children attend a school. I would not disagree with that principle. He will know—although he did not touch on it—that clause 101 says that the Secretary of State will have the power by order to instruct that

"any form of words—

(a) specified in the order, or

(b) having such effect as is so specified,

is not used in a home-school agreement".

Although the Government say that they have a broad idea of what would be appropriate in a home-school contract, and although the hon. Gentleman believes that there should be much more of a partnership between the school and the parent, at the end of the day, as one would expect in the Bill, the Secretary of State will have the power to determine the wording of the agreements.

Although we have had to deal with this part of the Bill without the benefit of the full detail that one would have expected the Government to provide, it seems clear that there will not be freedom for negotiation between parents and a school, as I assume the hon. Member for Bath wants, because the Secretary of State may intervene to override the precise wording of individual home-school agreements. That causes concern.

Why do the Government believe that that is necessary? Why do they believe that schools and parents cannot agree? Such contracts will vary from school to school.

How can the Government stipulate that the Secretary of State should intervene in the school contract in such detail, while being unable to provide us with all the things we discussed in Committee, which I will not rehearse but which are clearly behind the thinking of the hon. Member for Bath in tabling the amendments?

Mr. Hayes: The relationship between home and school is obviously central to clauses 100 and 101. It is recognised across the Chamber that that relationship is fundamental to educational progress and success. It has been so recognised by educationists for many years—perhaps always. Equally important are the expectations that the school has of parents and their role, and then the parents have of the school. That those expectations are set, confirmed, codified and communicated is critical if parents are to know how the school expects the child to be prepared for and supported in their learning, and parents are to know what they can reasonably expect the school to deliver to their child.

The home-school agreement must be sensitive to the needs not only of the school but of a particular child. In that respect, I completely disagree with the hon. Member for Bath (Mr. Foster). He talks about a policy being better than an agreement. A policy is a planned, coherent approach; a way of doing things; a set of ideas; whereas an agreement implies some sorted of binding relationship between parties or partners.

On the one hand the hon. Member for Bath says that he wants partnership, but on the other he says that he prefers policies to agreements. Surely agreements imply partnerships in a way that policies do not. Most schools already have policies for the relationship between home and school. It would be a very poor school that did not include that relationship in its strategic planning document. Such policies do not equal specific agreements that confirm the expectations of the school and the parents on what each of those partners will deliver.

The hon. Member for Bath should rethink whether an agreement is better than a policy. The Government must be clear about who will be responsible for putting the agreement together. It is obvious, as my hon. Friend the Member for Tiverton and Honiton (Mrs. Browning) has said, that the agreement will benefit enormously from the flexibility—

1.30 am

Mr. Don Foster: The hon. Gentleman passionately believes that an agreement is better than a policy. Does he accept that the word "agreement" means that both sides have jointly accepted it? If so, does he accept that an agreement that is imposed by one side on the other, as the Government are proposing, is not the same as the agreements that he is talking about?

Mr. Hayes: Yes, I am happy to concede that point. The word "agreement" implies some discussion and an appropriate exchange of views about the contents of the document. It should also be reviewed in the light of the child's progress through the school. It would be nonsense for that not to be the case.

Mr. Foster: I am grateful to the hon. Gentleman for explaining that his understanding of an agreement is of something that has been discussed and agreed by both sides. What sanctions does he believe should fall on anyone who is not prepared to sign such an agreement? The Minister has made it clear that no sanctions would be attached to the agreements that the Government are considering. Does the hon. Gentleman believe that there should be sanctions for those who are not prepared to sign agreements?

Mr. Hayes: The difficulty with sanctions is that turning a voluntary agreement that has been negotiated in the flexible and pragmatic way that I have described into a legally binding contract creates the potential for litigation, which might well be founded on irrational grounds. A parent who was not acting rationally or even in the best interests of their child, but fulfilling a grudge against the school, would be able to use the full panoply of the law to pursue that irrational course of action.

Let me also put the other side of that coin. Sometimes, a school will not be able to fulfil its side of the agreement, for reasons entirely beyond its control. If the local education authority came under Labour control and cut services and resources—as has happened with Labour authorities throughout history—the school would be in the invidious position, through no fault of its own, of not being able to deliver the range of services that it had promised that parents could reasonably expect. The potential for litigation thus dissuades me from advocating a legal document of the type that the hon. Member for Bath describes.

Mr. Desmond Swayne (New Forest, West): I am intrigued by how my hon. Friend envisages the flexible system working. Suppose that I were induced to negotiate such an agreement on behalf of our Albert for his education. Does my hon. Friend envisage that I would negotiate with the head teacher a specific agreement on the circumstances for my son? If not, what is the value of it?

Moreover, what happens if the school does not fulfil the agreement? I might not be being unreasonable; I could be being entirely reasonable. Would that not necessarily open up the issue to the law?

Mr. Don Foster *rose—*

Mr. Deputy Speaker: Order. We cannot have an intervention on an intervention—and the first intervention has been going on long enough.

Mr. Hayes: I am grateful to you, Mr. Deputy Speaker, for rushing to my assistance in an awkward situation. I shall try to deal with the substance of that intervention, if I may. My hon. Friend the Member for New Forest, South—*[Interruption.]* Is it East?

Mr. Swayne: West.

Mr. Hayes: New Forest, West. I think that that is the place where the ponies are not.

My hon. Friend talked about the difference between an agreement and something with the sanction of the law, and the obligations which that implies. My hon. Friend is here tonight by agreement; the Whips would not sue him if he were not here. Yesterday he agreed to buy me a meal at the Savoy, but I shall not sue him if he fails to do so.

[Mr. Hayes]

The lack of legal ability to enforce those agreements does not negate them. They depend on his will to be here, my will to accept his hospitality, and the Whips' generosity, which in my hon. Friend's case is endless.

Mr. Bercow: My hon. Friend, whom I thank for his characteristic courtesy in giving way to me, will agree that a body of men and women of sounder common sense than is to be found in South Holland and The Deepings would be unimaginable. Will he therefore tell the House whether the good burghers of that constituency are manning the barricades in support of legally binding home-school agreements?

Mr. Hayes: First, because of its European connotations, "burghers" is not a word that I would want to apply to the inhabitants of my noble constituency—which, as I have said before, is full of decent fen people who are close to God.

There seems to me to be a reasonable demand by parents for clarity about what they can expect from their local schools. Given that the law obliges them to send their children to school, and obliges the children to attend school for the most important years of their lives, in terms of their development, it does not seem unreasonable for parents to demand that expectations be codified and communicated in a reasonably coherent and consistent way.

That is what we aim to achieve with home-school agreements, but there is a lack of clarity in the Government's position. They seem to have alighted on a good idea but not to have had the necessary foresight, or perhaps the time and energy to develop it. I often look at those on the Government Benches and see a swathe of the half-hearted and the half-witted. I do not know which of those characteristics is to blame in this case, but the Government do not seem to have had the clarity of thought to see the basic good idea through to its conclusions.

Perhaps the worst example of lack of clarity in that respect is the failure to give schools and parents the power to come to local agreements sensitive to local needs. It is nonsense to assume that one home-school agreement can apply equally in the nirvana of South Holland and The Deepings, and in Buckingham.

The idea that there will not be local needs and local differences, of the sort that should lie at the very heart of the agreements, school by school and area by area, is nonsense. It provides yet another example of the Bill's giving ever-increasing powers to the Secretary of State when we should be enabling—"empowering", to use the trendy term—local people to come to flexible agreements for the benefit of schools and children.

Mrs. May: I fear that I will not be as entertaining as my hon. Friend the Member for South Holland and The Deepings (Mr. Hayes) at 1.38 am, but I will address some of the issues.

The tone of this debate is developing in a better fashion than that of the debate in Committee, which was somewhat sterile. Many of the Labour members of the Committee took the view that the only way in which we could have a good working relationship between parents and a school was if the school was required by the imposition of statutory legislation to produce a home-school agreement and a parental declaration of the parent's rights and responsibilities. As a result, we did not have an open debate about the right way forward for schools and parents.

It is important to place it on record that none of my right hon. and hon. Friends doubts the importance of the relationship between the school and the parents of the children in that school—or the relationship between the school and those bringing up the children if they are not the parents of the children. Education is best, and the achievement of the children is likely to be greatest, where there is full support for those children, not only within the school but within the home environment. We would not deny the importance of that relationship or the importance of parents and schools working together in the best interests of the children and the school. We are looking for the best approach to develop the best kind of relationship between home and school and to develop the interests of the children concerned.

Members of the Committee received a number of representations on the points raised by the hon. Member for Bath (Mr. Foster) in his amendments. For example, the Parent Teacher Associations of Wales wrote to Committee members, offering support for the concept of a home-school policy as opposed to home-school agreements. The associations said:

> "We strongly disagree with the requirement that schools need to be required by law to have home-school agreements, in conjunction with a 'parental declaration' to be signed by every parent."

The associations urged Committee members

> "to recognise that the development of policies on these and other matters needs to be a two-way process from the beginning. We all agree that home-school links are important, and that everyone has a role to play in stimulating them. There are many good examples of successful partnerships at school level, through which effective home-school polices have emerged. Let us help to build on the evidence of good practice, and not impose the illusion of partnership through this proposed legislation."

The term "illusion" is extremely important, because it captures what we see all too frequently in terms of the Government's proposals—they are interested in image, rather than in reality and substance.

Although the Bill gives the illusion that the Government are encouraging partnership between schools and parents, the reality is—given the law of unintended consequences—that the opposite will occur and that, because of a statutory requirement to develop home-school agreements, we will not see good practice developed. The process will become something that governing bodies feel that they have to do because they are required to do so by law. Some governing bodies may even treat the process somewhat cursorily—it may come to be seen either as a bureaucratic requirement that schools do not want, or as something that is created and then put to one side. That would not improve educational standards; it would be to the detriment of children and of the development of the relationship between schools and parents.

We also received representations from the Education Forum, which is convened by the National Consumer Council. It comprises representatives from a wide range of organisations, such as the Campaign for State Education, the Consumers Association, the National Association for Special Educational Needs, the National

Association for Primary Education and bodies from Wales and Scotland. On an issue to which my hon. Friend the Member for South Holland and The Deepings alluded, it said:

"Even the word 'agreement' implies a legal commitment. Signed agreements would undermine the process that has been made in improving home/school partnerships in many schools . . . The key issue is whether every school should be required to have agreements, or can choose whether or not to have them, as part of a flexible approach to developing home-school partnerships."

That is the key to why the amendment tabled by the hon. Member for Bath is wrong. As some of the groups that made representations to us argued, although a home-school policy—as opposed to a home-school agreement—could be beneficial, the hon. Gentleman's proposal would impose on schools a statutory requirement to develop such a policy.

We should develop and encourage best practice in schools, but we should allow them to develop approaches that are right for their local circumstances. Some schools might think it appropriate to develop an agreement to which parents would be asked to sign up, although such an agreement would be entirely inappropriate for other schools, as parents might not feel able to abide by the agreement.

Mr. Don Foster: I have been listening to the hon. Lady carefully, as until a moment ago she was mirroring—although at somewhat greater length—what I said on the issue. Does she believe that a school would not accept the need for some arrangement for liaison between home and school? If so, does she agree that that means that every school would accept the need for a policy of some sort?

1.45 am

Mrs. May: I am really concerned when the hon. Gentleman suggests that I go on at greater length than he does. I believe that the majority of schools want not an agreement, but some arrangement—I use his word—that defines their relationship with parents. However, I question whether making the development of such arrangements a statutory requirement will be to the benefit of schools and parents.

Mr. Bercow: Does my hon. Friend agree that the hon. Member for Bath (Mr. Foster) seems to be in a state of some confusion? If he is so convinced that all schools will be persuaded of the desirability of agreements with parents, why is he so preoccupied with the need to make them a legal requirement?

Mrs. May: My hon. Friend hits the nail on the head. If schools develop such arrangements in their own right, why do we need to make that a statutory requirement? As I said, the very fact that there was a statutory requirement would be detrimental to the development of arrangements that suited the local circumstances.

The Education Forum said that it was

"concerned about the implications of the term 'parental responsibilities'".

As the Bill sets out the responsibilities of both the school and the parents, the forum said:

"There is a danger that agreements could detail parental responsibilities in a way that some parents cannot reasonably be expected to meet e.g. because of home circumstances, their income, their own learning difficulties, or because they do not speak English adequately."

In those circumstances, it is imperative for a school to have flexibility and not to have a single agreement that every parent must sign or be stigmatised. The school should be able to determine how it should develop the relationship between school and home.

My hon. Friend the Member for South Holland and The Deepings spoke about the legal implications. Notwithstanding the clause that says that the agreements would not be legally binding, I remain concerned that parents might assume that an agreement and a parental declaration signed by them and by the school's representative was a guarantee of a particular level of education.

Following the Labour Government's local authority settlement, many schools have had to cut such courses as music tuition. They may be unable to deliver the level of education specified in the agreement, and that may result in parental recourse to litigation, which would sour relations between parents and the school. The proposals do nothing to encourage the partnership between school and home that is so important in encouraging and enabling children to get the best out of their education.

I fear that the clause, even with the amendments, will not encourage best practice or good relationships; indeed, it will sour the relationship between parents and schools. On that basis, I remain unconvinced by the Government's proposals.

Mr. St. Aubyn: I listened with great interest to my hon. Friend the Member for Maidenhead (Mrs. May) as, unfortunately, I was unable to attend the Committee sitting at which the clause was originally discussed.

Many of the regulations, conditions and proposals surrounding the Bill were presented to the Committee either at the last moment or, even worse, after clauses had been considered. So it is with this very clause. A Department for Education and Employment press release of 18 March, entitled "Morris launches plans to improve management of pupil behaviour", was issued after we had discussed the clause.

How do the clause and the amendment affect children who do not behave well—the difficult ones who, in extreme circumstances, have to be excluded from the school? We all support links between schools and parents and want to build on them, but we remain to be convinced that legislation is required to get good parents to co-operate with schools.

The weakness of the clause is that it will fail to apply to the very children who need it most, because they are often those who are not prepared to co-operate or to consider the home-school agreement closely.

Mr. Deputy Speaker: Order. I am listening carefully to what the hon. Gentleman is saying, but I must remind him that this is not a clause stand part debate. He must direct his remarks to the amendments.

Mr. St. Aubyn: I can assure you, Mr. Deputy Speaker, that that is exactly what I am going to do. Amendment No. 130, tabled by the hon. Member for Bath (Mr. Foster) will exclude clause 100(3), which states:

[Mr. St. Aubyn]

"The governing body shall take reasonable steps to secure that the parental declaration is signed by every qualifying parent."

Before we decide to exclude clause 100(3), Ministers should clarify whether it is part of the reasonable steps that a governing body should take for it to tell the parents of a pupil who is likely to be excluded, "We require you to sign this agreement, or we will go ahead and exclude your child from school." Should powers of exclusion, whether for a fixed term or on a permanent basis, be held over the heads of parents who are proving unco-operative in signing home-school agreements?

I raise that matter because, as Ministers will know, the Select Committee on Education and Employment has studied hard the problem of disaffected children, among whom we include those excluded from school. We are concerned at what measures schools may take to encourage parents to become more involved in their children's problems, and what is leading to their disaffection. Tonight, we require Ministers to clarify the interaction between home-school agreements in those cases.

That those questions have to be asked is a measure not only of the surreptitious way in which the Government's policy is evolving but of the confusion in the ministerial ranks. While they are about it, they should explain more fully their policy on exclusions. How far a school can exercise its right to exclude pupils interacts directly with its proposed home-school agreement.

When the Secretary of State came before a joint meeting of the Select Committees on Education and Employment and on Health, just over a month ago, he gave us some confusing signals as to whether he thought the powers contained in the Bill should be used to provide schools with more effective powers to exclude pupils, or whether, by making schools pay for the cost of exclusion—to paraphrase his words—he would in effect emasculate them and prevent them from using that important final sanction in the armoury of discipline that we give schools today.

If he is serious in what he told us at that hearing and he believes that schools should in certain circumstances have to bear the cost of a pupil being excluded, he will make it far harder for schools to tell the parents of such children before they reach the stage of excluding them that they want parents to sign up to a home-school agreement.

In effect, the Department's proposals would undermine the very policy of home-school agreements that it has championed. The confusion should come as no surprise.

Mr. Hayes: Is that confusion not well illustrated by the fact that the Government's position, rather like that of the hon. Member for Bath (Mr. Foster), is somewhat inconsistent? Originally, the Government talked about contracts that "define responsibilities". We have now moved to agreements, but the hon. Member for Bath is talking about policies.

Mr. St. Aubyn: I agree. This is another example of the Government's addiction to tokenism. When they wanted to show the world that Labour had changed and that they understood the importance of the relationship between parents and the schools that their children attend, they said, "Let us have home-school agreements"—a great banner headline for a day. When we get down to the detail and the complications of requiring parents to sign up to those agreements, it is an entirely different matter.

Once Labour Members were in government, the impracticalities were visited on them. The Department has explained to them that the ideas that they had in opposition are simply impractical, so we are burdened with confusing clauses, such as clause 100, which do not achieve anything.

Mr. Willis: I am confused about what we are discussing. We have tabled an amendment that makes a serious commitment to changing the Bill for what we believe is the better. Will the hon. Gentleman say what he would put in the Bill to make it better, or is he arguing that the whole thing should be scrapped?

Mr. St. Aubyn: I am not surprised at the hon. Gentleman's confusion. A little while ago, I spoke to his colleague the hon. Member for Bath (Mr. Foster), who said that he was so tired that he could not remember what he had said in a previous debate. I well understand the problem. It is a disgrace that we should be discussing these important matters at such a late hour. The Government refuse to make available proper time in Parliament for us to debate this in normal hours. They say that it is their flagship policy, but they want it to slip through at 2 am.

Mr. Deputy Speaker: Order. This is wholly new territory. The hon. Gentleman must come back to the point.

Mr. St. Aubyn: I apologise. My vote on amendment No. 125 will depend on the Minister's answer to our points. The Government have sown the confusion, and it is up to them to clarify their position now.

2 am

Mr. Clifton-Brown: I am delighted to be able to speak on this group of amendments and, in particular, on clause 100, which relates to home-school agreements.

Mr. Deputy Speaker: Order. It is not a question of "in particular". We are on clause 100 and amendments to it.

Mr. Clifton-Brown: It is common ground that the intention behind clause 100, amended or not, is that the expectations of parents and pupils, and the aims and objectives of schools, should be better understood. The question is whether it is to be achieved by the Bill's terms and, in particular, the word "agreement", or by the amendments' terms and, in particular, the word "policy". We have been debating whether an agreement can be legally binding. I refer hon. Members to clause 101(6), which states:

"A home-school agreement shall not be capable of creating any obligation in respect of whose breach any liability arises in contract or in tort."

I concur, because as I understand it—I am not a lawyer—a contract must have parties, a specific performance and a consideration. *[Interruption.]*

Mr. Deputy Speaker: Order. I am sorry to interrupt. I do not want debate across the Floor. Hon. Members should listen to the hon. Gentleman.

Mr. Clifton-Brown: I was trying to describe what I understand to be the legal difference between a contract

and an agreement. A contract must have parties, specific performance and, in particular, a consideration. The word "agreement" in this context will not have a consideration, so it cannot be legally binding. I disagree with the amendments because I do not think that they are necessary. However, if they are unnecessary, perhaps the Minister can answer some questions on matters that remain unclear, whether clause 100 is amended or not.

Does the Minister envisage the provision applying to each individual pupil? Will there be different agreements for each pupil? Each pupil's need is different. My hon. Friend the Member for Guildford (Mr. St. Aubyn) made a point which may have been prompted by remarks that I made to him earlier, about whether home-school agreements will make any difference to the sort of pupil or parent who would not take any notice of such things. It is all very well getting people to sign an agreement, but if they have no intention of agreeing to its terms, it is completely useless.

We should have voluntary agreements. The Bill provides great detail of what the agreement should and should not contain, but it does not contain any sanctions with which to enforce the agreement. If there are no sanctions, what on earth is the use of prescribing precisely the contents of the agreement? It would be far better to make it voluntary in the first place.

I hope that the Minister will be able to clear up some of the issues that have been raised. In essence, home-school agreements are a thoroughly good idea. We all want the aims and objectives stated in clause 100(2)(a) to be clear. We all want the school's responsibility as stated in subsection (2)(b) to be clear. We all want the parental responsibilities stated in subsection (2)(c) to be clear. We all want the school's expectations of its pupils to be clear. The idea behind clause 100 is good.

Mr. Swayne: May I ask my hon. Friend the same question that I asked of my hon. Friend the Member for South Holland and The Deepings (Mr. Hayes)? How does he envisage home-school agreements working? Will I as a parent negotiate an agreement specifically on behalf of my child with the head teacher, the form teacher or whomever? Or will it be negotiated between parents and the school collectively, in which case it will be not an agreement but a policy?

Mr. Clifton–Brown: My hon. Friend touches the heart of what I am asking the Minister to deal with in her reply to the debate on this group of amendments. Will there be different home-school agreements for each pupil? If there are, it seems to me that they will be negotiated between the school and each pupil. If it is the intention that there will be just one identical home-school agreement for all the pupils in the school, of course there will be no negotiation between the parents or the pupil and the school.

Mr. Hayes: My hon. Friend underestimates the paucity of the legislation. The debate is not just about one home-school agreement for the whole school but about the Secretary of State dictating the content and nature of agreements. Can my hon. Friend envisage the Secretary of State drawing up home-school agreements for every child in the country? Or will we have something bland and ineffective rather than something sensitive and particular to the needs of individual children?

Mr. Clifton–Brown: My hon. Friend makes a very good point. It would be nonsense if the Secretary of State prescribed from the centre one model home-school agreement. He might as well not bother, because it would be so bland and ineffective that it would have no import whatever. I notice that the Secretary of State has taken powers in the Bill to enable him to do just that. That would be a dangerous precedent.

Mr. Robert Walter (North Dorset): He has woken up.

Mr. Clifton–Brown: I am glad to see that the Secretary of State has woken up. I did not realise that he had quite gone to sleep.

It has been made clear in the debate on whether there should be agreements or a policy, that there is all the difference in the world between the conditions, requirements and needs of my hon. Friend's schools in South Holland and The Deepings and my constituents' schools in the Cotswolds. Indeed, there is all the difference between those pupils and pupils 10 miles away in the middle of Cheltenham or Gloucester.

Mr. Willis: Mr. Deputy Speaker, much as some of us would also like to debate Welsh issues tomorrow, could we deal with the issue before us, which is the amendment in the name of my hon. Friend the Member for Bath (Mr. Foster)? May I refer the hon. Member for Cotswold (Mr. Clifton–Brown) to clause 100(2), which clearly states that it is for each school to draw up its own home-school agreement in writing? Does the hon. Gentleman agree that, because Ofsted inspects each school and the relationships between the school and parents, it is essential that we have a policy on that?

Mr. Clifton–Brown: When the hon. Gentleman was speaking, I was trying to find the part of clause 100 that gives powers to the Secretary of State to prescribe the nature and content of home-school agreements.

Mr. Hayes: My hon. Friend is right to say that the Secretary of State has those powers. The hon. Member for Harrogate and Knaresborough (Mr. Willis) fails to appreciate that my hon. Friend is pointing out the critical and implicit difference between a contract, a partnership and a policy, which lies at the heart of the amendment moved by the hon. Member for Bath (Mr. Foster). The Government started off with a contract, we are now talking about an agreement, and the hon. Member for Bath is talking about a policy. Each is different, and my hon. Friend is drawing attention to that in an appropriate and entirely apposite way.

Mr. Clifton–Brown: I shall return to that important subject, but first I shall reply to the intervention of the hon. Member for Harrogate and Knaresborough, who raised the question whether the power applies to individual schools. Having had a chance to find the relevant clause, I refer him to clause 101(2), which states:

"If the Secretary of State by order so provides, the governing body of a school to which subsection (1) of that section applies shall ensure that any form of words . . . specified in the order, or . . . having such effect as is so specified"

[Mr. Clifton-Brown]

and continues:

"An order under subsection (2) may apply . . . to any school specified in the order, or . . . to any description of any school so specified."

Therefore, the Secretary of State can draw up home-school agreements for a specific school or for a wider section of schools if he or she so wishes.

The import of the amendments is to determine whether the clause establishes a binding agreement, a policy or merely an aspiration. That is the heart of the debate. To my mind, it should be a policy, and there should be nothing binding about the clause. If the agreement is binding, we shall start to see litigation, either of pupils or parents suing a school, or of a school suing a parent. That would be a dangerous and disadvantageous departure, which would negate the whole benefit of the clause.

I can see no reason why the school, having drawn up a prospectus as required, should not simply issue a statement of the school's aims and objectives and pupils' and parents' expectations. There could be one copy signed by the school, one by the parents and one by the pupil, so that everybody knows exactly what is expected of them. If the agreement is broken, under the clause, neither pupil, parent nor school can be sued—there are no sanctions. Why not have a simple statement of aims and objectives as I have described?

Mr. Letwin: I shall speak—briefly, at this hour—to amendment No. 125. It is a rare privilege to be able to subscribe whole-heartedly to what I take to be the import of a Liberal amendment.

Amendment No. 125 takes us to the heart of the problem with clause 100 and specifically with the adoption of home-school agreements. As I understand it, the intention of amendment No. 125 is to allow that which is adopted to be reviewed from time to time.

Let us cast our minds back to the period from which the British education system, especially our schools, is still recoiling—the 1960s. Had the Bill been law then, many schools in many parts of the country would have adopted as their "aims and values", to quote clause 100(2)(a), aims and values that would have been abhorrent to the present Secretary of State and to Labour and Conservative Members. Many schools at that time would have adopted elements of social engineering as part of their aims and values. In those circumstances, it would have been necessary for an amendment resembling amendment No. 125 to clock in.

2.15 am

As educational ideas changed—and, if I may say so, improved—it would have been necessary for schools to refine gradually the statements of aims and values contained in their home-school agreements, on a fluid basis. Had that not been possible, there would have been a perpetuation of the worst features of the educational theorising of the 1960s.

Amendment No. 125 therefore clarifies for us a danger latent in the notion of the agreements. There is every evidence from the statements made by the Secretary of State and other Ministers that, as my hon. Friend the Member for Cotswold (Mr. Clifton-Brown) pointed out, the assumption underlying clause 100 is that schools, under the guidance of the present benign—as the Secretary of State no doubt believes—influence of the Department for Education and Employment, will always produce as their statements of aims and values, and indeed in every other respect, an educational elixir that will benefit all the pupils in all circumstances.

However, that assumption is not well founded. We must expect that, very often, those agreements, signed by ordinary mortals—in many cases, alas, as one gathers from a reading of the Ofsted reports, ordinary mortals not entirely able to conduct their schools in the best possible fashion—will incorporate principles repugnant to many, perhaps all, hon. Members. It is therefore of the essence that there should be a correction mechanism.

Amendment No. 125 provides at least the possibility of correction. Alas, it does not contain something that might have gone further: not merely an ability for the school to correct by reviewing its agreements if it sees fit, but a necessity for the school to review its agreements in certain circumstances. If anything, the amendment is too weak to achieve its purpose.

Mr. Swayne: On that point, does my hon. Friend accept that the primary importance for the parent is not whether the school is able to reach agreement from time to time but whether the parent is able to do so? That is the key in respect of having an agreement. I find it exasperating, but I repeat: if that is not to be the case, it is not an agreement, merely a policy.

Mr. Letwin: As usual, my hon. Friend hits a point of the greatest possible significance. These, of course, are not agreements, and for that reason the emperor's clothes have been removed by the reference to policy. For that reason, the Government will object to many of the amendments that we are currently discussing.

Mr. Hayes: Is my hon. Friend suggesting that an agreement necessarily implies obligation—or can an agreement be less formal than that?

Mr. Letwin: As my hon. Friend is not tired of pointing out in these discussions, this is not an agreement. An agreement would imply something mutual—something that is, to some degree at least, morally enforceable. What we have in the Bill is in practice a policy but, alas, without amendment No. 125, that policy is stuck in stone.

Miss Widdecombe: My hon. Friend is using the term "morally enforceable". Will he explain how the agreement is actually enforceable?

Mr. Letwin: My right hon. Friend poses a problem that I am unable to solve, because clause 100(6) makes it clear that the agreements are not enforceable, although in a sense they might be morally enforceable. It must be the hope of the Secretary of State that, by signing the document, parents will somehow implicate themselves in the policy, and having implicated themselves will feel a moral obligation to fulfil their part of what he would describe as the bargain. The problem is that it is not a bargain, and parents have not had a choice in whether to implicate themselves. As a consequence, they cannot have morally implicated themselves and so cannot be said to have a moral obligation in any sense.

I leave aside that slight lacuna in what is actually a policy and revert to the main substance of my point.

Mr. St. Aubyn: My hon. Friend may not have had a chance, at such a late hour, to read the notes on clauses, but they help to clarify the fact that there is no legal power behind the clause. They draw a helpful parallel with section 13 of the Education Act 1997—which these clauses repeal—which would allow a home-school agreement to be used as part of a school's admission process. Therefore, a child could be refused admission if his parents refused to sign the agreement.

Mr. Letwin: I am grateful to my hon. Friend. In fact, I did have a brief opportunity to look at the notes on clauses, but not in the detail that he was able to do during the Committee proceedings.

We should inspect in more detail the proposition that the agreement will stipulate a school's aims and values, bearing in mind that, without amendment No. 125, that would be locked in stone. It would be a useful thought experiment for the House to think ourselves into how this would have operated in the 1960s and ask ourselves how schools using a policy—misnamed an agreement—enshrining a set of aims and values repugnant to this House would have approached the question of admissions or, indeed, expulsions, to take the two ends of the possible life history of a more unfortunate pupil. Surely we all agree that enshrined here are not just wild and woolly policies, but policies that might affect the conduct of a school and its relationship with its pupils on a day-to-day basis.

I remind the House that there were individuals—Professor Ted Wragg springs to mind—who leaped to the fore in the 1960s with wide-ranging descriptions of aims and values that might have been appropriate for schools. Who knows, perhaps 20 years from now—heaven forfend—there may be the successors of Professor Wragg.

Mr. Hayes: I am grateful to my hon. Friend for giving way to me for a second time. Surely his thesis presupposes that parents would have voluntarily entered into those agreements or, if my hon. Friend likes, policies—I prefer agreements. Surely he concedes that those misguided policies of the 1960s were not born of the will of the vast majority of ordinary hard-working, decent patriots, but of the liberal bourgeoisie who were the architects of the policies and imposed them upon the ordinary citizens of this country.

Mr. Letwin: My hon. Friend is right to say that we were dealing at that time with the utmost treachery—

Mr. Deputy Speaker (Mr. Michael Lord): Order. The hon. Gentleman is moving rather far away from the amendments. I should be grateful if he would come back to them precisely.

Mr. Letwin: I am grateful for that admonition, Mr. Deputy Speaker. I was distracted by my hon. Friend the Member for South Holland and The Deepings (Mr. Hayes) into territory that I should not have strayed into.

Mr. St. Aubyn: In fact, that territory does touch on an important point. Earlier in the debate, my hon. Friend spoke learnedly on the question of human rights and whether a previous clause might constitute a breach of human rights—

Mr. Deputy Speaker: Order.

Mr. Letwin: Thank you, Mr. Deputy Speaker. I shall not be tempted to stray into that territory.

If we imagine how it would be if the clause without amendment No. 125 came into force, and if some future successor of Professor Wragg incorporated into teacher training or the general jargon of the education establishment views similar to those that he held 10 or 15 years ago and which were at that time the orthodoxy, and if those were locked in—here I refer to a point raised by my hon. Friend the Member for South Holland and The Deepings that is directly germane—

Mr. Deputy Speaker: Order. If the hon. Gentleman cannot address himself directly to the amendments, I shall have to ask him to resume his seat.

Mr. Letwin: The point is directly germane to amendment No. 125, because we are dealing not with agreements, but with policies. In the absence of amendment No. 125, those policies may be locked in stone with no possibility of being revised, even though they may be repugnant to the parents who were artificially made to sign up to them.

I cannot imagine that it was the Secretary of State's intention to provide for the policies to be locked in stone. I hope that he will tell us, or that the Minister will tell us when he sums up this section of the debate, that the intent of amendment No. 125 always lay in the Government's mind—that it was the intent not merely that a policy or agreement should be adopted, but that there should be constant revision, as thoughts about education develop over time.

That is the only rational interpretation of the intent. However, the Liberal Democrat amendment clearly reveals that there is no such provision in the Bill. That is a remarkable omission. It must be a drafting omission. If so, we shall discover that when the Minister, in his summing up, accepts the amendment. If I am mistaken in my interpretation, it must be the Government's intention—which seems bizarre, but it would have to be the interpretation that the House placed on it—to insist that the terms of the so-called agreements that are actually policies, which have the appearance of being voluntary but are not, are those that the Government intend for education for eternity, or until Parliament changes its mind and enacts an amendment.

Mr. Clifton-Brown: My hon. Friend makes a good point in relation to amendment No. 125. With his extensive knowledge, he will recognise that ideas on education change radically, even over a period of five years, so unless the agreements were constantly updated, they would become otiose.

Mr. Letwin: I entirely agree with my hon. Friend. These are fast-moving matters—perhaps too fast moving. Some stability is to be hoped for. One would hope that, having adopted certain aims and values, a school would pursue them for a reasonable period. Nobody, not even

[Mr. Letwin]

the Secretary of State, could hope that his present vision of what should be the aims and values of schools is the guide for all time. It would be a remarkable statement if the Minister rejected amendment No. 125.

Mr. St. Aubyn: I invite my hon. Friend to consider the import of all this in respect of the human rights of the parents, who might be affected by a refusal to review the policy.

Mr. Letwin: Much as I would like to answer that acute point, Mr. Deputy Speaker, I shall not be tempted to stray, because of your earlier admonition.

It would be remarkable if the Government maintained that their current views of what should be in such an agreement constituted the inalienable truth—

Mr. Deputy Speaker: Order. The hon. Gentleman has said the same thing several times. I must ask him to resume his seat. I call Ms Estelle Morris.

Ms Estelle Morris: I should say that amendment No. 125 was at least an effort to make a positive contribution to an essential debate. In moving it, the hon. Member for Bath (Mr. Foster) expressed a point of view that he and his colleagues have long held. Although we differ on that point of view, we share the belief that we have to do more to help parents to support their children.

I cannot say that the same attitude was expressed in many of the comments of Conservative Members. The sadness of that is that—as much as they filibuster and make comments that are not conducive to serious debate—we are debating the serious issue of helping parents to support their children. For too long, we have not taken action to address that important issue.

Schools can do much for children. Good schools and good teachers are essential if children are to get a good education, but we know now—all the evidence shows us—that, if a child is really to do well, they will need support also from home.

2.30 am

The Government disagree with Conservative Members who have talked in somewhat disparaging terms about parents who may not know how to help their child, or who cannot cope with that need, who turn their backs on it and who may not want to help their child. We believe that it is so important that parents support and help their children at school that we must make every effort to ensure that they can do so.

Parents have rights—some of our debates today have been on those rights—but they also have responsibilities for their child's education. A home-school agreement is, first, about stating those rights and responsibilities so that parents know where they stand. I think that parents will welcome that knowledge.

Some of the parents to whom Conservative Members have so disparagingly referred do not know what they can do to help their child, but they want to help. They want their children to do well, just as middle-class parents want—and know how to help—their children to do well. They have aspirations and ambitions for their children and want their children to do better in school than they did themselves. Sometimes they do not know how to go about realising those ambitions. One of the advantages of a home-school agreement is that it will clearly state how parents can help their child to succeed. If they do not have an agreement, that opportunity will be lost.

Secondly, a home-school agreement is about expectations and about saying to parents, "You have rights. Society expects you to exercise those rights and to fulfil your responsibilities to your children who are in school." That is the key reason for making such agreements compulsory. For every parent, the agreement will state how they can support teachers in helping their child.

As a society and as communities, we are beginning to have high expectations of parents. For too long we have heard the type of moaning that we heard today from Conservative Members: that we cannot expect some parents to deliver the goods in supporting their children. In the interests of supporting their children, we can and we must have such expectations. The Bill's provision for home-school agreements is an attempt to establish in law the expectation that we rightly have of parents to fulfil their responsibilities to their children.

Some schools already have home-school agreements. The impact that those agreements have had on the children and communities involved shows that achieving those objectives is possible. Not only middle-class schools have home-school agreements; some schools in the toughest and most difficult areas have them. Those schools have begun to recreate a learning culture among parents in their communities. That must be our objective. It is sad that not all schools have chosen to attempt to recreate that culture.

We are clearly stating in the Bill that, in our efforts to value education and to acknowledge the essential partners in a child's learning, we will establish an expectation that parents have both rights and responsibilities. We will also explain how they can help to fulfil their responsibilities for their child.

It is quite clear in the Bill that we do not want to have to take criminal or other legal action or to disrupt a child's education because a parent will not sign an agreement. The agreements are about an expectation and about creating a situation in which parents know that they are doing something on behalf of their child.

There is much in the Bill that will serve to raise standards for every child. If we are serious about that, we must also tackle the role that parents can play. There is an honest difference of opinion between us, but the matter is so important that it cannot be left to chance. Our proposals are set out in clauses 100 and 101. As soon as the Bill is enacted, we intend to ensure that the education service sets out rights and responsibilities for all the essential educators, in the interests of the child. They are important clauses dealing with the responsibilities and rights of parents and teachers; they work in the interests of children and they will raise standards. I ask the House to reject the amendment.

Mr. Don Foster: As the Minister said, there is an honest difference of opinion between the Liberal Democrats and the Government on this issue, but it is an honest disagreement about how we achieve something

that we both regard as vital. I entirely agree with her about the unhelpful contributions made by Conservative Members—

Mr. St. Aubyn *rose—*

Mr. Foster: I shall not give way to the hon. Gentleman. One of the reasons I will not give way is that during one of the hon. Gentleman's numerous interventions my hon. Friend the Member for Harrogate and Knaresborough (Mr. Willis) asked what he would suggest, given that he was so critical of the Liberal Democrats' and the Government's proposals, but the hon. Gentleman had no answer.

Mr. St. Aubyn *rose—*

Mr. Foster: I have made it absolutely clear that I shall not give way to the hon. Gentleman.

Mr. St. Aubyn: On a point of order, Mr. Deputy Speaker. As I am a new Member, will you explain to me whether it is in order for one hon. Member to attack another but not give him the right to reply?

Mr. Deputy Speaker: The hon. Gentleman is not so new any more, and knows the rules of debate.

Mr. Foster: I am grateful for your ruling, Mr. Deputy Speaker. The hon. Member for Guildford (Mr. St. Aubyn) is not so naive that he was not able to intervene, I think, 14 times on other hon. Members.

Home-school arrangements are vital, whether they are called contracts, agreements or policies. The relationship between home and school is very important. Research into what raises standards in schools shows that the quality of the head teacher nearly always comes first, but high on the list is the relationship between home and school.

The Liberal Democrats believe that the most important aspect of the relationship between home and school is the building of that relationship rather than the product, or the simple piece of paper itself. The Government are concentrating predominantly on the piece of paper, which has to be signed so early that there will be no real opportunity for the signatories to it to have time to be involved in its development and to feel ownership of it. However, as the Minister said, that is an honest disagreement between us. As I hope that there will be opportunities to work constructively with the Government on developing their thinking, and perhaps ours, on the issue as the Bill continues its passage through Parliament, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Mr. Blunkett: On a point of order, Mr. Deputy Speaker. I do not wish to delay the House, but I wonder whether there has been a breach of privilege by *The Independent*. In what is now today's edition, the newspaper reports a debate on corporal punishment in independent schools, which has not yet taken place. It quotes extensively the hon. Members for Bath (Mr. Foster) and for Harrogate and Knaresborough (Mr. Willis) who have not yet made their contributions. I pass the newspaper to you, Mr. Deputy Speaker, and would be grateful if, during the debate on the next group of amendments, you might consider whether it and the hon. Gentlemen have breached the privilege of this House.

Mr. Deputy Speaker: If the right hon. Gentleman wants to raise the question of a breach of privilege, the normal procedure is to write to Madam Speaker. I suggest that he do that.

Mr. Don Foster: Further to that point of order, Mr. Deputy Speaker—

Mr. Deputy Speaker: Order. I think that I have dealt with the matter adequately.

Schedule 2

ALLOCATION OF EXISTING SCHOOLS TO NEW CATEGORIES

Amendment made: No. 3, in page 102, leave out lines 20 and 21.—*[Mr. Byers.]*

Schedule 3

FUNDING OF FOUNDATION, VOLUNTARY AND FOUNDATION SPECIAL SCHOOLS

Mr. Byers: I beg to move amendment No. 32, in page 103, line 4, leave out 'new'.

Mr. Deputy Speaker: With this, it will be convenient to discuss Government amendments Nos. 33 to 38, 52, 53, 39 to 41, 43, 29, 44 to 46, 30, 54 and 55.

Mr. Byers: This may appear to be a considerable body of Government amendments, but they are technical. I commend them to the House.

Amendment agreed to.

Amendments made: No. 33, in page 103, line 31, at end insert—

'and for the purposes of any agreed determination under sub-paragraph (6) regard shall be had to any guidance given from time to time by the Secretary of State.'.

No. 34, in page 103, line 36, leave out

'The Secretary of State shall not make a determination'

and insert

'A determination may be made'.

No. 35, in page 103, line 38, leave out 'unless' and insert 'if (and only if)—

(a) the determination is made by the Secretary of State, and

(b)''.

No. 36, in page 106, line 16, leave out 'maintained' and insert 'appropriate'.

No. 37, in page 106, line 29, leave out 'is the greater' and insert

'the Secretary of State determines to be just'.

No. 38, in page 106, line 40, at end insert—

' "appropriate schools"—

(i) in relation to a voluntary aided school having a religious character, means schools which are either foundation or voluntary schools and whose specified religion or religious denomination under section 65(4) is the same as that school's, and

(ii) in relation to any other voluntary aided school, means maintained schools.'.—*[Mr. Byers.]*

Schedule 4

SCHOOL ORGANISATION COMMITTEES

2.45 am

Ms Estelle Morris: I beg to move amendment No. 25, in page 109, leave out lines 40 to 46 and insert—

'3.—(1) For the purpose of the payment of financial loss allowance under section 173(4) of the Local Government Act 1972, that provision shall apply, with any necessary modifications, to any member of a committee as it applies to any member of a parish or community council; and a committee shall be included in the bodies to which section 174 of that Act (travelling and subsistence allowances) applies.'.

Mr. Deputy Speaker: With this, it will be convenient to discuss Government amendments Nos. 26 and 27.

Ms Morris: These, too, are technical amendments. They are intended to ensure that the admission exclusion appeal panels of school organisation committees fall within the scope of section 173 of the Local Government Act 1972.

Amendment agreed to.

Schedule 6

STATUTORY PROPOSALS: PROCEDURE AND IMPLEMENTATION

Amendments made: No. 52, in page 118, leave out lines 26 to 31 and insert—

'(a) in the case of proposals published under section 27(2) so far as relating to the provision of any relevant premises for the school, by the local education authority;

(b) in the case of proposals published under section 28(2), by the governing body and the authority; and

(c) otherwise by the governing body.'.

No. 53, in page 118, leave out lines 34 to 36 and insert—

'(a) so far as relating to the provision of any relevant premises for the school (but subject to sub–paragraph (5)), by the local education authority; and

(b) otherwise by the promoters.'.

No. 39, in page 120, line 7, at end insert—

'and for the purposes of any agreed determination under sub–paragraph (5) regard shall be had to any guidance given from time to time by the Secretary of State.'.

No. 40, in page 120, line 12, leave out

'The Secretary of State shall not make a determination'

and insert

'A determination may be made'.

No. 41, in page 120, line 14, leave out 'unless' and insert 'if (and only if)—

(a) the determination is made by the Secretary of State, and

(b)''. —*[Mr. Byers.]*

Schedule 8

CHANGES OF CATEGORY OF SCHOOL

Mr. Byers: I beg to move amendment No. 42, in page 131, line 9, at end insert—

'(aa) where a foundation is proposed to be established for the school otherwise than under this Act, that the foundation would meet such requirements as may be so specified;'.

Mr. Deputy Speaker: With this, it will be convenient to discuss Government amendments Nos. 12 and 13.

Mr. Byers: These, too, are technical amendments, intended to tidy up the Bill.

Amendment agreed to.

Amendments made: No. 12, in page 131, line 20, leave out

'approved under regulations under this Schedule'

and insert 'published under paragraph 2'.

No. 13, in page 131, leave out lines 27 to 30 and insert—

'(2) Regulations under sub–paragraph (1) may, in connection with any matters falling within that sub–paragraph—

(a) modify any provision made by or under this Part of this Act;

(b) apply any such provision with or without modifications;

(c) make provision corresponding or similar to any such provision.'.—*[Mr. Byers.]*

Mr. Clifton–Brown: I want to speak to amendment No. 13.

Mr. Deputy Speaker: The hon. Gentleman cannot do so. All the amendments in the group have already been discussed.

Schedule 10

INCORPORATION OF GOVERNING BODIES

Amendments made: No. 14, in page 138, line 8, after first 'school', insert

'(other than a grouped school)'.

No. 15, in page 138, line 12, leave out from 'day' to 'conform' in line 14 and insert

'the governing body shall (subject to regulations under sub–paragraph (4))'.

No. 16, in page 138, line 16, after 'shall' insert

'(subject to regulations under sub–paragraph (4))'.

No. 17, in page 138, line 17, leave out

'end of such period as may be prescribed'

and insert

'appointed day; and regulations may make such provision as the Secretary of State considers necessary or expedient in connection with the reconstitution of a governing body in pursuance of this sub–paragraph.'.

No. 18, in page 138, leave out lines 18 to 24 and insert—

'(4) Regulations may, in relation to cases where—

(a) the instrument of government required by paragraph 6 of Schedule 12 in the case of an existing school within sub–paragraph (2) above is not made by the appointed day, or

(b) the governing body of such a school are not reconstituted by that day,

make such provision as the Secretary of State considers necessary or expedient in connection with any of the following matters, namely—

(i) the making of such instruments of government on or after that day,

(ii) the reconstitution of governing bodies on or after that day, and

(iii) the constitution of such bodies on and after that day pending their reconstitution at some later date.

(5) Regulations may, in relation to existing schools which are grouped schools, make such provision as the Secretary of State considers necessary or expedient in connection with the transition of such schools from being grouped under a single governing body to having their own governing bodies constituted under instruments of government made in accordance with Schedule 12.

(5A) If the instrument of government required by paragraph 6 of Schedule 12 is not made before the appointed day in the case of an existing school, the following requirements, namely—

(a) the requirements of paragraph 2(1) below as to the name of the governing body, and

(b) the requirements of section 36(3) as to the name of the school,

shall not apply until such time as that instrument of government is made.'.

No. 19, in page 138, line 25, after 'means' insert '(subject to sub–paragraph (7))'.

No. 20, in page 138, line 29, at end insert

'; and "grouped school" means a school grouped under section 89 or 280 of the Education Act 1996.'.

No. 21, in page 138, line 29, at end insert—

'(7) A school is not an existing school for the purposes of this paragraph if immediately before the appointed day—

(a) in the case of a school within paragraph (a) of sub–paragraph (6), it has a temporary governing body, or

(b) in the case of a school within paragraph (b) of that sub–paragraph, it has a governing body but it has not yet opened;

and for this purpose a school "opens" on the date when it first admits pupils.

(8) Regulations may make such provision as the Secretary of State considers necessary or expedient in connection with the transition of—

(a) any such school as is mentioned in sub–paragraph (7)(a) or (b), or

(b) any proposed school which would be a school within sub–paragraph (6)(a) and which has, or is required to have, a temporary governing body,

to a school with a governing body constituted under an instrument of government made in accordance with Schedule 12.'.

No. 22, in page 138, line 29, at end insert—

'(9) Regulations under any provision of this paragraph may, in connection with any matters falling within that provision—

(a) modify any provision made by or under this Part of this Act;

(b) apply any such provision with or without modifications;

(c) make provision corresponding or similar to any such provision;

(d) provide for the continued application of any provision of Part II or III of the Education Act 1996 with or without modifications.'.—*[Mr. Byers.]*

Schedule 11

MEMBERSHIP AND PROCEEDINGS ETC. OF GOVERNING BODIES

Amendments made: No. 66, in page 141, line 4, at end insert—

'(4) The regulations may authorise or require governing bodies to make provision with respect to any matters relating to their meetings or proceedings (including any of the matters mentioned in sub–paragraph (2)).

(5) Subject to the regulations, a governing body may regulate their own procedure and that of any of their committees.'

No. 67, in page 141, line 21, at end insert

', and the payment of allowances to a governor at any such time shall instead be in accordance with a scheme made by the local education authority for the purposes of section 519 of the Education Act 1996.'.—*[Mr. Byers.]*

Schedule 12

INSTRUMENTS OF GOVERNMENT

Amendments made: No. 11, in page 143, line 2, leave out from 'section' to 'modifications' in line 3 and insert

'*(Arrangements for government of new schools)* for a new maintained school,'.

No. 23, in page 145, line 24, after 'be' insert ', or is,'.

No. 24, in page 145, line 28, at end insert

', including provision modifying any provision of this Schedule or Schedule 9'.—*[Mr. Byers.]*

Schedule 16

STAFFING OF COMMUNITY, VOLUNTARY CONTROLLED AND COMMUNITY SPECIAL SCHOOLS

Ms Estelle Morris: I beg to move amendment No. 68, in page 155, line 41, after 'and', insert

', where the post is that of head teacher,'.

Mr. Deputy Speaker: With this, it will be convenient to discuss Government amendment No. 69.

Ms Morris: The amendments seek to correct an error in the original drafting and limit to head teacher posts the local authority's entitlement to make representations to the governing body's selection panel.

Amendment agreed to.

Schedule 17

STAFFING OF FOUNDATION, VOLUNTARY AIDED AND FOUNDATION SPECIAL SCHOOLS

Amendment made: No. 69, in page 163, line 42, after 'and', insert

', where the post is that of head teacher,'.—*[Mr. Byers.]*

Schedule 18

APPEALS AGAINST EXCLUSION OF PUPILS

Amendment made: No. 26, in page 170, leave out lines 5 to 11 and insert—

'3.—(1) For the purpose of the payment of financial loss allowance under section 173(4) of the Local Government Act 1972, that provision shall apply, with any necessary modifications, to any member of an appeal panel constituted in accordance with paragraph 2 as it applies to any member of a parish or community council; and such an appeal panel shall be included in the bodies to which section 174 of that Act (travelling and subsistence allowances) applies.'.—*[Mr. Byers.]*

Schedule 22

FOUNDATION, VOLUNTARY AND FOUNDATION SPECIAL SCHOOLS: DISPOSAL OF LAND AND DISCONTINUANCE

Amendments made: No. 43, in page 180, leave out lines 42 and 43.

No. 29, in page 181, line 11, leave out 'within the meaning of' and insert 'as defined by'.

No. 44, in page 181, line 12, at end insert—

'(1A) If a voluntary aided school was, immediately before the appointed day, a controlled school within the meaning of the Education Act 1996, this paragraph also applies to any disposal by the trustees of the school of any land acquired, or enhanced in value, wholly or partly by means of expenditure incurred under section 63 or 64 of that Act.'.

No. 45, in page 181, line 13, leave out

'(b), (c) or (d) of sub–paragraph (1)'

and insert

'(c) or (d) of sub–paragraph (1) or sub–paragraph (1A)'.

No. 46, in page 181, line 14, leave out 'paragraph' and insert 'provision'.

No. 30, in page 181, line 36, leave out 'within the meaning of' and insert 'as defined by'.

No. 54, in page 181, line 40, leave out

'hold the proceeds of disposal on trust'

and insert

'use the proceeds of disposal'.

No. 103, in page 182, line 4, at end insert—

'(10) Where the trustees of a foundation, voluntary or foundation special school wish, in the case of any land held by them for the purposes of the school, to use the land for purposes not connected with the provision of education in maintained schools—

(a) the preceding provisions of this paragraph shall apply as if any such change of use of the land were a disposal of the land; and

(b) the value of the land as at the date of any determination under sub–paragraph (2) or of any direction under sub–paragraph (7) shall be treated as proceeds of the disposal of the land.'.

No. 104, in page 183, line 27, leave out '29' and insert '29(1)'.

No. 105, in page 183, line 28, leave out 'on' and insert 'in relation to'.

No. 106, in page 183, line 30, leave out 'on'.

No. 107, in page 183, leave out line 39 and insert 'public expense'.

No. 108, in page 183, line 44, leave out from 'at' to end of line 45 and insert 'public expense'.

No. 109, in page 183, line 45, at end insert—

'(2A) In sub–paragraph (2) "at public expense" means at the expense of—

(a) the Funding Agency for Schools, or

(b) any local education authority or an authority within section 29(2)(c).'.

No. 110, in page 184, line 2, leave out

'the use of land as'

and insert

'any such change of use of the land as is'.

No. 55, in page 184, line 25, leave out 'them' and insert 'the governing body'.

No. 111, in page 184, line 32, at end insert—

'Notice by trustees terminating foundation or voluntary school's occupation of existing site

7A.—(1) This paragraph applies where trustees have given a notice falling within section 29(11) which is effective to terminate a foundation or voluntary school's occupation of any land ("the relevant premises").

(2) If any expenditure has been incurred on the relevant premises as mentioned in section 29(2)(a) to (c), the Secretary of State may impose any requirements that he thinks just—

(a) in respect of the repayment by the trustees of all or part of any such expenditure which was incurred by him;

(b) in respect of the transfer by the trustees to the local education authority of the whole or part of the relevant premises where he is satisfied the authority will need them for any purpose connected with education;

(c) (to the extent that the relevant premises are to be so transferred) in respect of the payment by the authority to the trustees of so much of the value of those premises as is just having regard to the extent to which the premises were provided otherwise than at public expense;

(d) (to the extent that the relevant premises are not to be so transferred) in respect of the payment by the trustees to the authority of so much of the value of those premises as is just having regard to the extent to which they were provided at public expense.

(3) In sub–paragraph (2) "at public expense" means at the expense of—

(a) the Funding Agency for Schools, or

(b) any local education authority or an authority within section 29(2)(c).'.

No. 77, in page 184, line 38, leave out from '"disposal" to end of line 39 and insert 'includes a compulsory disposal;'.—*[Mr. Byers.]*

Schedule 24

ADMISSION APPEALS

Amendment made: No. 27, in page 192, leave out lines 40 to 47 and insert—

'4.—(1) For the purpose of the payment of financial loss allowance under section 173(4) of the Local Government Act 1972, that provision shall apply, with any necessary modifications, to any member of an appeal panel constituted in accordance with paragraph 1 or 2 (or in accordance with paragraph 2 as it applies by virtue of paragraph 3) as it applies to any member of a parish or community council; and such an appeal panel shall be included in the bodies to which section 174 of that Act (travelling and subsistence allowances) applies.'.—*[Mr. Byers.]*

New clause 5

PARTNERSHIP SCHEMES

'.—(1) In discharging its obligations under Section 78(1) of this Act a Local Education Authority shall ensure that parents of children in the area of the authority are able to express their preferences without regard to whether a school is a maintained school or an independent school.

(2) If, under Clause 78(1)(a), a parent expresses a preference for their child to attend an independent school, and the headteacher of the independent school expresses a willingness to accept the child as a pupil at the school, the local education authority may introduce a scheme of support (to be known for the purposes of this section as a partnership scheme) to allow the fees or expenses which are payable in respect of the child's attendance at the school to be met in whole or in part from the funds available to the local education authority, provided that the condition set out in sub–section (3) of this section is satisfied.

(3) In the exercise of the power conferred on a local education authority under this section, the authority shall ensure that the public funds which are committed to support a partnership scheme are fair, having regard to the factors or criteria which that local authority takes into account when determining school budget share of maintained schools under section 45 of this Act.'.—*[Mr. Dorrell.]*

Brought up, and read the First time.

2.45 am

Mr. Dorrell: I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker: With this, it will be convenient to discuss the following: New clause 6—*Assisted places scheme*—

'.—Notwithstanding the provisions of the Education (Schools) Act 1997 any pupil who was attending a former participating school (within the meaning of that Act) on May 1st 1997 and in respect of whom the fees or charges of the school were being met in whole or in part from public funds under the terms of the assisted places scheme shall be entitled to continue support until the end of their education.'.

New clause 9—*Charitable provision*—

'.—(1) Nothing in this Act shall prevent a charity from re-imbursing either

(a) a primary or secondary non-maintained school; or

(b) a local education authority

in respect of the fees or related charges or expenses of any pupil resident in the area of that local authority whom the authority determines may benefit from education at that school (whether inside or outside their area)

(2) Expenditure by a charity in making a reimbursement under subsection (1) above shall be charitable expenditure, within the meaning of section 44 of the National Lottery etc. Act 1993.'.

New clause 10—*Partnership provision*—

'.—(1) Nothing in this Act shall prevent a local authority from reimbursing any primary or secondary non-maintained school (whether inside or outside their area) in respect of the fees of any pupil resident in the area of that local authority whom the authority determines may benefit from education at that school.

(2) The fees of any pupil reimbursed under subsection (1) may be reasonable fees in respect of—

(a) courses of academic study in a specific subject or a range of subjects; or

(b) courses in music, drama, ballet; or

(c) games including football, cricket, tennis, swimming, athletics

attended by such pupil's selected by reference to his or her particular aptitude and ability.

(3) The parents of any pupil benefiting from payments under this section shall be free to choose either at their own expense or with the aid of charitable reimbursement as provided in section (*Charitable provision*) to maintain such pupil's at such primary or secondary non-maintained schools for the balance of such pupil's education if the parents believe it is the best interests of such pupils to do so having regard to the continuity of his or her study and the consistency of his or her environment.

(4) No local education authority shall be under any obligation to make any payment in respect of any individual pupil under this section and an authority shall be entitled to restrict such payments by reference to household income (or such other measure of parental means that is deemed appropriate) as well as by reference to the ability and aptitude of a pupil.

(5) This section shall not apply to any pupil with special educational needs, as defined in section 312 of the Education Act 1996.

(6) Assistance under the terms of the section shall be known as Partnership Provision.'.

Amendment No. 92, in clause 118, page 87, line 24, leave out 'Subject to subsection (2)'.

Amendment No. 94, in page 87, line 24, after '(2)' insert

'in respect of any pupil with Special Educational Needs as defined in section 312 of the Education Act 1996'.

Amendment No. 93, in page 87, leave out from beginning of line 30 to end of line 10 on page 88.

Amendment No. 95, in page 87, line 36, after 'pupil', insert 'with Special Educational Needs'.

Amendment No. 96, in page 87, line 37, after 'prescribed', insert

'in respect of any pupil with Special Educational Needs'.

Amendment No. 97, in page 87, line 38, after 'Regulations', insert

'in respect of any pupil with Special Educational Needs'.

Government amendments Nos. 83 and 84.

Mr. Dorrell: If Ministers and I agree nothing else about the amendments, I suspect that we will agree that they are the very opposite of technical. The group dealing with partnership schemes concerns a major issue of principle between the Conservative party and the Government and their supporters.

The amendments bring together a number of different aspects of the issue and pose a choice. They bring together, first, the scope of the choice that should be open to parents in making a choice about the school in which their child will be educated; secondly, the scope of the Government's commitments in advance of the general election on the operation of the assisted places scheme and to children who took places on that scheme; and thirdly, the scope of discretion that should be open to a local education authority to offer support to children benefiting from education in an independent school.

Underlying all that is a key question of principle: whether the Government favour, as they say they do, an inclusive vision of education that holds out to every child from whatever background the prospect of a choice between independent and maintained-school education, or whether they intend to continue with the policy, which has motivated their actions since 1 May, of a sharp, indeed enhanced, division between the independent sector and the maintained sector—the further development of a state of affairs that has been described by George Walden as one country, two systems.

George Walden's book, which analyses what is good and bad about Britain's schools system, emphasises the damage that is done to the provision of schools education by the continued deep divide between the independent system, to which, in the Government's vision, a family can aspire only if they can afford to pay the fees, and the maintained system.

The new clauses and amendments seek to challenge the Government's view that the two systems should be kept entirely separate, and offer a variety of ways in which the Government's inclusive rhetoric can be turned into reality for families to whom the Secretary of State is effectively saying in the policies that he has espoused since coming to office, "I, the Secretary of State, am in favour of inclusion, but not in favour of including you in the choice that is available to other families in Britain." We on the Conservative Benches are clear. We are in favour of all

[Mr. Dorrell]

families having choice; we are in favour of variety; and we are in favour of a system of support in education that gives real effect to the Government's rhetoric about inclusiveness.

That is why we have tabled new clause 5, which would require a local authority, when collecting the preferences of parents on the school that they want their children to go to—a process that is rightly foreshadowed in clause 78—to allow parents to express a preference not only for a maintained school, but for an independent school in the area. If a parent expressed a preference for an independent school and the head teacher of that school was prepared to accept the child on the basis of a use of funds that was fair in the context of the rest of the funding of maintained education in that local education authority, the LEA should have the power to support that child's education in that independent school. That is an important principle. I deeply regret the Government's approach to the assisted places scheme, which flew in the opposite direction. The new clause would give real effect to the ambition, which the Secretary of State is fond of quoting, of providing inclusive educational prospects for all children.

The argument used against the assisted places scheme—that it is an unfair allocation of resources—is not open to the Secretary of State in response to the new clause, because the new clause would explicitly empower the LEA to provide support to a child's education following the expression of parental preference if the use of resources was fair in the context of other resource decisions in the area. I have discussed that principle with representatives of independent schools. Not every independent school would offer places on that basis, but there is a good prospect that some would wish to do so. The argument that the Government like to use against the assisted places scheme is not available to them in response to new clause 5. It is a challenge to the Government to make real their rhetoric about inclusiveness.

If the Government do not respond to that challenge, we shall see the true substance of the rhetoric that the Minister for School Standards—who has absented himself from the Chamber—is fond of using about the importance of a partnership between public and private sector. He likes going to assemblies of independent schools and holding out the prospect of improved co-operation between the public and private sector. He has even attached £500,000 to improving that co-operation.

The new clause will flush out the Secretary of State. Does the partnership that he envisages involve simply the crumbs that fall from the table of those who can afford to pay the fees for independent schools, or is he prepared to offer children of parents who cannot afford the fees the real choice that is available under his proposals only to those who can afford the fees?

Perhaps the Secretary of State agrees with Mr. Doug McAvoy, who clearly thinks that only education provided in a maintained school should be supported from taxpayers' funds. I do not understand the logic of that. Suppose that taxpayers' funds are available to provide the best possible education for a child and the parents choose to have that child educated at an independent school, which is prepared to accept the child. Provided that the resource consequences are fair in the context of the decisions of the LEA, on what basis do the Government reject the principle of new clause 5? That is the first important principle that arises from this group of new clauses and amendments.

The second important principle relates to new clause 6, which deals with the argument whether children who were accepted on to the assisted places scheme before its abolition should be able to look forward to the planned completion of the course of education for which they were accepted.

The House will know that the Parliamentary Secretary, Office of Public Service, who was the Labour party spokesman on school standards before the election, wrote at that time to many parents making it clear that any child accepted for an assisted place at a school that offered education up to the age of 13 could expect to be able to complete that education.

We failed to persuade the Secretary of State to accept the principle in the Kilfoyle letter and write it into the Act that abolished assisted places, so we now seek to bring him back to the issue. He said at the time, "Trust me; trust our discretion," but then refused, even on the basis of his discretion, to give the firm assurance that any child accepted for an assisted place at a school which in the normal course of events would offer education to the age of 13 would be able to complete his or her education in that school.

That commitment was given repeatedly and officially on behalf of the Labour party before the general election. Now the Secretary of State should at last recognise that it is an election pledge which, as the law stands, the Government have already broken.

Amendments Nos. 92 and 93 address the effect of clause 118 as it emerged from the Standing Committee. That clause was a late addition to the Bill; I believe that it was added to the Bill at the Committee's last sitting. It was prompted by an attack by Mr. Doug McAvoy of the National Union of Teachers on a scheme being promoted by Surrey county council, which planned to offer an arrangement similar to the one I described when I was talking about new clause 5.

Surrey made it clear that it wanted to offer to children from every background a real choice, including the choice of an independent education. Doug McAvoy opposed the idea because he said that it would take funds away from the maintained sector and allocate them to the independent sector.

Mr. McAvoy seemed unaware that the funds under the Surrey county council scheme would have been used to support the education of Surrey residents, exactly as they would have been if they had been spent in maintained schools. He did not seem to know, either, that the council had made it clear that its scheme, like new clause 5, was designed to offer nothing more than support similar to that available for the education of children within the maintained school system.

The effect of clause 118 as drafted is to give the Secretary of State the power to declare that scheme illegal. However, I hope that the right hon. Gentleman will accept new clause 5, which would write in the principles of the Surrey scheme and make it a national arrangement. Because I believe in inclusive education, I think that it would be a good scheme to introduce in county council areas in general.

If the Secretary of State is not willing to do that, I hope that he will at least accept amendments Nos. 92 and 93, the effect of which would be to remove the threat to the

Surrey county council scheme. He could do that on the basis that discretion should be left to LEAs. We have heard a great deal about the importance of LEAs in the Government's, and the Secretary of State's, vision. I hope that he will believe his own rhetoric about LEAs, local discretion and local decision-making and allow Surrey county council to follow up its own choice.

This is a key group of amendments. We favour partnership schemes, designed to break down the divisions between the maintained and independent sectors. That is why we tabled new clause 5. As a second choice, we believe that the Government should accept the amendments we have tabled to clause 118 to allow the Surrey county council scheme to go ahead. Most important of all, we believe that the Government should be held to the election pledge made, on behalf of the Labour party, in the Kilfoyle letter.

I challenge the Secretary of State to accept the new clause and the amendments, because they are consistent with his words. If he does not accept them, we can only conclude that his rhetoric should be disbelieved and that we should look only at his actions, which, in important respects, are at variance with his words.

3 am

Mr. Brady: I support my right hon. Friend the Member for Charnwood (Mr. Dorrell), and I wish to refer to a specific local example which sheds light on these matters. St. Bede's college in Manchester is an independent Catholic grammar school, and Trafford borough council—and Cheshire county council before it—have, since the second world war, funded the provision of places for local Catholic children in the borough of Trafford at St. Bede's.

It throws light on the attitude of the Labour party and the Government that, now that Trafford borough council is Labour-controlled—for the first time in its history—it has decided to end that provision, in spite of the fact that the circumstances which my right hon. Friend described appertain exactly; the school has offered places to the local authority at exactly the same cost as the places in maintained schools. There is no financial benefit to the local authority from scrapping the scheme. It is simply an ideological attack on the principle of selective and independent schools, and shows a negative attitude to partnership.

The provision of places at St. Bede's is actually cheaper for the local authority, because there are no capital costs for the local authority—unlike at maintained schools. I am keen to support new clause 5 and the amendments, because the other parties—and I am pleased to say, in this instance, that that includes the Liberal Democrats in Trafford—are supporting partnership and choice, and opposing the Labour party's regressive thinking on this matter.

The Conservative and Liberal parties have pledged to restore the scheme when they take control of Trafford borough council. I am concerned that clause 118 could be used to prevent that, and I seek an assurance that that will not be the case. I strongly urge the House to support the new clause, to prevent any attempt to stop the reintroduction of that scheme if the local population vote for it.

Mr. St. Aubyn: I, too, support new clauses 5 and 6. I also want to speak to new clauses 9 and 10, which I tabled. We are talking about serious issues of trust. Ministers should be on the Front Bench to answer questions about what they said, day in and day out, in Committee. The moment they knew that they would be asked to explain their comments—which are recorded in *Hansard*—they ran away.

Mr. Blunkett: I shall not detain the House, but I want it put on the record that my ministerial colleagues, having been on the Front Bench almost continuously for the past 11 hours, deserve a break to get a cup of tea and relieve themselves. The silly nonsense that we hear from Conservative Members illustrates the utter contempt in which they hold standards and children's education.

Mr. St. Aubyn: I have not been a Member of Parliament for long, so perhaps this will carry less weight than if it were said by someone else, but I have rarely heard such a ridiculous statement by a Minister. It ill behoves the Secretary of State to try to disguise the fact—which everyone knows—that his ministerial colleagues made remarks on this issue that, after slipping clause 118 into the Bill at the last moment in Committee, they cannot now defend. I see that the Under-Secretary of State for Education and Employment, the hon. Member for Birmingham, Yardley (Ms Morris) is now back in the Chamber—I hope that she will resume her seat on the Front Bench.

As I said, we are discussing an important issue, which goes to the heart of the question whether we should trust anything that the Ministers say. They are asking us to take much on trust, as so much in the Bill is to be governed by regulations that will be issued and reviewed long after the Bill is enacted.

It is fitting that we should be discussing partnership schemes at 3 am, because last year we debated the assisted places scheme at a similar hour of the morning. That was another occasion on which the Government did not give sufficient time for proper consideration of an issue that affects so many children—nearly 400 in my constituency alone. In the last stages of that discussion, I tabled amendments similar to new clauses 9 and 10, but I was persuaded by the Minister's response to withdraw them.

New clause 9 would encourage and enable charities to top up the fees of a child at an independent school where the cost would exceed the standard spending assessment for a child at a maintained school in the area. Last year, I accepted the right of the new Government—although I did not agree with them—to claim back the £1,000 more that it cost on average to send a child to an independent school through the assisted places scheme rather than to a maintained school, and to use that money towards the costs of teachers in other parts of the education service. However, I tabled the new clause because I believe that we should allow charities to step into the breach. In that case, the assisted places scheme, or a version of it, could continue in areas where it had popular support, without doing so at the expense of the Government's objective of finding more money for primary school teachers.

The equivalent of new clause 10 in the Education (Schools) Bill would have ensured that councils had the power to go ahead with a new version of the assisted places scheme. The Minister for School Standards said:

"I intend to ask the Committee to reject new clause 2, because it is unnecessary to include its provisions in the Bill, given that . . . Regulations . . . made under section 518 of the Education Act 1996,

already give LEAs the discretion to pay the whole or part of tuition fees . . . and other expenses relating to the attendance of a pupil at a fee-paying school."

He went on:

"If the local authority wants to use the money that it raises locally for this purpose, that is for it to decide. It will be held accountable by Surrey people, if that is how it wants to spend money from the education budget. The authority has the freedom to exercise that power".—[*Official Report*, 10 June 1997; Vol. 295, c. 1008.]

Emboldened by the Minister's statement, I felt no need to press the motion to a vote, and I went back to Surrey and discussed the matter with the chairman of the county council's education committee. After taking expert advice, we developed a scheme that we believed was a great improvement: a development of what was best in the assisted places scheme and in the rhetoric that we were hearing from the Government about building partnership between independent and state schools.

Nearly one in five children in Surrey go to independent schools, and it is especially important for us to build bridges between those schools and the state sector. It so happened that our scheme came to fruition when the Bill was in Committee, so I took advantage of its approval by the county council to announce it to the Committee, and to seek endorsement from Ministers for what we were trying to do.

I said:

"The Education (Schools) Act 1997 . . . was a retrograde step away from more partnership between the public and private sectors. Since then . . . it was agreed to create a new partnership scheme in Surrey between independent schools and the state sector."

I sought the reaction of the Minister for School Standards and his ministerial colleague, the hon. Member for Yardley, who said:

"The Department looks forward to receiving details of those plans and to hearing how children can be given more opportunities than at present. That is exactly the sort of co-operation that we want to see".—[*Official Report, Standing Committee A*, 5 February 1998; c. 346-47.]

I was so delighted by that response that I sought confirmation from the hon. Lady, who said:

"we welcome the partnership that is clearly being made in Surrey with the private sector; that is exactly what we want in the interests of children."—[*Official Report, Standing Committee A*, 5 February 1998; c. 351.]

So, there we have it—the endorsement of the principle by the Minister for School Standards, and the endorsement of our scheme, when it is approved, by his ministerial colleague. We feel that we are going places. We have a scheme that will be greatly to the benefit of children in Surrey.

We have heard the rhetoric from Labour Members about how, through their new education action zones, they will get companies such as Proctor and Gamble involved in education—a field that the company has not previously entered to any great extent. We thought, why not get the royal grammar school in Guildford involved, as it has been in the business of education for more than 500 years and might have a thing or two to teach other schools in the area, given that it is often the best performing school in the country by many measures?

3.15 am

So we thought that we were on to a good thing, but, as my right hon. Friend the Member for Charnwood pointed out, we heard from the other side of the Labour Government. Something that we have learnt the hard way in Committee is that there are two sides to this Government. This is the Dr. Jekyll and Mr. Hyde Administration. If they drink the right potion, one hears the right noises, but when they make the decisions they often reach into that other cabinet and drink potion B—then the lesson is, "Watch out!" I fear that one Minister—I would not like to say which one—had drunk deep of potion B before the Government came up with clause 118.

Mr. Willis: I do not know what the hon. Gentleman has been drinking, but it is certainly something of the night. Will he confirm the reality of these amendments, and in particular new clause 5? If it were adopted, the public sector would make a huge subsidy to every child in a private school throughout the country. Will he confirm that that is really the intention—a huge transfer of funds from the public sector to subsidise the private sector?

Mr. St. Aubyn: I hesitate even to attempt to answer the hon. Gentleman, because he clearly has not been listening to what I have been saying. I clearly described the Surrey scheme. Any additional costs—*[Interruption.]* If the hon. Gentleman will listen, I said that, under the Surrey scheme, any additional cost over the standard spending assessment would be met from outside charitable sources.

Local education authorities can now spend money in ways that we all would agree would be unreasonable. We do not object to reasonable constraints on the way in which councils spend their money, but let us not forget that children in my county are costing the local ratepayers £80,000 a year because they are in care, and there are many more costing at least £20,000 a year. Some children in our society require us to spend a great deal more per year than the standard spending assessment. Those powers would remain with the local education authority, even after the enactment of the Bill without amendment.

Mr. Willis: Probably it is the lateness of the hour and the fact that I am getting old, but does the hon. Gentleman accept that new clause 5 basically states that parents can choose to send their child to an independent school if they wish to do so, and that the cost to the local authority would be the average cost of sending them to a state school—

Mr. St. Aubyn: I will quickly answer the point for the hon. Gentleman. He should refer to new clause 5(3). If he reads it carefully, he will understand where we are coming from. I think that we need to move on, because this is a very sterile debate.

Mr. Dorrell: The answer to the hon. Member for Harrogate and Knaresborough (Mr. Willis) is that new clause 5(2) makes it clear that the local authority could meet the cost

"in whole or in part"—

the purpose being that it would meet it in part, or indeed not at all, according to a means test similar to that provided for under the assisted places scheme. So the hon. Gentleman is simply wrong.

Mr. St. Aubyn: I refer the hon. Member for Harrogate and Knaresborough (Mr. Willis) to new clause 10, which may be more to his liking, and which follows the new clauses that I proposed last year. I particularly refer him to new clause 9, which exactly mirrors the one that he and the hon. Member for Bath (Mr. Foster) supported when I tabled it last summer. I was alarmed to hear from the hon. Member for Bath that he has become so tired that he cannot decide whether to support the proposal again this evening. I was sorry to hear that, but not surprised, given the confusion among the Liberals.

New clause 10 is a menu, and I invite the Minister to say how far down it he is prepared to go. I hope that the Minister is listening, because the education of children—for which, apparently, there is some support among Labour Members—is important. The menu includes buying lessons from the independent sector for a child that needs them.

Do the Government support the principle that, if a school cannot provide classes in Japanese or Latin, and it has a pupil with a particular aptitude or need to learn them, the LEA may help the pupil by buying that provision, and, at the same time, building bridges with the independent sector? Does he accept that the same should apply to courses in music, drama and ballet? Should it not apply to games such as football and cricket, where a school may have particular expertise? Does he support the principle of parental choice?

The Minister for School Standards said that his objection to grammar schools was that schools make the choice, not the parents. We invite him to support a scheme that gives parental choice. Does he agree that the parents of a child who has been favoured by support from a local education authority in having some lessons bought in from an independent school should also be able, possibly with charitable help, to buy the rest of that child's education provision at the same school out of their own resources? There is a logic to what we are asking the Government to support, and it is dictated by the needs of children, not only in Surrey but in other parts of country.

Only last night, Bromley council considered a similar scheme. It has found that the demand for places means that, if assisted places are abolished, it will have to meet not only the standard spending assessment of pupils coming back into the state sector but the capital cost of new classrooms. The Government have not provided the necessary money for that.

Mr. Peter Ainsworth (East Surrey): Does my hon. Friend agree that the sniggering lack of interest of Labour Front-Bench spokesmen is only what the people of Surrey have come to expect from the Labour Government? Does he further agree that people in Surrey and all over the country will look carefully at how the Liberal Democrats vote? This is a test of the Government's commitment to partnership in education that people in Surrey will hope the Liberal Democrats do not fail. The Conservatives will stand up for their interests.

Mr. St. Aubyn: I thank my hon. Friend for that point. It is disappointing that Labour and Liberal Members seem to think that this is a joke. The fact is that it involves the education of thousands of children and building the sort of bridges between independent and state provision that everyone claims that they favour. If they do, they must support our amendment.

Mr. Andrew Robathan (Blaby): Does my hon. Friend see any analogy with the bridge built between the Prime Minister—a product of independent education—and the Deputy Prime Minister, who, of course, is not?

Mr. St. Aubyn: That is an avenue down which you, Mr. Deputy Speaker, would not allow me to travel. Nor may we consider why the Minister without Portfolio, the hon. Member for Hartlepool (Mr. Mandelson), is not present.

We know that Labour Members have a hidden constraint on the way in which they vote tonight. They have the constraint of the union vote. They have the constraint of the unions telling them that they are against the type of scheme that we suggest. We may be sure that, if Labour Members go through the No Lobby, it will be due not only to the potions that they have been drinking but to the message that they have been imbibing from their union paymasters.

I am mystified by the statements that I read out from the Minister earlier in the year, and my hon. Friend the Member for East Surrey (Mr. Ainsworth) has highlighted the mystery of them. I suggest that they consider their position carefully. We heard from the Minister for School Standards that he was all in favour of Surrey making up its own mind. Now he is introducing regulations that we have not even seen today at this late stage of considering the Bill. Even now, we have no idea what the regulations will do, and how they will affect us. In the meantime, if children are to participate in a partnership scheme in Bromley, Surrey or other parts of the country, decisions have to be made today.

Decisions about where children go in the autumn have to be made at this time of year. The delay, which may suit the political purposes of Labour Members, is at the expense of children who saw themselves knocking at the door of opportunity when the schemes were put forward in good faith after the statement by the Minister last summer. Now they find the very same Minister blocking their path, because he dare not show his hand before the Bill is passed.

With this amendment, we invite the Minister to show his hand. He owes it to those children, as he does to the House, to explain the behaviour of his Department in the light of statements made by him and his colleagues. I urge all those who support the principles of the amendments to support the one on which we shall vote.

Mr. Blunkett: I wish the shadow Secretary of State a happy birthday. If I had had this inflicted on me on my birthday by my Whips and business managers, I would genuinely believe that they had got it in for me. I can only presume that it is because he has been doing too much work on a Monday and Friday in his family business, but someone has certainly got it in for the shadow Secretary of State.

[Mr. Blunkett]

We have been debating Report and Third Reading now for almost 20 hours. It is a long period, and I do not intend to keep the House on this set of new clauses and amendments. I shall seek formally to move Government amendments Nos. 83 and 84.

We debated the issues last summer, and a Bill received Royal Assent on 31 July. We debated that Bill in the light of the manifesto on which the Government were elected. I want to make it clear this morning that, whatever Conservative Members feel or think, that was a mandate, and we will not have it overturned by local authorities that are blatantly trying to reintroduce the assisted places scheme under another name.

There will be partnership. We shall have agreements. The private sector is prepared to co-operate, and we welcome that. It has to be a genuine partnership, not a subsidy to the private sector. It has to be in the interests of all children, which means not diverting public money allocated by Government for spending in state schools, to provide money for private schools. We shall continue to seek that partnership and to build on the progress that has been made, and I commend the excellent work that my hon. Friend the Minister for School Standards has been doing to build those bridges.

I also want to make it clear that there will be no danger to those programmes in music, ballet, special needs, which we all accept and which we have repeatedly said are perfectly legitimate. What we shall not tolerate is local government simply seeking to cock a snook at the elected Government on a manifesto that was overwhelmingly carried on 1 May last year as a deliberate political act that has nothing to do with increasing the standards of education.

Mr. St. Aubyn: Will the Secretary of State give way?

Mr. Blunkett: I shall not give way. In politics we are all subject to pomposity, but if there had been a competition for pomposity over the past few hours, the hon. Gentleman would have won hands down. At this time in the morning, we need to be able to distinguish simple verbal diarrhoea from genuine argument.

Mr. St. Aubyn: Hear, hear.

Mr. Blunkett: I am glad the hon. Gentleman agrees.

Mr. St. Aubyn: In that case, will the Secretary of State give way?

Mr. Blunkett: I want to make it absolutely clear that I shall give way to no Conservative Member, in view of the filibuster that they have operated over the past 12 hours. We are now going to make progress.

The argument is clear: yes, let us have partnership; yes, let us ensure that, where provision is not available at local level for special needs, ballet or music, it is made available; but we are not prepared to have an assisted places scheme by another name. We shall judge each of the proposals brought forward by local government on its merits; we shall not fetter our discretion. We shall not go again through a debate that we have already had just for a party political game, which has nothing to do with the standard of education for the bulk of this country's children.

Mr. Dorrell: First, I am grateful to the Secretary of State for his birthday wishes. There are few things I should prefer to be doing than debating with him an issue of such profound importance.

The right hon. Gentleman persists in believing that the opportunity for a local education authority to buy an education from an independent school, in a way that represents a fair use of resources compared with the education bought for other children in its area, is somehow doing down the maintained sector, and is an artificial subsidy to the private sector. That is total nonsense: it is one of the clearest descriptions possible of the difference between the Secretary of State's approach and mine.

I believe that money voted by Parliament for the provision of school education for children should be used in a way that focuses on the needs of individual children, and provides that education in whatever institution is best placed to provide it. The Secretary of State clearly still believes that money voted in those circumstances is money voted to an institution. That is the clear distinction of principle that continues to divide us.

The Secretary of State says that the issue was resolved by the passage of the Bill last summer, but the fact is that the divorce between the independent sector and the maintained sector is a continuing problem facing the education system—indeed, it defaces the British school system. The Secretary of State has no response to it whatever, and he cannot simply decree it away. It is an issue that will continue to dog education debates until we have a Government who are prepared to face the issue head on, and deal with it for the serious issue that it is.

That is why—despite the lateness of the hour—we shall push the new clause to a Division. Few issues illustrate more clearly the difference of principle between the Secretary of State, who is more interested in the institutions, and the Conservatives, who are more interested in providing education to children in whatever institution is best placed to meet their needs.

Question put, That the clause be read a Second time:—

The House divided: Ayes 45, Noes 220.

Division No. 226] **[3.34 am**

AYES

Ainsworth, Peter *(E Surrey)*	Howarth, Gerald *(Aldershot)*
Arbuthnot, James	Jenkin, Bernard
Beresford, Sir Paul	Lait, Mrs Jacqui
Blunt, Crispin	Lansley, Andrew
Brady, Graham	Leigh, Edward
Brazier, Julian	Letwin, Oliver
Browning, Mrs Angela	Lewis, Dr Julian *(New Forest E)*
Bruce, Ian *(S Dorset)*	Loughton, Tim
Burns, Simon	Luff, Peter
Clifton-Brown, Geoffrey	Maclean, Rt Hon David
Dorrell, Rt Hon Stephen	McLoughlin, Patrick
Evans, Nigel	Nicholls, Patrick
Fabricant, Michael	Pickles, Eric
Fallon, Michael	Prior, David
Gibb, Nick	Randall, John
Grieve, Dominic	Robathan, Andrew
Hawkins, Nick	Robertson, Laurence *(Tewk'b'ry)*
Hayes, John	St Aubyn, Nick
Heald, Oliver	Sayeed, Jonathan

Simpson, Keith *(Mid-Norfolk)*
Spelman, Mrs Caroline
Swayne, Desmond
Tredinnick, David
Waterson, Nigel
Whitney, Sir Raymond
Widdecombe, Rt Hon Miss Ann

Tellers for the Ayes:
Sir David Madel and
Mr. John Whittingdale.

NOES

Abbott, Ms Diane
Allan, Richard
Allen, Graham
Anderson, Donald *(Swansea E)*
Anderson, Janet *(Rossendale)*
Atherton, Ms Candy
Ballard, Mrs Jackie
Barnes, Harry
Barron, Kevin
Bayley, Hugh
Benn, Rt Hon Tony
Bennett, Andrew F
Berry, Roger
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Blunkett, Rt Hon David
Bradley, Peter *(The Wrekin)*
Brand, Dr Peter
Breed, Colin
Brown, Rt Hon Nick *(Newcastle E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Bruce, Malcolm *(Gordon)*
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burstow, Paul
Byers, Stephen
Campbell, Alan *(Tynemouth)*
Canavan, Dennis
Caplin, Ivor
Casale, Roger
Caton, Martin
Chaytor, David
Chisholm, Malcolm
Clapham, Michael
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Coleman, Iain
Colman, Tony
Connarty, Michael
Cook, Frank *(Stockton N)*
Cooper, Yvette
Corston, Ms Jean
Cousins, Jim
Cox, Tom
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Jim *(Coventry S)*
Dafis, Cynog
Dalyell, Tam
Darvill, Keith
Davey, Edward *(Kingston)*
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Dawson, Hilton
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Edwards, Huw
Ennis, Jeff
Fisher, Mark
Fitzpatrick, Jim
Fitzsimons, Lorna
Flynn, Paul
Foster, Don *(Bath)*
Foster, Michael J *(Worcester)*
Galloway, George
George, Andrew *(St Ives)*
Gibson, Dr Ian
Godman, Norman A
Golding, Mrs Llin
Grant, Bernie
Griffiths, Jane *(Reading E)*
Grogan, John
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hanson, David
Harris, Dr Evan
Heal, Mrs Sylvia
Healey, John
Henderson, Ivan *(Harwich)*
Heppell, John
Hewitt, Ms Patricia
Hill, Keith
Hinchliffe, David
Hoey, Kate
Home Robertson, John
Hope, Phil
Howarth, George *(Knowsley N)*
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Jamieson, David
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Helen *(Warrington N)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Martyn *(Clwyd S)*
Keeble, Ms Sally
Keetch, Paul
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Kidney, David
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kumar, Dr Ashok
Laxton, Bob
Lepper, David
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Lock, David
McAvoy, Thomas
McCabe, Steve
McDonagh, Siobhain
McDonnell, John
McFall, John
McGuire, Mrs Anne
McIsaac, Shona
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
Mahon, Mrs Alice
Marek, Dr John
Marsden, Paul *(Shrewsbury)*
Marshall, Jim *(Leicester S)*
Marshall-Andrews, Robert
Martlew, Eric
Michie, Bill *(Sheffld Heeley)*
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Morgan, Ms Julie *(Cardiff N)*
Morgan, Rhodri *(Cardiff W)*
Morris, Ms Estelle *(B'ham Yardley)*
Mountford, Kali
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Naysmith, Dr Doug
Norris, Dan
O'Brien, Bill *(Normanton)*
O'Hara, Eddie
O'Neill, Martin
Öpik, Lembit
Pearson, Ian
Plaskitt, James
Pollard, Kerry
Prentice, Ms Bridget *(Lewisham E)*
Prosser, Gwyn
Purchase, Ken
Rapson, Syd
Raynsford, Nick
Reed, Andrew *(Loughborough)*
Rendel, David
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Sanders, Adrian
Savidge, Malcolm
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Smith, Angela *(Basildon)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Smith, Sir Robert *(W Ab'd'ns)*
Soley, Clive
Squire, Ms Rachel
Steinberg, Gerry
Stoate, Dr Howard
Stott, Roger
Stringer, Graham
Stunell, Andrew
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, David *(NW Leics)*
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Walley, Ms Joan
Wareing, Robert N
Watts, David
Webb, Steve
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Willis, Phil
Wills, Michael
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Woolas, Phil
Wray, James
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*

Tellers for the Noes:
Mr. Kevin Hughes and
Mr. Robert Ainsworth.

Question accordingly negatived.

New clause 16

PARLIAMENTARY SCRUTINY OF ANNUAL REPORT OF THE CHIEF INSPECTOR FOR ENGLAND

'.—The School Inspections Act 1996 shall be amended as follows—

(1) in section 2 (Functions of the Chief inspector for England), subsection (7)(a), after 'lay' there shall be inserted insert, "by order,"

(2) in section 45 (Orders and regulations)

(a) in subsection (2), after 'section' insert '2'.

(b) after subsection (2) there shall be inserted—

"No order shall be made under section 2 of this Act unless a draft of the instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament.".'.— *[Mr. Don Foster.]*

Brought up, and read the First time.

3.45 am

Mr. Don Foster: I beg to move, That the clause be read a Second time.

[Mr. Don Foster]

Few in the House would disagree with the Prime Minister when he said that his top three priorities would be education, education and education. The House would also agree that in education the priority must be to raise standards.

A couple of years ago, the chief inspector, Mr. Chris Woodhead, gave a talk, which he called "Inspecting schools—the key to raising educational standards". He believes, and I agree with him, that, if inspection is properly carried out, it can be a major tool in the drive to raise standards in our schools, local education authorities, colleges and universities.

If inspection is so important in raising standards, the annual report of Her Majesty's chief inspector is a vital document which should inform not just the Secretary of State but the whole of Parliament. For that reason, the new clause proposes that the HMCI's annual report should not just be laid before Parliament, as is required in the School Inspections Act 1996, but should be subject to debate in both Houses of Parliament.

Until the advent of the new Government, we used to have an annual debate on the assisted places scheme. We believe that, if it was important to debate a matter that affects such a small proportion of pupils, time could be found for Parliament to debate a matter that should affect every pupil in every school. It deserves the scrutiny of both Houses of Parliament.

Many people are concerned that there is a lack of democratic accountability in the work of Ofsted. *[Interruption.]* Many of us are concerned that, when we ask Ministers about Ofsted's work, we do not get— *[Interruption.]*

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. I am sorry to interrupt the hon. Gentleman. Could there be less distracting noise from the Benches, please?

Mr. Foster: There are concerns about the democratic accountability of Ofsted. For example, when we ask Ministers about Ofsted's work, we often get the reply, "That is not a matter for the Minister," and our inquiries are passed on to the chief inspector.

Many of us watched the television programme "Dispatches" last Thursday, when the chief inspector acknowledged that there might be a need to improve his organisation's democratic accountability. He said:

"We've certainly got no secrets that we feel guilty about. So we're open to any kind of documentary inquiry, any kind of academic inquiry, any kind of inquiry that Parliament, perhaps, might want to throw at us."

It is therefore quite clear that the chief inspector himself can, and would, have no objection to the scrutiny allowed by public debate on the Floor of both Houses of Parliament.

Such debate would enable us to ask some questions about certain aspects of the chief inspector's report, and help us to formulate future policy. Undoubtedly, we would wish to question, for example, the chief inspector's choice of language.

There were criticisms of the chief inspector in a recent study, which dealt with how two inspectors studying the same lessons reached different judgments in a third of all lessons. Although the researchers pointed out that there was such a discrepancy in judgment in one third of all lessons, the chief inspector chose to interpret that as meaning that judgments agreed in two thirds of lessons.

The two thirds/one third issue is quite an interesting one. In the initial draft of one of his own reports, "The Teaching of Reading in 45 London Primary Schools", the chief inspector said:

"the quality of teaching is satisfactory or better in approximately 2/3 of lessons observed in Year 2."

However—as he wanted, I suspect, to make a rather more derogatory report—he changed that to:

"weaknesses in teaching hampered pupils' progress and attainment in reading in 1 in 3 lessons in Year 2."

Clearly, Ofsted's work is not of particular interest to Labour Members. However, given that it is costing the United Kingdom £150 million annually, I believe that it should concern them. I certainly hope that they believe that Ofsted should provide value for money. They should also be concerned about criticisms made of the chief inspector's annual report.

Those who watched last Thursday's "Dispatches" programme—as I certainly did—will have been very concerned by comments by Mr. Alan Padden, head teacher of the Adel primary school, in Leeds. He was very concerned about an Ofsted report of his school, and said:

"four days in a school isn't good enough if your camera isn't focused and your camera isn't pointing in the right direction. The snap isn't worth having."

In that programme, Mr. Padden reported that, in some cases, judgments of lessons in his school were made by inspectors after less than five, 10 or 15 minutes. He defied any inspector to evaluate teaching quality, the attainment level of a class of up to 30 pupils and the progress that those pupils made in a lesson, and to validate those judgments, in such short periods. Perhaps even more worrying was that the Ofsted report included judgments on—and scores for pupils' attainment in—a music lesson that had not even been given. Hon. Members should have an opportunity to debate such matters and concerns on the Floor of the House.

We should be able to debate also the manner in which the chief inspector collects his own data. It is quite fascinating that the chief inspector tells members of the public that the vast majority of people in schools are satisfied with how his inspections are conducted, yet I have a copy of his method of collecting data to formulate judgments.

The chief inspector uses a five-point scale. As I am sure hon. Members are well aware, a five-point scale will usually have a spectrum comprising statements from "strongly agree" and "agree", to a central, neutral position, and finally to "disagree" and "strongly disagree". However, although one extreme end of the spectrum in the chief inspector's scale says "strongly agree" and "agree", the middle statement is "broadly agree". At the other extreme end of the spectrum is "disagree" and "strongly disagree". It is thus hardly surprising that the chief inspector tells us that many people are happy with what he is doing, when the reality is that many are not happy.

If the chief inspector's report is considered so important by him and by the Government in the process of levering up standards in schools, and if both Houses of Parliament

are interested in levering up standards, as I believe they should be, we should have the right to debate the chief inspector's report on the Floor of the House.

Only a few years ago, the chief inspector said that the importance of Ofsted's work was that it ensured that it was possible to ascertain whether the emperor's clothes existed and whether they were as they might seem to an unsuspecting eye. A debate on the chief inspector's annual report on the Floor of both Houses of Parliament would give us the opportunity not only to have an informed debate on educational standards but to check whether this particular emperor—the chief inspector—has any clothes.

Mr. St. Aubyn: I shall detain the House for only a short time. I am a member of the Select Committee on Education and Employment, and this issue goes to the heart of that Committee's responsibilities—*[Interruption.]* It is a disgrace that Labour Members are not prepared to consider the duties that the House gives to Members and how they might be affected by amendments. It is also a disgrace that no Labour member of the Select Committee is present to discuss this important subject. It is a matter of regret to me that only two Conservative members of that Committee are here. My hon. Friend the Member for Maidenhead (Mrs. May) is otherwise detained, but she has been here for virtually the entire evening. However, not one of the Labour members of the Select Committee on Education and Employment has bothered to be here for this debate.

I regret that I have to oppose the new clause, and must point out that we have a means of examining the chief inspector: we have the right to inquire of him what his views are, and we call him before the Select Committee. My concern is that the new clause would undermine that very important role of the Committee.

Mr. Hayes: I hope that my hon. Friend's concern is not so deep that he will not be able to support the hon. Member for Bath (Mr. Foster).

Mr. St. Aubyn: I may well end up in the Division Lobby with the hon. Member for Bath on the ground that I suspect that the new clause will be opposed by the Government, and I am deeply opposed to everything that the Government are doing in the Bill. However, I have to point out that the hon. Member for Bath did not pay enough attention in his speech—although I regret missing the first part of it—to the vital role of the Select Committee. That is where the chief inspector is primarily accountable and where we must hold him accountable on behalf of the House.

Mr. Byers: I shall invite the House to vote against the new clause, and I give two fundamental reasons why it should do so. The first is that the hon. Member for Bath (Mr. Foster) has misunderstood the role played by the chief inspector. The chief inspector might advise the Secretary of State, but the Secretary of State will determine his own policy in the light of advice which he receives from a range of individuals and organisations.

The second reason, in respect of scrutiny by the House, is that the chief inspector is independent of the Secretary of State. That is one of the reasons why parliamentary questions tabled to Ministers are in fact replied to by the chief inspector—he is a Crown servant and, as such, not answerable to the Secretary of State.

In fact, the best way to scrutinise the work of the chief inspector and Ofsted is through the Select Committee. If there is an annual report, the chief inspector can be invited to give evidence, and the Select Committee can then report to the House in the light of those hearings. That is a far more appropriate way of scrutinising Ofsted's work. It keeps lines of communication and responsibility clearly defined.

We believe that the new clause will create confusion. It will not help in holding the chief inspector to account. I hope that, at this late hour, the new clause will not be pressed to a Division, but, if it is, I shall invite the House to oppose it.

4 am

Mr. Dorrell: I listened to what the Minister had to say, but I also listened to the hon. Member for Bath (Mr. Foster), and I found his arguments persuasive. My hon. Friend the Member for Guildford (Mr. St. Aubyn) was right to say that the Select Committee was an important element of parliamentary accountability, but I am sure that he—indeed, any member of a Select Committee—understands that the Select Committee is a Committee of the House of Commons, and that ultimate responsibility rests with the House.

The hon. Member for Bath made a number of points to which the Minister did not respond. As I have said, I found the hon. Gentleman's arguments persuasive, and if he chose to press the new clause to a Division, we would support him.

Mr. Don Foster: I was delighted to hear the response of the right hon. Member for Charnwood (Mr. Dorrell). In the light of his comments, I shall be interested to see how the hon. Member for Guildford (Mr. St. Aubyn) votes.

Like the right hon. Member for Charnwood, I found the Minister's response deeply disappointing. I hope that we can press the new clause to a vote, and that it will be supported by all who believe that there should be democratic accountability in the work of the chief inspector. I hope that all who believe that raising standards is important, and that inspection is an important element of that, will have the opportunity to engage in a serious annual debate on the chief inspector's report.

Question put, That the clause be read a Second time:—

The House divided: Ayes 48, Noes 194.

Division No. 227] **[4.1 am**

AYES

Ainsworth, Peter *(E Surrey)*	Harris, Dr Evan
Allan, Richard	Hayes, John
Arbuthnot, James	Howarth, Gerald *(Aldershot)*
Ballard, Mrs Jackie	Hughes, Simon *(Southwark N)*
Blunt, Crispin	Jenkin, Bernard
Brand, Dr Peter	Lait, Mrs Jacqui
Brazier, Julian	Lansley, Andrew
Breed, Colin	Luff, Peter
Browning, Mrs Angela	Maclean, Rt Hon David
Bruce, Malcolm *(Gordon)*	McLoughlin, Patrick
Burstow, Paul	Madel, Sir David
Clifton-Brown, Geoffrey	Nicholls, Patrick
Dorrell, Rt Hon Stephen	Öpik, Lembit
Evans, Nigel	Pickles, Eric
Foster, Don *(Bath)*	Prior, David
George, Andrew *(St Ives)*	Randall, John

Rendel, David
Robathan, Andrew
Robertson, Laurence *(Tewk'b'ry)*
Russell, Bob *(Colchester)*
St Aubyn, Nick
Sanders, Adrian
Simpson, Keith *(Mid-Norfolk)*
Smith, Sir Robert *(W Ab'd'ns)*
Spelman, Mrs Caroline
Stunell, Andrew
Swayne, Desmond
Tredinnick, David
Webb, Steve
Whittingdale, John
Widdecombe, Rt Hon Miss Ann
Willis, Phil

Tellers for the Ayes:
Mr. Paul Keetch and
Mr. Edward Davey.

NOES

Abbott, Ms Diane
Ainsworth, Robert *(Cov'try NE)*
Allen, Graham
Anderson, Donald *(Swansea E)*
Anderson, Janet *(Rossendale)*
Atherton, Ms Candy
Barnes, Harry
Barron, Kevin
Bayley, Hugh
Benn, Rt Hon Tony
Bennett, Andrew F
Berry, Roger
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Bradley, Peter *(The Wrekin)*
Brown, Rt Hon Nick *(Newcastle E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Byers, Stephen
Campbell, Alan *(Tynemouth)*
Canavan, Dennis
Caplin, Ivor
Cassale, Roger
Caton, Martin
Chaytor, David
Chisholm, Malcolm
Clapham, Michael
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clelland, David
Coaker, Vernon
Coffey, Ms Ann
Coleman, Iain
Colman, Tony
Connarty, Michael
Cook, Frank *(Stockton N)*
Cooper, Yvette
Corbyn, Jeremy
Corston, Ms Jean
Cousins, Jim
Cox, Tom
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Jim *(Cov'try S)*
Dalyell, Tam
Darvill, Keith
Davidson, Ian
Dawson, Hilton
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Edwards, Huw
Ennis, Jeff
Fisher, Mark
Fitzpatrick, Jim
Fitzsimons, Lorna
Flynn, Paul
Foster, Michael J *(Worcester)*
Galloway, George
Gibson, Dr Ian
Godman, Norman A
Golding, Mrs Llin
Grant, Bernie
Griffiths, Jane *(Reading E)*
Grogan, John
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hanson, David
Heal, Mrs Sylvia
Healey, John
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hill, Keith
Hinchliffe, David
Hoey, Kate
Home Robertson, John
Hope, Phil
Hoyle, Lindsay
Hughes, Ms Beverley *(Stratford)*
Hughes, Kevin *(Doncaster N)*
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Jamieson, David
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Helen *(Warrington N)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Martyn *(Clwyd S)*
Keeble, Ms Sally
Kennedy, Jane *(Wavertree)*
Kidney, David
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kumar, Dr Ashok
Laxton, Bob
Lepper, David
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Lock, David
McAvoy, Thomas
McCabe, Steve
McDonagh, Siobhain
McDonnell, John
McGuire, Mrs Anne
McIsaac, Shona
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
Marek, Dr John
Marsden, Paul *(Shrewsbury)*
Marshall, Jim *(Leicester S)*
Marshall-Andrews, Robert
Martlew, Eric
Michie, Bill *(Sheffld Heeley)*
Miller, Andrew
Moffatt, Laura
Moonie, Dr Lewis
Morgan, Ms Julie *(Cardiff N)*
Morgan, Rhodri *(Cardiff W)*
Morris, Ms Estelle *(B'ham Yardley)*
Mountford, Kali
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Naysmith, Dr Doug
Norris, Dan
O'Brien, Bill *(Normanton)*
O'Hara, Eddie
Olner, Bill
Pearson, Ian
Plaskitt, James
Pollard, Kerry
Prentice, Ms Bridget *(Lewisham E)*
Prosser, Gwyn
Purchase, Ken
Rapson, Syd
Raynsford, Nick
Reed, Andrew *(Loughborough)*
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Savidge, Malcolm
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Smith, Angela *(Basildon)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Squire, Ms Rachel
Steinberg, Gerry
Steele, Dr Howard
Stott, Roger
Stringer, Graham
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, David *(NW Leics)*
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Walley, Ms Joan
Wareing, Robert N
Watts, David
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Wills, Michael
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Woolas, Phil
Wray, James
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*

Tellers for the Noes:
Mr. John McFall and
Mr. Clive Betts.

Question accordingly negatived.

New clause 17

REQUIREMENT FOR RECOUPMENT TO BE PAID FOR PRIMARY AND SECONDARY EDUCATION

'.—In section 492 of the Education Act 1996 (Recoupment: adjustment between local education authorities), for "may" in subsection (1) there shall be substituted "shall".'.—*[Mr. Burstow.]*

Brought up, and read the First time.

Mr. Paul Burstow (Sutton and Cheam): I beg to move, That the clause be read a Second time.

I shall endeavour not to detain the House too long. I should like to start with a positive comment. The aim of the new clause is to address the worst effects of the interplay of the Greenwich judgment, grant-maintained schools and selection, which can leave children in many parts of the country without a school place.

We want to allow the money to follow the pupil. I was not a member of the Standing Committee, but I have read the report of its debates. The Liberal Democrats moved an amendment in Committee in an attempt to address the Greenwich judgment head on by reversing it. After debate, the amendment was withdrawn. We have reflected on what was said and have tabled the new clause in an attempt to move matters forward.

A number of problems arise from the Greenwich judgment. It is not relevant in every area, but the problems affect many, particularly those in large conurbations with a number of smaller local education authorities—areas where selection continues and there is a large number of

grant-maintained schools. There has been a fragmentation of the admission and planning arrangements designed to meet the demand for places.

As a result, it can be increasingly difficult for a local education authority to match demand for places. Authorities have a statutory duty to provide school places, and some are trying to plan for that by increasing the number of places, while others have surplus places.

Those facing increasing demand for school places experience a volatility of demand that creates greater pressure on the overall supply. It is difficult for LEAs to anticipate or control that, and thus to fund it. In those circumstances, taking into account both market-led forces and the lead times for building new accommodation, it is difficult to meet the additional demand.

Within an individual LEA, the distribution of places is no longer a question of demography but one of parental choice—perfectly legitimate choice. In Sutton, my local education authority, the situation brought about by the Greenwich judgment on grant-maintained schools and selection means that on current projections, based on the continued inflow of out-of-borough pupils, there will be a shortfall of 2,400 places by 2003.

4.15 am

In Committee, there was a detailed debate about the effects of the Greenwich judgment—*[Interruption.]*—perhaps of the sort that is not possible in the Chamber at this hour in the morning—[HON. MEMBERS: "Hear, hear."] The amendment was designed to reflect the concern of Liberal Democrat Members—[HON. MEMBERS: "Wake them up."] My hon. Friends certainly have those concerns, and we seek through the new clause another way of mitigating the worst effects of the judgment, without denying parental choice.

The new clause would require the Secretary of State to make regulations to enable local education authorities to charge other LEAs for pupils who come from elsewhere to be educated within their areas. At present, the Secretary of State has the power to do so under the Education Act 1996. It is our view that the standard spending assessment does not provide an adequate way of redressing the imbalance increasingly occurring between popular local education authorities and those with surplus places that are not doing as good a job.

The new clause represents a way in which we could begin to address that problem. I hope that the Government will give us a positive response, and that we shall be able to do something to stop the spoilt choice that parents and children in many LEAs now face.

Mr. Byers: New clause 17 would effectively reintroduce mandatory inter-authority recoupment in relation to pupil numbers. That is not a road down which the Government would wish to go, so if it is pressed to a vote, I shall ask the House to vote against it. However, I hope that we can avoid that, because the hon. Member for Sutton and Cheam (Mr. Burstow) has raised some important points about the consequences of the Greenwich judgment on payments for pupils in the home authority rather than the host authority where they may be attending school.

We believe that such matters are best dealt with through the standard spending assessment regime. The hon. Gentleman may be aware that we are conducting a wholesale review of the system with the intention of introducing new measures for April 1999. I can assure him that the concerns that he has just raised will be taken into account as part of that exercise. In the light of those assurances, I hope that he will feel able to withdraw new clause 17 and allow his concerns to be addressed as part of the review of the standard spending assessment regime.

Mr. Burstow: I have listened carefully to the Minister, and I am grateful that he listened carefully to my remarks about the way in which the Greenwich judgment affects my authority and many others. It is not the effect on the LEA that concerns me and my colleagues—it is the effect on parents and children who find themselves unable to get a school place. However, having listened to the Minister's generous offer in respect of SSA methodology—which provides a way forward to address the funding issues—I beg to ask leave to withdraw the motion.

Motion and clause, by leave, withdrawn.

New clause 18

MAKING AND APPROVAL OF CODE OF PRACTICE FOR LOCAL EDUCATION AUTHORITIES AND MAINTAINED SCHOOLS

'—(1) Where the Secretary of State proposes to issue or revise a code of practice under section 117, he shall prepare a draft of the code (or revised code).

(2) The Secretary of State shall consult such persons about the draft as he thinks fit and shall consider any representations made by them.

(3) If he determines to proceed with the draft (either in its original form or with such modifications as he thinks fit) he shall lay a copy of the draft before each House of Parliament.

(4) If, within the 40-day period, either House resolves not to approve the draft, the Secretary of State shall take no further steps in relation to the proposed code.

(5) If no such resolution is made within the 40-day period, the Secretary of State shall issue the code (or revised code) in the form of the draft, and it shall come into force on such date as the Secretary of State may by order appoint.

(6) If a draft of a proposed code of practice is not approved under subsection (4), the Secretary of State may lay a new draft of a proposed code before both Houses of Parliament.'.—*[Mr. Willis.]*

Brought up, and read the First time.

Mr. Willis: I beg to move, That the clause be read a Second time.

I shall be equally brief. [HON. MEMBERS: "Hear, hear."] This bear pit is what it must have been like for the Christians being fed to the lions.

The purpose of the new clause is straightforward, and we hope that the Government will support it. In Committee, we discussed the relationship between LEAs and schools. It took a great deal of hard work to get from the Government an agreement that there would be a published code of practice. We welcomed that, and we welcomed also the fact that there will be a clear set of criteria covering the relationship between an LEA and an individual school. What worries us is that the Bill proposes to give the Secretary of State the power to change the code of practice without any review. The purpose of the new clause is to say that, if the Secretary of State wishes to change the code of practice, a resolution from both Houses will be needed.

Mrs. Browning: We have touched on this issue in Committee and on Report and, yet again, I seek an

[Mrs. Browning]

assurance from the Minister. The Government's consultation will be reported in the summer—I believe in about June. Will the Minister assure us that, if there are changes to the code of practice, they will not be implemented during the summer recess, and that the Government will wait for this House to give the changes full scrutiny?

Mr. Byers: I am more than pleased to give an assurance to the hon. Members for Tiverton and Honiton (Mrs. Browning) and for Harrogate and Knaresborough (Mr. Willis) that there will be the fullest possible consultation about the LEA code of practice. It will be one of the most important codes to come out of the Bill. It will define the relationship within the new framework between LEAs and individual schools. There is some uncertainty between those partners, and it is only right and proper that the code of practice clarifies the respective responsibilities.

I do not feel that it is appropriate to deal with the matters in the way outlined by the hon. Member for Harrogate and Knaresborough. It may be that the regulations need to be changed on a regular basis, to reflect the different responses and needs of the partners within the new framework, and we need flexibility. If changes are proposed, the new draft document will be fully consulted upon, with the intention of getting it absolutely right. If, after that consultation—during the practical implementation of the system—the view is that changes are needed, once again there will be the fullest possible consultation. I hope that, in the light of that assurance, the hon. Gentleman will feel able to withdraw the motion.

Mr. Willis: I am grateful to the Minister for those assurances, which were the sort of assurances that we required. On that basis, I beg to ask leave to withdraw the motion.

Motion and clause, by leave, withdrawn.

New clause 21

CORPORAL PUNISHMENT

'(1) The Education Act 1996 shall be amended as follows.

(2) In section 548 (no right to give corporal punishment)

(a) omit subsections (2), (4) and (5).

(b) in subsection (3), after paragraph (a) there shall be inserted—

(aa) any pupil for whom nursery education (within the meaning of Part V of the School Standards and Framework Act 1998) is provided.

(c) in subsection (3), omit subparagraphs (i) and (ii) of paragraph (b), and paragraph (d).

(3) In section 549 (interpretation of section 548), omit subsection (3).'.—*[Mr. Don Foster.]*

Brought up, and read the First time.

Mr. Don Foster: I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker: With this, it will be convenient to discuss the following: New clause 23—*Abolition of corporal punishment in schools etc.*—

'.—(1) For section 548 of the Education Act 1996 there shall be substituted—

"No right to give corporal punishment

548.—(1) Corporal punishment given by, or on the authority of, a member of staff to a child—

(a) for whom education is provided, at any school, or

(b) for whom education is provided, otherwise than at school, under any arrangements made by a local education authority, or

(c) for whom specified nursery education is provided otherwise than at school,

cannot be justified in any proceedings on the ground that it was given in pursuance of a right exercisable by the member of staff by virtue of his position as such.

(2) Subsection (1) applies to corporal punishment so given to a child at any time, whether at the school or other place at which education is provided for the child, or elsewhere.

(3) The following provisions have effect for the purposes of this section.

(4) Any reference to giving corporal punishment to a child is to doing anything for the purpose of punishing that child (whether or not there are other reasons for doing it) which, apart from any justification, would constitute battery.

(5) However, corporal punishment shall not be taken to be given to a child by virtue of anything done for reasons that include averting—

(a) an immediate danger of personal injury to, or

(b) an immediate danger to the property of,

any person (including the child himself).

(6) "Member of staff", in relation to the child concerned, means—

(a) any person who works as a teacher at the school or other place at which education is provided for the child, or

(b) any other person who (whether in connection with the provision of education for the child or otherwise)—

(i) works at that school or place, or

(ii) otherwise provides his services there (whether or not for payment),

and has lawful control or charge of the child.

(7) "Child" (except in subsection (8)) means a person under the age of 18.

(8) "Specified nursery education" means full–time or part–time education suitable for children who have not attained compulsory school age which is provided—

(a) by a local education authority; or

(b) by any other person—

(i) who is (or is to be) in receipt of financial assistance given by such an authority and whose provision of nursery education is taken into account by the authority in formulating proposals for the purposes of section 110(2)(a) of the School Standards and Framework Act 1998, or

(ii) who is (or is to be) in receipt of grants under section 1 of the Nursery Education and Grant–Maintained Schools Act 1996; or

(c) (otherwise than as mentioned in paragraph (a) or (b)) in any educational institution which would fall within section 4(1) above (definition of "school") but for the fact that it provides part–time, rather than full–time, primary education."

(2) The following provisions of the Education Act 1996, namely—

(a) section 549 (interpretation of section 548), and

(b) section 550 (no avoidance of section 548 by refusing admission to school etc.), shall cease to have effect.'.

Amendment No. 144, in clause 114, page 83, line 31, leave out from beginning to end of line 41.

Amendment No. 171, in schedule 29, page 205, line 25, at end insert—'*Children and Young Persons Act 1933 (c.12)*—

In section 1(7) of the Children and Young Persons Act 1933 (saving for right of parents etc. to administer corporal punishment), for "teacher, or other person" substitute "or (subject to section 548 of the Education Act 1996) any other person,".'.

Amendment No. 172, in page 223, leave out lines 9 to 13 and insert

'Omit sections 549 and 550 (provisions about corporal punishment).'.

Amendment No. 173, in schedule 30, page 235, column 3, leave out lines 40 to 44 and insert 'Sections 549 and 550.'.

Amendment No. 174, in page 237, line 54, at end insert—

'1997 c. 59.	Education (Schools) Act 1997.	Section 6(1). In section 7, in subsection (3)(a) "section 6(1)", and in subsection (4)(a) "(1) and".'.

Mr. Foster: New clause 21 would remove corporal punishment from independent schools. I move it in the certain knowledge that it will receive significant support in the House—I know that because I read it in today's *The Independent*, which tells us in advance of our deliberations that the House has swept away the last vestiges of caning. It is not enough to rely on *The Independent*, however, so I shall make the case briefly in the hope that hon. Members will support the new clause.

Mr. Andrew Robathan (Blaby): Do the hon. Gentleman and his colleagues make a habit of issuing press releases before events in this manner?

Mr. Foster: The hon. Gentleman should know that it is certainly our practice to issue press releases saying what we hope to achieve in the House. Indeed, *The Independent* carries reports of what my hon. Friend the Member for Harrogate and Knaresborough (Mr. Willis) and I said about the issue at a press conference at 10.30 am—we made no attempt to imply that those comments were made later. Perhaps it will speed up the debate if I briefly describe what we said.

This debate gives us the opportunity to complete what I believe, and I am sure the House will believe, to be unfinished business. *[Interruption.]* Well, I hope that some hon. Members will believe it to be unfinished business. In 1948, birching as a judicial punishment was abolished in the United Kingdom. In 1957, flogging was abolished in the Navy. In 1967, corporal punishment in prisons and borstals was abolished. That was an important year, because it was in that year that the Plowden report, "Children and their Primary Schools", recommended the abolition of corporal punishment in both state and independent schools. The report stated:

"We believe that the kind of relationship which ought to exist between teacher and child cannot be built up in an atmosphere in which the infliction of physical pain is regarded as a normal sanction."

Mr. Patrick Nicholls (Teignbridge): Will the hon. Gentleman say whether the new clause draws a distinction between the ritualised flogging that both he and I want outlawed and the teacher who slaps a child? *[Interruption.]* Obviously, that concept excites some ribaldry among Labour Members, but some parents who are completely against ritualised beating would be concerned if a teacher could not lightly slap a child. Will the hon. Gentleman clarify that matter?

Mr. Foster: I will clarify it, and I am grateful to the hon. Gentleman for giving notice that he would raise the issue. I believe that the Secretary of State was right when, about two weeks ago, he introduced guidance to teachers that made it very clear that they could reasonably use a physical approach if it prevented children who were fighting from harming one another. I believe that teachers needed that reassurance. Anything beyond that is, in my view, unacceptable, and the new clause would not make the distinction to which the hon. Member refers.

It is my clear view that corporal punishment is wrong in principle: it is barbaric and inhuman. It is also wrong in practice, because there is no evidence whatever that it is an effective deterrent either for the child who may have been misbehaving or for other children.

4.30 am

The Elton committee, which studied the matter in considerable detail in 1989, said:

"there is little evidence that Corporal Punishment was in general an effective deterrent either to the pupils punished or to other pupils."

I do not believe that the use of corporal punishment in schools can help to develop good educational practice.

I hope that the House is aware that although the vast majority—80 per cent.—of independent schools have the legal right to use corporal punishment, they have already decided voluntarily to abolish it. The Independent Schools Council said:

"Many schools concluded long before any form of legal ban was contemplated that corporal punishment impeded good education."

I estimate that no more than 200 independent schools continue to use corporal punishment, but I believe that the House should act to ensure that schools are legally obliged to cease its use forthwith.

Dr. Julian Lewis (New Forest, East): The hon. Gentleman said that it is barbaric to use corporal punishment in schools. If it is barbaric for a teacher to slap an unruly child, is it also, in his opinion, barbaric for a parent to do the same?

Mr. Foster: My personal view is that corporal punishment by a parent is wrong, but the new clause does not in any way infringe the rights of individual parents to inflict such punishment.

Dr. Lewis *rose—*

Mr. Foster: I am still answering the hon. Gentleman's first point. My personal view is that corporal punishment by a parent is indeed barbaric. It is for other hon. Members to decide their view on the matter. The new clause does not deal with that point, nor was it intended to.

Mr. Andrew Lansley (South Cambridgeshire): Will the hon. Gentleman give way?

Mr. Foster: No, the hon. Gentleman will have the opportunity to contribute.

[Mr. Foster]

As I said at the beginning, this is an opportunity for the House to complete some unfinished business. Were we to pass this new clause or new clause 23, we would bring this country into line with all other European countries, both east and west. Surely it must be of interest to the House that not one other European country allows corporal punishment in any of its schools. I hope that, by the end of tonight, this country will have signalled its intention of joining that sensible decision taken by all other European countries.

Kali Mountford (Colne Valley): I shall address my relatively brief remarks to new clause 23. We are drawing to the close of a very long debate, and we are also drawing to a close the practice of corporal punishment in our schools and educational establishments.

I congratulate the hon. Member for Bath (Mr. Foster) on raising this important issue on the Floor of the House. I entirely agree with his aims and hope that he and his hon. Friends will agree that, as well as removing the right to corporal punishment, new clause 23 would protect teachers who in the course of their duties may be accused of administering corporal punishment when they are attempting to protect children. In the light of that, I hope that Liberal Democrat Members will consider supporting new clause 23. We have had to be patient tonight. It has been a long debate and I want to keep my comments as brief as possible. In that vein, I do not intend to take interventions.

I have seen no evidence that corporal punishment enhances teaching or learning, that it enhances a child's life chances or makes a child a better citizen, or to show that a classroom cannot be controlled without the threat or the use of violence.

Relatively few schools still indulge in this outdated practice—a practice that has been outlawed throughout the rest of Europe and abandoned by Eton. I am sure that many of the old Etonians in this place will confirm that Eton is not renowned for its lax discipline. Other disciplinary measures are available that are more appropriate in a modern school setting and which allow children the opportunity to learn how to deal with conflicts.

The report, "Childhood Matters", by the national commission of inquiry into the prevention of child abuse, chaired by Lord Williams of Mostyn, states:

"The general decline in the permitted use of sanctions in this form, for example in publicly maintained schools and nurseries, is to be welcomed. Alternative ways of ensuring acceptable standards should be explored and promoted".

Evidence shows that children in schools that indulge in corporal punishment are either frightened by the experience, which is not conducive to good education, or resentful and rebellious, which is not good for discipline. One boy in my old school was beaten daily and became the school hero as a result. Other boys sought to emulate his behaviour. Canings had the opposite effect to that intended.

Physically abused children often have problems in life. Many prisoners were beaten in school. Evidence shows that people who use violence to settle disputes have experienced violence themselves. In the interests of discipline, we merely conserve the conditions in which violence can thrive. Some hon. Members invoke the in loco parentis argument to support their case that parents can choose corporal punishment, but it is not right to delegate that choice to another adult. Teachers do not want that right, and their trade unions do not want it; they welcome prohibition.

Lord Williams of Mostyn felt that parents and those acting on their behalf as parents had no more right to use physical punishment on children. The commission that he chaired felt that children should have the same right of protection as adults, and said that the ban on the use of corporal punishment in publicly maintained schools should be extended to independent schools and nurseries.

The Independent Schools Joint Council supports the end of corporal punishment. It represents 80 per cent. of children in the private sector and supports a ban because that is what parents want. In one school, parents withdrew their children because they discovered that children were being physically punished. They did not know that their children were being beaten; when they found out that they had had their choice taken away, they withdrew their children.

The Utting report on children and violence found that children need protection when living away from home. It said that reasonable chastisement should not constitute a defence for physical abuse of children. It also said that the most effective way of discouraging violence against children is to make it plain that none is acceptable. Children should be defended against punitive treatment.

Schools need to develop disciplinary measures. I see no reason why that cannot involve the withdrawal of treats, detention, performing useful tasks and extra home work. With older children, peer group councils have been especially useful with bullies and other disruptive behaviour. It is a far better form of discipline than corporal punishment. If hon. Members accept the amendment, it will end a discredited, outdated and ineffective practice and bring us into line with the rest of modern Europe.

Mrs. Browning: New clause 21 will be subject to a free vote for Conservative Members.

Mr. Lindsay Hoyle (Chorley): Will the hon. Lady declare an interest?

Mrs. Browning: Yes. I have slapped a lot of little legs and I can see a lot of little legs that need slapping tonight. *[Laughter.]* Line up in the corner and see me afterwards.

I cannot support new clause 21. There are some variations on it in new clause 23, to which the hon. Member for Colne Valley (Kali Mountford) spoke. For example, subsection (5) makes an exception in respect of action taken where a child is in immediate danger. That is a sensible addition, but I parted company from her when she invoked the idea that corporal punishment was necessarily akin to child abuse or violence with long-reaching psychological effects. She mentioned, as did the hon. Member for Bath (Mr. Foster), the European dimension. I should like to put on record the position on corporal punishment based on case law in the European Court. The European Court of Human Rights has consistently ruled that there is nothing inherently inhuman or degrading about physical correction. In its judgment on a case concerning school corporal discipline, it declared:

"a particular level of severity"

had to be reached for a punishment to be in breach of the European convention on human rights. The judgment went on to say:

"factors such as the nature and context of the punishment, the manner and method of its execution, its duration, its physical and mental effects and, in some instances, the sex, age and state of health"

of the child being disciplined must all be taken into account. That judgment was in the case of Costello-Roberts *v.* the United Kingdom in 1993.

4.45 am

Furthermore, article 2, protocol 1 of the European convention on human rights requires states to

"respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions".

I am concerned about the spirit of new clauses 21 and 23 not because I advocate the flogging of children—certainly not—but because there could be a dangerous read-across from schools to the rights of parents to smack. At present, if corporal punishment is practised in an independent school, parents have an opportunity to say whether they are in support of it or not and make an appropriate choice.

I jokingly said to the hon. Member for Chorley (Mr. Hoyle) that I had smacked a lot of little legs. I have to say to the hon. Member for Colne Valley—perhaps I failed as a parent in this—that when a child of two or three tries to run into the road, you can point out the dangers to him, but there comes a point at which a slap on the leg prevents the child coming into danger. I advocate the parents' right to exercise that type of discipline in the child's own interest. It would be a great concern if the new clauses were accepted and that subsequently led to a diminution of the rights of parents. I am not talking about flogging; I am talking simply about the slap on the legs that many parents feel is necessary in the interests of the child's safety.

Mr. David Hinchliffe (Wakefield): Not many things would get me on my feet in this place at 4.45 am, especially when I have to be on my feet again at 9.30 am for another debate. Having seen what corporal punishment does to people in a secondary modern school, however, I feel deeply that we should move ahead this morning in the way outlined in new clause 23.

The current situation is ludicrous and anomalous. I am grateful that the Government are prepared to listen to arguments that this nonsense should be removed. My central point is that corporal punishment simply does not work. That was my experience at secondary modern school. I urge any hon. Members here who advocate retaining corporal punishment to look at the punishment books of schools that still use corporal punishment, or of those, like my own, which used it in the past. The same names appeared week in and week out—the same boys and the same girls. That is the most obvious evidence that it does not work.

Mr. Robathan: Will the hon. Gentleman give way?

Mr. Hinchliffe: I will not take interventions. The hon. Gentleman can make his own points at the appropriate time.

After listening to the comments that have been made so far, I should like those hon. Members who argue for the retention of corporal punishment in schools to define the difference between legitimate corporal punishment and child abuse. I say that because I have had the experience on more than one occasion of having to define that difference in a juvenile court. I used to work in a social services department.

The hon. Member for Tiverton and Honiton (Mrs. Browning) talked about slapping legs. When one slaps legs, occasionally one marks a child. I have had to go to court and give evidence in cases where children who have received corporal punishment have been marked. I should like to hear a clear definition of what is child abuse and what is not; what is legitimate corporal punishment and what is abuse. I suspect that no one here can define that difference, which is why we have to grasp the nettle tonight and get rid of this nonsense once and for all.

Dr. Julian Lewis: Will the hon. Gentleman give way?

Mr. Hinchliffe: I have made it clear that I am not giving way. I intend to conclude shortly.

This country is looked upon by other European countries as an anachronistic regime living in a historical time warp, because we still permit corporal punishment. I agree with the hon. Member for Bath (Mr. Foster), and I hope that a time will come when we do not hit our children but look for alternative methods of discipline. I plead guilty to having occasionally slapped my children when they were younger. I recognise now that that was not the right approach. There are alternative ways, and I hope that the Government, who are making efforts in this respect, will help parents to find those other ways of ensuring that their children are disciplined and behave in an appropriate manner.

I welcome the fact that the Government have been prepared to listen to the arguments from Back Benchers on the Government Benches and the Liberal Democrat Benches and even, I suspect, from several hon. Members on the Conservative Benches who feel uneasy about the current position. I hope that, in a free vote tonight, hon. Members will support new clause 23.

Mr. Nicholls: I hope that I do not embarrass Labour Members too much by joining them in the Lobby later tonight. Of all the arguments I have heard tonight for abolishing corporal punishment in independent schools, the one that I find utterly unconvincing—almost, but not quite, to the extent that it might make me change the way I vote—is that we must do it because otherwise we would be out of step with Europe. We are having a debate in Westminster, in our own sovereign Parliament; we should make up our own minds, one way or the other, for better or for worse, about how we feel about this issue. We should make a decision and be prepared to justify it to ourselves and to our constituents.

The idea that, even at this time of the morning, we should troop up and cravenly say that, simply because Europe is out of step with the United Kingdom, we should follow Europe, is one that I find demeaning and insulting. In saying that, I hope that, to a certain extent, I have been able to do something to save the embarrassment of Labour Members who will, I suspect, find me with them in the Lobby when we vote on the new clause.

[Mr. Nicholls]

The hon. Member for Bath (Mr. Foster) was perfectly straightforward in stating how he felt about smacking children, but he is wrong. It is frankly ludicrous to say that one can persuade a two-and-a-half-year-old child not to run out into a road simply by saying, "We're going to reason with you and discuss other forms of disciplinary sanction with you." That is complete and utter nonsense, although I accept that that is how the hon. Gentleman feels. The crucial point is that, even though the hon. Gentleman disagrees with it, it is not slapping in that context that has made him table his new clause. What animated the hon. Gentleman was what I would call ritualised flogging, which is what we are actually talking about.

I have a great deal of sympathy with the hon. Member for Wakefield (Mr. Hinchliffe). My memory is imperfect, but although I do not think that we went to the same school, I am pretty sure that we suffered the same experience. I do not know whether we are going to hear from my hon. Friends some sort of nostalgia for the good old days. I wonder whether they will say, "Well, I got beaten at school and it didn't do me any harm"—*[Interruption.]* The House can draw its own conclusions about whether it did any harm to those among my hon. Friends who may say that.

My point is that I can remember the state of boys who were beaten at my prep school. I regularly saw marks put on their backs. That was not something out of "Whacko", as some of my colleagues will know. I am talking about boys of 10, 11 or 12 who, as a result of perfectly routine, not particularly excessive, beating, were bruised, cut and bleeding in a way that even I—this should cheer Labour Members up—find utterly unacceptable. I did not think that it was right then and I do not think it is right now. That is what we are talking about—that is what is before the House this morning.

Dr. Julian Lewis: Will my hon. Friend give way?

Mr. Nicholls: I shall give way, because I am not afraid to defend my arguments, but first I want to make the point that what I have described is what we are talking about—that is what animates and drives the clause. We are not having a debate about smacking, although I shall come to that in a moment.

Dr. Julian Lewis: We are not talking about beating. No one seems to be suggesting that that sort of beating is going on. It is normal chastisement, such as a parent would administer to his own child without any suggestion of abuse, that will be ruled out by new clause 21. That is the subject to which my hon. Friend should address himself.

Mr. Nicholls: I gave way to my hon. Friend; I hope that he will give me credit for that. I was going to come to the arguments that he was making, but let me deal with them now, in short order.

I accept that ritualised beatings are not taking place. I know of no public school to which I would contemplate sending my son—or to which any of my friends and relatives who educate their children at public school would send their children—that still uses beating. I know no one who sends children to a private school that treats children in that way. However, some of us have received letters from one or two strange-sounding schools which say that, for a fee, they are perfectly prepared to beat our children for us. If those schools exist, it is legitimate to ask whether they should have that power.

Although I am convinced—and on this subject, I know what I am talking about—that no public school, major or minor, to which any of us would contemplate sending our children today, beats children, the point on which the hon. Member for Bath is seizing is that it is still possible.

I now come to the second point that worries my hon. Friend the Member for New Forest, East (Dr. Lewis). It is the only argument in this whole business that would cause me some concern. The argument goes—my hon. Friend the Member for Tiverton and Honiton (Mrs. Browning) mentioned it—that new clause 21 might be the thin end of a particular wedge. It is argued that, if we passed the new clause tonight, it might mean that parents could not apply reasonable chastisement to their children. I admit that that is a risk, and for some—but not for all—it is the motive.

I say to my hon. Friend the Member for New Forest, East that, if that is so, it is far better to legislate out the unjustifiable and then take the argument on its merits. One does not ultimately safeguard and justify the right to smack a child by ensuring that ritualised flogging in schools remains legal under British law. I put it to my hon. Friend that we might just as well say that we cannot outlaw hare coursing because that would have an effect on the fox hunting argument. I would much prefer to defend fox hunting on its merits rather than thinking that I must defend hare coursing because otherwise there will be a read-across.

It is being suggested that we should retain for children a punishment that we would not inflict on the worst criminal. I want to distance myself from some of the hon. Members with whom I shall vote in a few minutes, so let me say that I believe that there is a very good argument for bringing back corporal punishment for a certain type of criminal. *[Interruption.]* There we are; we are sorting out the relativities again.

I believe that there is a good argument for corporal punishment for some criminals. If the hon. Member for Bath wants to return to the House on another occasion with such a provision, I shall support him again. However, it is nonsense that, as the law stands, a child who says boo to teacher can be beaten, but a criminal who mugs teacher afterwards cannot have a hand laid on him.

In some ways, I wish that new clause 21 had not come before the House; I should have liked to go home early. I do not believe that independent schools throughout the country are flogging children. I do not know why the hon. Member for Bath tabled the new clause. I am not sure that it was answering a perceived need, but it is there, and we must take a view on it.

The key argument for my hon. Friends to consider is whether the best way to justify the right to chastise one's own child moderately in one's own household is to defend a situation that amounts to the continuing legalisation of ritual beating. That is not the way to meet the argument.

Mr. Gerald Howarth (Aldershot): One of the endearing features of the Liberals is that, on many issues, they display a substantial degree of illiberality. One issue

on which they do so is the question of the right of individuals to go fox hunting, although there are honourable exceptions among the Liberals.

The new clause has a lot to do with principle—the principle of the right of a parent to decide how to deal with his children.

Mr. Dawson: What about the right of a child to be protected from violence?

Mr. Howarth: I am happy to deal with that point as I proceed.

My hon. Friend the Member for Tiverton and Honiton (Mrs. Browning) made it clear that there has been a test case under the European convention on human rights, when it was found that there was nothing inhuman or degrading about physical correction. It was decided that particular levels of severity had to be reached for a punishment to be in breach of the convention. We are not talking about a breach of the convention.

5 am

The hon. Member for Bath (Mr. Foster) and my hon. Friend the Member for Teignbridge (Mr. Nicholls) said that there was something barbaric about the application of corporal punishment in schools. Good luck to my hon. Friend. That may be his view and the view of the hon. Member for Bath, but they do not have the right to tell parents throughout the country that they do not have the right to take a contrary view.

Mr. Nicholls *rose—*

Mr. Howarth: My hon. Friend must wait a minute. He is effectively saying that his morality is superior to that of those who take a contrary view. He should consider that carefully before he troops into the Lobby with Labour Members.

Mr. Nicholls: We have a problem; I accept that I am a very superior person. My point—and my hon. Friend knows it—is that we are talking about fact and degree. There are all sorts of things that everyone in this House accepts we cannot do to children; we are simply talking about where we draw the line. I specifically said that I was not talking about what a parent may choose to do to a child. I was talking about handing over that right in circumstances that amount to ritualised beating. That is what I was talking about, and my hon. Friend knows it.

Mr. Howarth: My hon. Friend is perfectly content, within the confines of his own home, to apply corporal punishment to his children, but he is not happy about allowing somebody else, who takes precisely the same view, to do so. He is saying to me, as a parent, that I may apply corporal punishment in my own home, but that I may not say to the headmaster of a school to which I wish to send my child that I want to delegate that responsibility to him, provided that he does it in a way that I approve of and not in a way that would inflict undue violence. That is somehow unacceptable.

Mr. Dawson: Will the hon. Gentleman give way?

Mr. Howarth: No. The hon. Gentleman has already had a go and he must now make his own speech in his own time—if his hon. Friends will let him have a few moments at this hour of the morning.

There is an important point of principle—that it should be the right of a parent to decide. That is agreed by my hon. Friend the Member for Teignbridge. Indeed, the hon. Member for Bath had said that he believes—although I do not know whether we should take it at face value—that parents should have that right in their own homes.

I believe that the new clause is the thin end of the wedge. The fundamental principle is that parents should have the right to send their children to a school that provides a level of discipline that suits them. I say to Labour Members that the reason why many of their constituents crucify themselves financially to send their children to independent schools is that there is a level of discipline in those schools that they do not find in state schools. That is one of the factors that they take into account.

Mr. Lansley: Does my hon. Friend agree that many parents scrimp and save to send their children to schools in my constituency? The parents are seeking a level of discipline in the school, but those schools do not apply corporal punishment

Mr. Howarth: I accept that different schools apply different ranges of discipline. It is up to the parent to decide. If parents are spending that sort of money, they are entitled to make that decision. Parents should have that power.

The hon. Member for Bath assesses that only 200 independent schools use corporal punishment. Although the great majority of independent schools do not apply corporal punishment, we are asked to change the law. The school to which my son went did not apply corporal punishment. I am not necessarily defending corporal punishment. I am defending the right of parents to send their children to a school that applies corporal punishment, if that is what they want.

The fact that the hon. Gentleman seeks to use to law of the land to deal with 200 schools is rather pathetic. I have a suspicion that this is the first step towards Parliament and the law of the land telling parents what they may do in their own homes.

Dr. Julian Lewis: One thing that has emerged clearly from the debate is that no argument that has been used tonight to outlaw modest physical punishment or restraint in schools could not be used to outlaw modest physical punishment or restraint in the home.

The hon. Member for Bath (Mr. Foster) gave the game away, although not willingly—it had to be dragged, if not beaten, out of him. In the course of his oration, I asked him whether, when he said that he regarded the use of physical punishment in schools as barbaric, he also regarded the use of physical punishment in the home as barbaric. Eventually he admitted that that is what he felt. That is the motivation behind the new clause.

Everyone seems to be agreed that physical punishment of an abusive nature is not going on in public schools, so why the urgency to legislate? The reason for the legislation is that it is an indirect way to set up a situation in which it would be logically inconsistent to say that a teacher may not exercise physical punishment or restraint on a child, but a parent can do precisely that in his own home.

[Dr. Julian Lewis]

Time and again in the contributions that we have heard on the other side of the argument, it is clear that like is not being compared with like. Our opponents speak of gross physical abuse in schools, but they say that the measure does not affect the right of parents to use modest chastisement. However, the new clause is framed in such a way that it will affect the right of teachers to use modest chastisement as well. It is not about physical abuse: it focuses on the right to slap a naughty child.

It is an insult to every parent who believes that it is right to slap his or her own child when it misbehaves to say that that cannot be done in a school. The entire basis for it to be done in a school is that the school is operating in loco parentis. By ruling out physical punishment for the teacher, the new clause is designed, intended and motivated to rule it out in the not too distant future for the parent as well.

Before I comment on an article in *The Independent* that has been mentioned, I shall deal with the difficulty of technical assault. If we rule out any sort of physical punishment for a child or physical restraint in a school, any teacher who so much as lays a finger on the child is liable to be had up for technical assault. Therefore, when people ask why one requires the ability to inflict modest physical restraint or chastisement on a child if that ability will not be used, one could answer: because one must have the ability to restrain a violent child without having the fear of being had up in court because of the provisions of this Bill.

Several remarks have been made in the debate about an article in today's *Independent*, which was supposedly "reporting" this debate before it had even been held. The hon. Member for Bath said that nothing that he or his colleagues had said in the article was meant to imply that their comments had already been made in the House. I should therefore like to read a few extracts from the *Independent* article, which I first read at 2.20 this morning—a full three hours before the debate on new clause 21 had even started—and to state for the record the prophetic skills of Mr. Colin Brown, the *Independent*'s chief political correspondent.

Before the event, Mr. Brown "reported":

"A Liberal Democrat MP last night spoke of his 'shame' at caning children as MPs voted to sweep away the last vestiges of corporal punishment in independent schools"—

[Hon. Members: "Hear, hear."] Labour Members say, "Hear, hear," but they have not done it yet. Although they will perhaps do it, even people as craven and predictable as they are might have a tinge of resentment at *The Independent* saying that they had done it before they had even got off their backsides.

The "report" continues:

"Former secondary school teacher, Phil Willis, the MP for Harrogate and Knaresborough, said: 'Whenever I caned a child, I felt demeaned by it. Quite frankly, I felt quite ashamed later in life to feel that for many years I supported the use of corporal punishment.' . . .

MPs were given a free vote by the Government to extend the ban in the independent schools during the final Commons stages of the School Standards Bill. . . .

Don Foster, the Liberal Democrat spokesman on education, challenged Tory backwoodsmen who defended"—

[Interruption.] Yes; but we have not done it yet. The hon. Member for Bath

"challenged Tory backwoodsmen who defended 'spanking'"—

a word that I do not think has yet been used by any hon. Member on either side of the House—[Hon. Members: "You did."]—but that is not to say that we will not use it.

The "report" states that the hon. Member for Bath challenged those who

"defended 'spanking' on the grounds that it did children no harm. 'How do they know?', he said. 'I have been caned. It did me harm.'"

With all respect to the hon. Gentleman, that is a case of what educationists would call post hoc, ergo propter hoc. Merely because something has done him obvious harm—particularly to his logical faculties—one should not assume that it was caning.

The article continues:

"Mr. Willis said there was a need to use a degree of force, sometimes to protect pupils, but caning was an admission of failure in discipline in schools. The ban will"—

it will—

"also stop punishment with a slipper or a ruler. It will still allow parents to smack their children, and smacking by child minders with the approval of parents."

The "report" deserves to be put up with those other headlines of events before they have happened, such as the Hindenburg's safe landing and Dewey's defeat of Truman in the United States presidential election. Sadly, the report may be borne out in the event, but not for the right reasons.

It has been a pleasure to have the opportunity—albeit this early in the subsequent morning—to fulfil a promise to my constituents that, if there were a free vote on this issue, I would vote against the new clause. I shall vote against it. Moreover, I know that a majority of public opinion and of parents who believe that they should have the right modestly to chastise their own children would vote against it if they had the chance. It is only sad that the serried ranks of politically correct nannies on the Labour Benches will not give them that opportunity.

Mr. Willis: It seems rather pointless for me to speak after the hon. Member for New Forest, East (Dr. Lewis) has already said so much. However, if hon. Members need to see an example of the effects of caning, they have just seen it.

It matters naught to my hon. Friend the Member for Bath and me which of the two new clauses ultimately gets on to the statute book, provided that one of them does. This debate is not about slapping a naughty two-year-old; nor is it about flogging youths, young adults or young children until their backsides bleed. It is basically about the legalised abuse of children, because that is exactly what corporal punishment is.

5.15 am

The one point that has not been made in this debate, perhaps because very few hon. Members have been in the position that I have been in as a teacher and head of a school that used corporal punishment—incidentally, I totally support the comments that I am reported to have made in today's edition of *The Independent* in this respect—is that, when one administers corporal punishment on another human being, in this case on a child, one demeans oneself. Anyone who does not feel that is a sick person.

Earlier today, I appeared on a television programme with a young teacher who was looking forward to an opportunity to cane students. I think that it is terrible that, as we move into the next millennium, someone looks forward to beating children as a way to discipline them.

I had a fairly long and happy career in the teaching profession, but the one thing I regret more than anything else is that, for a significant number of years, I believed, like some Conservative Members, that corporal punishment was perhaps the only way to deal with recalcitrant children. I was wrong. The system did not work.

In my early days, I worked at a school where every misdemeanour was punished by a stroke of the cane. Every member of staff had a punishment book and a cane. I remember one child coming late into my class and being caned. He was caned at each of the other four lessons of the morning, before having his lunch and running home, or so I thought. That happened for three days. It was only on the third day that I bothered to ask the youngster why he was doing this. The reality was that he had been thrown out of the house by his father on Sunday night and was living in the back of a van. The only way he could get a free meal was to come to school and bear his punishment.

That is a graphic illustration of the futility of caning. It was an easy way to deal with a situation, which avoided—*[Interruption.]* If hon. Members would have the courtesy to listen to me now, they can barrack me outside.

Dr. Julian Lewis: Will the hon. Gentleman give way?

Mr. Willis: No, I will not.

If hon. Members feel that caning is still a worthwhile activity, they are in fact saying that they cannot be bothered to examine the real reasons why children are naughty. Children are naughty; my children are naughty. As the hon. Member for Leeds, East (Mr. Mudie) will know, I worked in a very difficult school until I became a Member of Parliament.

In 1986, when Leeds city council decided to abolish corporal punishment in Leeds's schools, an army of staff came to tell me that it would mean the end of discipline in the school. In fact, it did not, because we found other ways of getting to the root of the problem and of understanding children. We found that many children for whom corporal punishment had been an answer got twice as much when they got home. To them, it was the norm to be beaten. It was the norm to experience violence, whether of language, a fist or a belt. We were told that that was somehow right.

The new clauses and amendments give us an opportunity to end systematic legalised abuse of children. [HON. MEMBERS: "Barbarous."] Yes, it is barbarous. I hope that tonight we shall see all hon. Members trooping through the same Lobby.

Mr. Dawson: I did not intend to speak, but I have been driven to do so by the speech of the hon. Member for New Forest, East (Dr. Lewis), which was the most disgraceful speech that I have ever heard. It is a sad day when a supposedly intelligent person cannot distinguish between the role of a teacher—a professional role requiring a repertoire of professional skills—and the role of a parent, in which a relationship is crucial and seminal.

I hope that, in this country, people will eventually be able to develop parenting skills to the point at which parents themselves will relinquish any thought of inflicting physical pain on their children; but I suspect that that day is some way off, and it is not part of this debate. This debate is about the children's rights to be respected as individuals, which are separate from parents' rights. It is about children's rights to be protected from abuse.

The debate is intended to clarify what abuse of children actually is. It is disgraceful that we need have such a debate at the end of the 20th century, and it is sad that we are having it; but I am glad that we are going to get rid of physical abuse of children.

Mr. Lansley: I share the views of my hon. Friend the Member for Teignbridge (Mr. Nicholls), and disagree with the hon. Member for Lancaster and Wyre (Mr. Dawson). I do not think that it is simply a case of pursuing children's rights. The logic of that means trespassing on the rights and relationships of parents and children, and I do not think that that is what we are discussing. Nor do I support the premise of the speech of the hon. Member for Bath (Mr. Foster), that this is unfinished business in the process of abolishing corporal punishment in judicial proceedings. We are discussing corporal punishment in the context of education.

I would not apply corporal punishment to my children, and I would not permit a school to do so. The new clauses, however, clearly relate to independent schools rather than the maintained sector. I felt that there were two competing arguments—my own argument about corporal punishment, and the argument about the desirability or otherwise of legislating for interference in the internal arrangements of independent schools.

I consulted five independent schools in my constituency, and the result was interesting. As I told my hon. Friend the Member for New Forest, East in an intervention, none of those schools uses corporal punishment; indeed, none of them has used it for years. The head teacher of one of those schools—a respected secondary school—wrote to me in a letter:

"I also feel very strongly that a school cannot treat pupils in varying ways according to the views of individual parents . . . Given that a sizeable number of parents would greatly object to corporal punishment (a situation which is unlikely to change for the foreseeable future) I think it is impractical to retain it."

I believe we can conclude on practical grounds that the great majority of independent schools not only do not use corporal punishment, but would not return to it. On that basis, it is demonstrated that no educational purpose is achieved by the retention of corporal punishment.

Why as a Parliament should we interfere in the internal arrangements of independent schools? In doing so, we do not deny independent schools the opportunity to use punishment for an educational purpose, since I see no argument that such a purpose exists. In pursuing such a course—on this, I go along with the hon. Member for Wakefield (Mr. Hinchliffe)—we add to the protection of children under certain conceivable circumstances where abuse could occur. If parents believe that corporal punishment plays a role in the disciplining of their children, I for one feel that it is far better administered by them in a loving environment than by officialdom in an environment separated from the love of parent and child.

I look to the hon. Member for Bath for guidance if I am wrong in the following respect. If there are schools, as there may be, that see a need for corporal punishment

[Mr. Lansley]

in the context of the relationship of parent, child and school, administering it should be possible only in very rare circumstances when all parents subscribe to it—perhaps for religious reasons—and when parents exercise it in pursuit of the disciplinary code of the school, rather than under any circumstances the school's teachers or staff administering it.

I rest with the view that it is therefore appropriate to proceed down either the path proposed by the hon. Member for Bath or that proposed by the hon. Member for Colne Valley (Kali Mountford). I await an understanding from the Minister of the technical deficiencies or benefits of the new clauses.

Ms Estelle Morris: In Committee, my hon. Friend the Minister promised a debate on this subject on the Floor of the House—and a free vote at that. The fact that so many hon. Members are still present at 5.30 am shows that he was right, and that the issue should be decided in the House and not in Committee.

Mr. Robathan: Labour Members are still present because of the Whips.

Ms Morris: That is the first time that whips have been mentioned in the debate. We Labour Members also have a free vote.

I turn to the new clauses. I ask the hon. Member for Bath (Mr. Foster) to withdraw new clause 21, and instead support new clause 23, which we are advised by parliamentary draftsmen will fulfil all his aims.

I have listened carefully to the debate. Much of the fear of new clause 23—even among Conservative Members who I think will eventually vote for it—surrounded how far it could be interpreted, and into which realms it might extend. I should therefore make it clear that new clause 23 extends prohibition of corporal punishment to pupils attending all types of schools, including non-maintained schools, irrespective of whether their fees are met from public funds. It also extends prohibition to children receiving nursery education that is provided on a formal and systematic basis. The new clause is tightly drawn, and we are advised—I think quite rightly—that it means exactly what I have described.

I can give a further assurance to the hon. Member for Teignbridge (Mr. Nicholls), who spoke sensibly and sensitively, that the Government would certainly not support an extension of the provision into the realms of the family. I think that it is easy to see a marked difference in the relationship between a parent and child and decisions that parents may make on how they keep discipline in their household, and the relationship between an institution and many children, where the right to punish is given to the institution and delegated to a number of people who happen to work there at any one time.

I think that the hon. Member for Harrogate and Knaresborough (Mr. Willis) used the phrase "institutionalised beating". The crucial fact is not whether one uses the term "beating" or any other term, but that power is given to the institution. New clause 23 would prevent that. I hope that the hon. Member will accept my assurances that the Government have no intention of using the new clause or any other provision to extend that into the family.

I have listened carefully to the debate, as I did last year when the former hon. Member for Rugby and Kenilworth moved a similar new clause to reintroduce corporal punishment to mainstream schools.

Mr. Don Foster: The opposite.

5.30 am

Ms Morris: Yes, the opposite. The hon. Gentleman is right. It is much later—or much earlier—than I thought.

There was an acceptance in the House last year that things had moved on. We all want discipline in schools—I am pleased that that has not been questioned today. We need discipline so that children can learn effectively and teachers can get on with teaching. However, corporal punishment is not the best way to achieve it.

The principal argument in that debate, which has been repeated today, has always persuaded me: corporal punishment does not work. The same names appearing time and again in the punishment books show that it does not work. Corporal punishment can give status to a child who may not be able to gain status among their peer group in any other way.

We must consider what message we want to give to young people about how to deal with conflict and address situations with which they are not happy. That demands skill. Objectives must be set, and there must be consequences if children do not obey the rules. We must ask whether we want to give our children the message that one way in which to deal with people who do not act in a way of which we approve is to use physical force. That conflicts with how we teach them to deal with other people.

Children will learn how to deal with other people from the message we give them in our dealings with them. Sometimes, corporal punishment says more about the state of mind of the person inflicting it than about their belief in its effects on the child.

Last year, I voted that corporal punishment should not return to maintained schools. I hold to that view. We are debating whether those schools in the independent sector that still use corporal punishment should be allowed to continue to do so merely because the parents pay a fee so that their children can go there. The hon. Member for Aldershot (Mr. Howarth) put the issue plainly, saying that, given how much money the parents pay, they should at least have the right to think that their children could be beaten by the teachers. That is a funny equation.

Mr. Gerald Howarth: The issue is not the terminology of beating, but the level of chastisement that is given, with sensitivity and love. If parents are not entitled to take discipline into account when choosing a school, should they be able to take into account other factors, such as a school's religious denomination? Independent schools provide a range of choice for parents. The Minister should respect that.

Ms Morris: I am sorry that I gave way. It was a huge mistake. I shall make progress rapidly. In his original speech, the hon. Gentleman said something along the lines of, given the amount of money that the parents pay, that is almost the least that they could expect. He did not progress with the argument that, the more they pay, the greater the beating. That is the issue in deciding whether to extend the prohibition into the independent sector.

I can do no more than quote the chairman of the Independent Schools Council, Ian Beer, who said in the press release to which the hon. Member for Bath referred:

"ISC schools have always regarded themselves as an integral part of the nation's education system".

He speaks on behalf of the independent sector. I am happy to take his word for the fact that that sector is part of the nation's education system. In my view, the rules that the House has approved for the vast majority of children who are educated in the maintained schools should also apply to those who are educated in the independent sector.

We have made it clear that Labour Members have a free vote on the subject, and must follow their consciences. My conscience tells me clearly that I should vote for one of the new clauses, but I ask the hon. Member for Bath to withdraw his new clause and to support instead new clause 23, which is to be moved by my hon. Friend the Member for Colne Valley.

Mr. Don Foster: The Minister referred to the debate a year ago, led by Mr. James Pawsey, who was then the Member for Rugby and Kenilworth.

Mr. Andy King (Rugby and Kenilworth): He lost. He was beaten badly.

Mr. Foster: Tonight's debate has been much more measured than last year's, and I shall finish by making four brief points.

The contribution by the hon. Member for Teignbridge (Mr. Nicholls) was measured, but in reply to his comments about our following Europe, I must explain that the reason for raising the fact that all other European countries have abolished corporal punishment—more than 200 years ago, in the case of Poland—was simply to give further evidence in support of the people who believe that it is not an effective form of punishment.

Child abuse has also been mentioned. In 1996, the national committee of inquiry into the prevention of child abuse said:

"As a general proposition and on the weight of evidence, physical punishment is an unsatisfactory and, ultimately, ineffective way of improving children's behaviour".

That is what the House will decide tonight.

Thirdly, as a follow-up to my observation that we were completing unfinished business, hon. Members may be interested to know that the first attempt to persuade the House to abolish corporal punishment in schools in this country took place as long ago as 1669, when a "lively boy" presented a petition to Parliament on behalf of the children of this nation to protest against

"that intolerable grievance our youth lie under, in the accustomed severities of the school discipline of this nation".

So many years since that petition was presented, I hope that tonight, at last, that lively boy's wishes will come true.

I hope that the following quotation from Elizabeth I's schoolmaster, Roger Ascham, will sum up the feeling of most Members:

"Love is fitter than fear, gentleness better than beating, to bring up a child rightly in learning".

That, I think, is what the House believes.

I am convinced by the arguments of the hon. Member for Colne Valley and the Minister that, although our new clause 21 would have achieved our purpose, new clause 23 would do so even more effectively. I therefore hope that the House will give me leave to withdraw our new clause, in the hope that there will be an opportunity to vote instead for new clause 23 and the various amendments consequential upon it. I beg to ask leave to withdraw the motion.

Motion and clause, by leave, withdrawn.

New clause 23

ABOLITION OF CORPORAL PUNISHMENT IN SCHOOLS ETC.

'.—(1) For section 548 of the Education Act 1996 there shall be substituted—

"No right to give corporal punishment

548.—(1) Corporal punishment given by, or on the authority of, a member of staff to a child—

(a) for whom education is provided, at any school, or

(b) for whom education is provided, otherwise than at school, under any arrangements made by a local education authority, or

(c) for whom specified nursery education is provided otherwise than at school,

cannot be justified in any proceedings on the ground that it was given in pursuance of a right exercisable by the member of staff by virtue of his position as such.

(2) Subsection (1) applies to corporal punishment so given to a child at any time, whether at the school or other place at which education is provided for the child, or elsewhere.

(3) The following provisions have effect for the purposes of this section.

(4) Any reference to giving corporal punishment to a child is to doing anything for the purpose of punishing that child (whether or not there are other reasons for doing it) which, apart from any justification, would constitute battery.

(5) However, corporal punishment shall not be taken to be given to a child by virtue of anything done for reasons that include averting—

(a) an immediate danger of personal injury to, or

(b) an immediate danger to the property of,

any person (including the child himself).

(6) "Member of staff", in relation to the child concerned, means—

(a) any person who works as a teacher at the school or other place at which education is provided for the child, or

(b) any other person who (whether in connection with the provision of education for the child or otherwise)—

(i) works at that school or place, or

(ii) otherwise provides his services there (whether or not for payment),

and has lawful control or charge of the child.

(7) "Child" (except in subsection (8)) means a person under the age of 18.

(8) "Specified nursery education" means full-time or part-time education suitable for children who have not attained compulsory school age which is provided—

(a) by a local education authority; or

(b) by any other person—

(i) who is (or is to be) in receipt of financial assistance given by such an authority and whose provision of nursery education is taken into account by the authority in formulating proposals for the purposes of section 110(2)(a) of the School Standards and Framework Act 1998, or

(ii) who is (or is to be) in receipt of grants under section 1 of the Nursery Education and Grant-Maintained Schools Act 1996; or

(c) (otherwise than as mentioned in paragraph (a) or (b)) in any educational institution which would fall within section 4(1) above (definition of "school") but for the fact that it provides part-time, rather than full-time, primary education."

(2) The following provisions of the Education Act 1996, namely—

(a) section 549 (interpretation of section 548), and

(b) section 550 (no avoidance of section 548 by refusing admission to school etc.), shall cease to have effect.'.—*[Kali Mountford.]*

Brought up, and read the First time.

Motion made, and Question put, That the clause be read a Second time:—

The House divided: Ayes 211, Noes 15.

Division No. 228] **[5.38 am**

AYES

Ainsworth, Robert *(Cov'try NE)*
Allan, Richard
Allen, Graham
Anderson, Donald *(Swansea E)*
Anderson, Janet *(Rossendale)*
Atherton, Ms Candy
Ballard, Mrs Jackie
Barron, Kevin
Bayley, Hugh
Bennett, Andrew F
Berry, Roger
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Blunkett, Rt Hon David
Bradley, Peter *(The Wrekin)*
Brand, Dr Peter
Breed, Colin
Brown, Rt Hon Nick *(Newcastle E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Bruce, Malcolm *(Gordon)*
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burstow, Paul
Byers, Stephen
Campbell, Alan *(Tynemouth)*
Canavan, Dennis
Cann, Jamie
Caplin, Ivor
Casale, Roger
Caton, Martin
Chaytor, David
Chisholm, Malcolm
Clapham, Michael
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clelland, David
Coaker, Vernon
Coffey, Ms Ann
Coleman, Iain
Colman, Tony
Connarty, Michael
Cooper, Yvette
Corbyn, Jeremy
Corston, Ms Jean
Cousins, Jim
Cox, Tom
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Jim *(Cov'try S)*
Dafis, Cynog
Dalyell, Tam
Darvill, Keith
Davey, Edward *(Kingston)*
Davidson, Ian
Dawson, Hilton
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Edwards, Huw
Fisher, Mark
Fitzpatrick, Jim
Flynn, Paul
Foster, Don *(Bath)*
Foster, Michael J *(Worcester)*
Galloway, George
Gapes, Mike
George, Andrew *(St Ives)*
Gibson, Dr Ian
Godman, Norman A
Golding, Mrs Llin
Griffiths, Jane *(Reading E)*
Grogan, John
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hanson, David
Harris, Dr Evan
Harvey, Nick
Heal, Mrs Sylvia
Healey, John
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hill, Keith
Hinchliffe, David
Home Robertson, John
Hope, Phil
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Jamieson, David
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Martyn *(Clwyd S)*
Keeble, Ms Sally
Keetch, Paul
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Kidney, David
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kumar, Dr Ashok
Lansley, Andrew
Laxton, Bob
Lepper, David
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Lock, David
McCabe, Steve
McDonagh, Siobhain
McDonnell, John
McFall, John
McGuire, Mrs Anne
McIsaac, Shona
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
Madel, Sir David
Marek, Dr John
Marsden, Paul *(Shrewsbury)*
Marshall, Jim *(Leicester S)*
Marshall-Andrews, Robert
Martlew, Eric
Michie, Bill *(Sheff'd Heeley)*
Miller, Andrew
Moffatt, Laura
Moonie, Dr Lewis
Morgan, Ms Julie *(Cardiff N)*
Morgan, Rhodri *(Cardiff W)*
Morris, Ms Estelle *(B'ham Yardley)*
Mountford, Kali
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Naysmith, Dr Doug
Nicholls, Patrick
Norris, Dan
Oaten, Mark
O'Hara, Eddie
O'Neill, Martin
Öpik, Lembit
Pearson, Ian
Plaskitt, James
Pollard, Kerry
Prentice, Ms Bridget *(Lewisham E)*
Prosser, Gwyn
Purchase, Ken
Rapson, Syd
Rendel, David
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Savidge, Malcolm
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Smith, Angela *(Basildon)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Smith, Sir Robert *(W Ab'd'ns)*
Soley, Clive
Squire, Ms Rachel
Steinberg, Gerry
Stoate, Dr Howard
Stott, Roger
Stringer, Graham
Stunell, Andrew
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, David *(NW Leics)*
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Tonge, Dr Jenny
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Tyler, Paul
Wallace, James
Wareing, Robert N
Watts, David
Webb, Steve
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Willis, Phil
Wills, Michael
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Woolas, Phil
Wray, James
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*

Tellers for the Ayes:
Mr. Adrian Sanders and Helen Jones.

NOES

Brazier, Julian
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Dorrell, Rt Hon Stephen
Evans, Nigel
Hawkins, Nick
Howarth, Gerald *(Aldershot)*
Lewis, Dr Julian *(New Forest E)*
Luff, Peter
Maclean, Rt Hon David

Robertson, Laurence *(Tewk'b'ry)*
Sayeed, Jonathan
Swayne, Desmond
Whittingdale, John
Widdecombe, Rt Hon Miss Ann

Tellers for the Noes:
Mr. Geoffrey Clifton-Brown
and
Mr. Andrew Robathan.

Question accordingly agreed to.

Clause read a Second time, and added to the Bill.

Clause 109

EARLY YEARS DEVELOPMENT PARTNERSHIPS

Mr. Dafis: I beg to move amendment No. 116, in page 80, line 20, at end insert

'(2A) In Wales, the partnership shall have regard to the need for Welsh-medium nursery education to be accessible to all pupils.'.

Mr. Deputy Speaker (Sir Alan Haselhurst): With this, it will be convenient to discuss amendment No. 124, in clause 110, page 80, line 43, after 'and,' insert—

'(aa) a statement of proposals, which sets out the authority's proposals for providing nursery education for children who have attained the age of three years.'.

Mr. Dafis: The way in which the provisions in part V are implemented in Wales will be of momentous importance to the Welsh language and to the prospects of creating a truly effective bilingual society—an aim that has overwhelming popular support in Wales.

The growth of Welsh-medium education over the past 30 years has been built to a large extent on the foundation laid by nursery education provided substantially by the voluntary nursery schools movement, Mudiad Ysgolion Meithrin. A survey by the Welsh Language Board showed that 50 per cent. of parents would send children to Welsh-medium nursery schools if such provision were available.

It is vital that the expansion now proposed in publicly funded nursery education makes it possible to build on what has been achieved. That depends on partnership between LEAs and the voluntary sector and on accessibility—not just availability—of Welsh-medium provision.

Ironically, there is a danger that accessibility will be reduced by the expansion in the state sector. That issue was raised previously with the Under-Secretary of State for Wales, the hon. Member for Neath (Mr. Hain), and I had hoped that he would be here to give me some unequivocal assurances that the right thing would be done.

Mudiad Ysgolion Meithrin nursery groups are often small and are located in communities and close to homes. Welsh-medium primary schools in areas such as the valleys of the south-east are fewer in number than other schools and, therefore, further from pupils' homes. If primary schools provide nursery education directly, the danger is that existing groups will become unviable.

Parents would be understandably unhappy about sending three to four-year-olds the greater distance to Welsh-medium primary schools and would send them to English-medium schools instead, so what would seem on the surface to be an expansion of provision in Welsh-medium education in maintained schools could lead to reduced accessibility and a reduction in the number of pupils entering the Welsh-medium system.

Some LEAs might see that as an opportunity to solve what some of them would regard as the problem of meeting increasing demand for Welsh-medium education and, at the same time, to fill some of the empty places in English-medium schools. Places are scarce in the Welsh sector.

That problem can be prevented if the Secretary of State for Wales, and, from June 1999, the National Assembly for Wales, ensure that early years development plans build in the accessibility and availability of Welsh-medium provision.

Mr. Lembit Öpik (Montgomeryshire): Does the hon. Gentleman agree with the Liberal Democrats that this is a vital consideration in ensuring that Welsh culture has equal status in a Wales with its own assembly?

Mr. Dafis: The Liberal Democrats are in the forefront of thinking in these matters.

Mudiad Ysgolion Meithrin must be accorded a key role in the process and be included in the partnerships established under the clause. LEAs preparing schemes under the Welsh Language Act 1993 are required to show how the language is to be treated equally with English, and I trust that the Welsh Language Board will ensure that accessibility in early years provision is a key consideration.

I am glad to know that each early years development plan is to be sent to the Welsh Language Board for comment. Its comments must carry weight with the Secretary of State, who will have ample powers under the Bill to ensure that the right policies are pursued at local level.

A few other matters arose from the guidelines on early years education issued recently by the Welsh Office. First, education and its integration with child care provision will be part of the Welsh Office's child care strategy. That will be the subject of substantial investment, so how will the Welsh language be safeguarded within that strategy? Obviously, that is of crucial significance.

Secondly, the guidelines stated that qualified early years teachers should be attached to each establishment that provides early years education. That provision is laudable, but how will it work in relation to Mudiad Ysgolion Meithrin nursery groups, each of which will not have a qualified early years teacher? That must be considered, as must a strategy to provide sufficient qualified Welsh-medium nursery teachers.

Thirdly, the guidelines refer to the development of training schemes and the use of grant for education support and training money for that purpose. How do the Government propose to ensure that Welsh-medium training is central to those schemes?

We have an opportunity to achieve major progress if we get early years provision right; however, the perils are also apparent. I look forward to having the Minister's assurance—I suppose that I will receive it not tonight, but at some future time—that the perils will be avoided and the opportunity taken.

Ms Estelle Morris: The hon. Member for Ceredigion (Mr. Dafis) has had an opportunity to talk about a subject that is vital to people in Wales. I hope to give him some reassurance on the issues which he raised. I know that he

[Ms Estelle Morris]

had a meeting just before Christmas with the Under-Secretary of State for Wales, my hon. Friend the Member for Neath (Mr. Hain), and that, as a result, the Welsh Office guidance on early years education issued in January is unequivocal on that issue. It states that partnerships that are providing for early years places must take into account the need for Welsh-medium provision. My hon. Friend certainly thinks that that is much better left to guidance than put in the Bill, like many other aspects of guidance on that issue.

The fact that the provision is in the Welsh Office guidance that was issued in January should give the hon. Gentleman the reassurance that he has sought.

Mr. Dafis: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 114

NO RIGHT TO GIVE CORPORAL PUNISHMENT TO NURSERY PUPILS

Amendment made: No. 144, in page 83, line 31, leave out from beginning to end of line 41.—*[Mr. Don Foster.]*

Clause 127

GENERAL INTERPRETATION

Amendment made: No. 76, in page 92, line 40, at end insert—

'(3A) For the purposes of this Act references to disposing of land include references to—

(a) granting or disposing of any interest in land;

(b) entering into a contract to dispose of land or to grant or dispose of any such interest; and

(c) granting an option to purchase any land or any such interest.'.—*[Mr. Byers.]*

Clause 128

INDEX

Amendments made: No. 10, in page 94, line 37, at end insert—

'new school (in Chapter IV of Part II)	*section 43(4)'.*

No. 2, in page 95, line 20, at end insert—

'school opening date	section (Arrangements for government of new schools)(9)'.—*[Mr. Byers.]*

Schedule 29

MINOR AND CONSEQUENTIAL AMENDMENTS

Amendment made: No. 87, in page 205, line 25, at end insert—

'Local Authorities (Goods and Services) Act 1970 (c.39)

.—(1) Subject to sub-paragraph (2), in the Local Authorities (Goods and Services) Act 1970 (supply of goods and services by local authorities to public bodies) "public body" shall include any Education Action Forum established in an education action zone.

(2) The provision in sub-paragraph (1) shall have effect as if made by an Order under section 1(5) of that Act (power to provide that a person shall be a public body for the purposes of the Act).

(3) An order under section 1(5) may accordingly vary or revoke the provisions of sub-paragraph (1) above as they apply to an Education Action Forum specified in the order.'.—*[Mr. Byers.]*

Amendment made: No. 171, in page 205, line 25, at end insert—

'Children and Young Persons Act 1933 (c.12)

In section 1(7) of the Children and Young Persons Act 1933 (saving for right of parents etc. to administer corporal punishment), for "teacher, or other person" substitute "or (subject to section 548 of the Education Act 1996) any other person,".'.—*[Kali Mountford.]*

Amendments made: No. 74, in page 209, line 16, at end insert—

'. In section 3 of the Charities Act 1993 (the register of charities), after subsection (5) insert—

"(5A) In subsection (5) above—

(a) paragraph (a) shall be read as referring also to any school to which section 21(8)(a) or (b) of the School Standards and Framework Act 1998 applies, and

(b) paragraph (b) shall be read as referring also to any foundation to which section 21(9A) of that Act applies;

but an order of the Commissioners, or regulations made by the Secretary of State, may provide that section 21(9A) of that Act shall cease to apply to any such foundation as is mentioned in that provision or to any such foundation of a description specified in the order or regulations." '.

No. 75, in page 209, line 17, leave out 'the Charities Act 1993' and insert 'that Act'.

No. 83, in page 219, line 47, leave out from 'etc.)' to end of line 49 and insert—

'(a) in paragraph (a), for "county, voluntary, grant-maintained" substitute "community, foundation, voluntary"; and

(b) omit paragraph (b).'.

No. 28, in page 219, line 49, at end insert—

' .—(1) Section 519 (allowances for governors, etc.) shall be amended as follows.

(2) In subsection (1), for the words from "travelling" to "section 115);" substitute "such allowances as may be prescribed to governors of—

(a) any community, foundation or voluntary school or community or foundation special school which does not have a delegated budget (within the meaning of Part II of the School Standards and Framework Act 1998);".

(3) In subsection (3) for "travelling and subsistence allowances" substitute "such allowances as may be prescribed".

(4) After subsection (6) add—

"(7) Regulations may impose a limit on the amount which may be paid by way of any allowance under this section." '.

No. 78, in page 222, line 40, at end insert—

'. In section 543 (relaxation of prescribed standards in special cases)—

(a) in subsection (1), for "or (4)" substitute ", (4) or (4A)"; and

(b) after subsection (4) insert—

"(4A) This subsection applies, in relation to any playing fields used by the school for the purposes of the school, if the Secretary of State is satisfied that, having regard to other facilities for physical education available to the school, it would be unreasonable to require conformity with any prescribed requirement relating to playing fields.

In this subsection "playing fields" has the same meaning as in section (*Control of disposals or changing use of school playing fields*) of the School Standards and Framework Act 1998 (control of disposals or changing use of school playing fields)."—*[Mr. Byers.]*

Amendment made: No. 172, in page 223, leave out lines 9 to 13 and insert

'Omit sections 549 and 550 (provisions about corporal punishment).'.—*[Kali Mountford.]*

Schedule 30

REPEALS

Amendment made: No. 84, in page 235, line 8, column 3, at end insert—

'Section 518(b).'.—*[Mr. Byers.]*

Amendments made: No. 173, in page 235, column 3, leave out lines 40 to 44 and insert 'Sections 549 and 550.'.

No. 174, in page 237, line 54, at end insert—

'1997 c. 59.	Education (Schools) Act 1997.	Section 6(1). In section 7, in subsection (3)(a) "section 6(1)", and in subsection (4)(a) "(1) and".'.— *[Kali Mountford.]*

Schedule 31

TRANSITIONAL PROVISIONS AND SAVINGS

Amendment made: No. 112, in page 239, line 46, at end add—

'6.—(1) This paragraph applies where—

(a) at any time before the appointed day, whether before or after the date on which this Act is passed, any trustees (being entitled to do so) have given to the governing body of a former voluntary school a notice which is effective to terminate, on or after that day, the school's occupation of any land held by the trustees for the purposes of the school; and

(b) the termination of the school's occupation of that land would have the result that it was not reasonably practicable for the school to continue to be conducted at its existing site.

(2) Paragraph 7A(2) of Schedule 22 shall apply in relation to the land to which such a notice relates as it applies in relation to the land to which a notice falling within section 29(11) relates.

(3) Section 29(13) and (14) shall apply, with any necessary modifications, for the purposes of sub-paragraph (1)(b) as they apply for the purposes of section 29(11)(b).

(4) In this paragraph "former voluntary school" means—

(a) any voluntary school, or

(b) any grant-maintained school which was a voluntary school immediately before becoming grant-maintained or was established by promoters,

within the meaning of the Education Act 1996, which on the appointed day becomes a foundation or voluntary school within the meaning of this Act; and "the purposes of the school" has the meaning given by section 29(15).'.—*[Mr. Byers.]*

Order for Third Reading read.

5.59 am

Mr. Blunkett: I beg to move, That the Bill be now read the Third time.

It gives me great pleasure to move Third Reading. I thank my ministerial team, the Whips and the parliamentary private secretaries, and all those who have stayed for the last 14 hours who are with us in being committed to making the Bill a reality.

The Bill is about standards and opportunity, ranging from the early years development plans, to lowering class sizes, to the education development plans for local authorities, to a new framework to reunite the education system, to pull school together with school, to unite partnerships between LEAs and schools, parents and governors in lifting standards across Britain. It gives me great pleasure as the clock strikes 6 o'clock to move that we at last send the Bill to the House of Lords so that we can give every child in Britain the opportunity that they deserve.

6 am

Mr. Dorrell: I shall be as brief as the Secretary of State. I thank my hon. Friend the Member for Tiverton and Honiton (Mrs. Browning) for her support during the passage of the Bill. I thank hon. Friend the Member for South-West Bedfordshire (Sir D. Madel), who acted as Whip, and my hon. Friends who served in Committee and who stayed in the House this evening. I also thank the officers and staff of the House of Commons for supporting us through a long sitting.

We shall not support Third Reading. The Secretary of State has said times without number, both inside the House and outside, that his priority is standards, not structures. However, the Bill damages key structures which deliver the standards that we all want in our schools. It is committed to the abolition of grant-maintained schools and to an overly restrictive control on class sizes which will reduce choice for parents with children in infants schools. It establishes a one-way ratchet for the abolition of successful grammar schools.

Earlier, the Government sustained yet again their view that we should continue to have a division at the heart of our school system between the independent sector and the maintained sector, a division which I believe continues to damage opportunities for many children. This is a bad Bill which should not command a majority in the House. We shall oppose its Third Reading.

6.2 am

Mr. Don Foster: I thank my hon. Friend the Member for Harrogate and Knaresborough (Mr. Willis), who has worked tirelessly with me in Committee and on Report.

We made it clear on Second Reading that, like the Government, we were interested in raising standards in our schools and that the Bill contained many measures that had our full support and many exciting ideas. We also made it clear that we disagreed with the Government about the appropriate way forward on certain aspects. We discussed those issues in Committee and on Report. On some, we received assurances from the Government about our concerns; on others, we continue to believe that the Government are not necessarily pursuing the most effective way forward. Broadly speaking, because there are so many measures that we support, and because we are keen to show our desire to be part of the process of moving forward to raise standards in our schools, we will certainly vote for Third Reading.

Question put, That the Bill be now read the Third time:—

The House divided: Ayes 208, Noes 19.

Division No. 229] **[6.3 am**

AYES

Allan, Richard
Allen, Graham
Anderson, Donald *(Swansea E)*
Anderson, Janet *(Rossendale)*
Atherton, Ms Candy
Ballard, Mrs Jackie
Barron, Kevin
Bayley, Hugh
Bennett, Andrew F
Berry, Roger
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Blunkett, Rt Hon David
Bradley, Peter *(The Wrekin)*
Brand, Dr Peter
Breed, Colin
Brown, Rt Hon Nick *(Newcastle E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Bruce, Malcolm *(Gordon)*
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burstow, Paul
Byers, Stephen
Campbell, Alan *(Tynemouth)*
Canavan, Dennis
Cann, Jamie
Caplin, Ivor
Cassle, Roger
Caton, Martin
Chaytor, David
Chisholm, Malcolm
Clapham, Michael
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clelland, David
Coaker, Vernon
Coffey, Ms Ann
Colman, Tony
Connarty, Michael
Cooper, Yvette
Corston, Ms Jean
Cousins, Jim
Cox, Tom
Cryer, John *(Hornchurch)*
Cummings, John
Cunliffe, Lawrence
Cunningham, Jim *(Coventry S)*
Dalyell, Tam
Darvill, Keith
Davey, Edward *(Kingston)*
Davidson, Ian
Dawson, Hilton
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Edwards, Huw
Fisher, Mark
Fitzpatrick, Jim
Flynn, Paul
Foster, Don *(Bath)*
Foster, Michael J *(Worcester)*
Galloway, George
Gapes, Mike
George, Andrew *(St Ives)*
Gibson, Dr Ian
Godman, Norman A
Golding, Mrs Llin
Griffiths, Jane *(Reading E)*
Grogan, John
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hanson, David
Harris, Dr Evan
Harvey, Nick
Heal, Mrs Sylvia
Healey, John
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Hill, Keith
Hinchliffe, David
Hoey, Kate
Home Robertson, John
Hope, Phil
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Jamieson, David
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Helen *(Warrington N)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Martyn *(Clwyd S)*
Keeble, Ms Sally
Keetch, Paul
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Kidney, David
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kumar, Dr Ashok
Laxton, Bob
Lepper, David
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Lock, David
McCabe, Steve
McDonagh, Siobhain
McDonnell, John
McFall, John
McGuire, Mrs Anne
McIsaac, Shona
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
Marek, Dr John
Marsden, Paul *(Shrewsbury)*
Marshall, Jim *(Leicester S)*
Marshall-Andrews, Robert
Martlew, Eric
Michie, Bill *(Sheffld Heeley)*
Miller, Andrew
Moffatt, Laura
Moonie, Dr Lewis
Morgan, Ms Julie *(Cardiff N)*
Morgan, Rhodri *(Cardiff W)*
Morris, Ms Estelle *(Brm Yardley)*
Mountford, Kali
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Naysmith, Dr Doug
Norris, Dan
Osten, Mark
O'Hara, Eddie
Olner, Bill
O'Neill, Martin
Öpik, Lembit
Pearson, Ian
Plaskitt, James
Pollard, Kerry
Prentice, Ms Bridget *(Lewisham E)*
Prosser, Gwyn
Purchase, Ken
Rapson, Syd
Reed, Andrew *(Loughborough)*
Rendel, David
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Sanders, Adrian
Savidge, Malcolm
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Smith, Angela *(Basildon)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Smith, Sir Robert *(W Ab'd'ns)*
Soley, Clive
Squire, Ms Rachel
Steinberg, Gerry
Stoate, Dr Howard
Stott, Roger
Stringer, Graham
Stunell, Andrew
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
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Thomas, Gareth *(Clwyd W)*
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Truswell, Paul
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Turner, Dr Desmond *(Kemptown)*
Tyler, Paul
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Watts, David
Webb, Steve
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Willis, Phil
Wills, Michael
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Woolas, Phil
Wray, James
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*

Tellers for the Ayes:
Mr. Clive Betts and
Mr. Robert Ainsworth.

NOES

Ainsworth, Peter *(E Surrey)*
Arbuthnot, James
Brazier, Julian
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Clifton-Brown, Geoffrey
Dorrell, Rt Hon Stephen
Evans, Nigel
Howarth, Gerald *(Aldershot)*
Jenkin, Bernard
Lait, Mrs Jacqui
Lansley, Andrew
Lewis, Dr Julian *(New Forest E)*
Maclean, Rt Hon David
Nicholls, Patrick
Robertson, Laurence *(Tewk'b'ry)*
Sayeed, Jonathan
Swayne, Desmond
Widdecombe, Rt Hon Miss Ann

Tellers for the Noes:
Sir David Madel and
Mr. John Whittingdale.

Question accordingly agreed to.

Bill read the Third time, and passed.

DELEGATED LEGISLATION

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation),

Local Government Finance

That the Special Grant Report (No. 33): Community Care Special Grants for 1998–99 (HC 534), which was laid before this House on 24th February, be approved.—*[Mr. Kevin Hughes.]*

Question agreed to.

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation),

RATING AND VALUATION (SCOTLAND)

That the draft Railways (Rateable Values) (Scotland) Order 1998, which was laid before this House on 27th February, be approved.—*[Mr. Kevin Hughes.]*

Question agreed to.

Farming (Ribble Valley)

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Kevin Hughes.]*

6.14 am

Mr. Nigel Evans (Ribble Valley): I have waited a long time to make this speech. It is important, and I have an important point to make at the start. I see that the Minister who will respond to the debate is not a Farming Minister. At about midnight, I was told that the hon. Member for Wallasey (Angela Eagle), the junior Minister in the Department of the Environment, Transport and the Regions, would answer my debate on farming. I thought that that was especially odd, but later I was told that I was not even to be blessed with someone from the Department of the Environment, Transport and the Regions.

I do not blame the Minister for School Standards, the junior Minister who is responding to the debate this morning, because obviously he has had this put upon him, but, whereas the environment was somewhat removed from farming, which is the subject of my debate, education is even further removed. The Government must explain themselves.

I know that the Minister of State, Ministry of Agriculture, Fisheries and Food, has a specific problem, and I fully accept that he cannot be with us today, but there are other Ministers in the Ministry of Agriculture and, as far as I know, in the five years when the Conservatives were in government when I was a Member of Parliament, we never once at an Adjournment debate put up a Minister who was not associated with the subject matter that was being discussed. The Government have a duty to tell the House why they have put up someone from the Department for Education and Employment to answer a debate on farming. What they have done tonight is contemptuous of the farmers of Ribble Valley and of this country, and a contempt of the House.

We need to get answers on that, but I shall continue with my speech and trust that someone from the Ministry of Agriculture will read it at some stage, and that we shall receive a proper response to the debate.

I suspect that Radio 4 could do no better than to scrap what it had planned for its "Farming Today" programme and broadcast what I have to say, so that people may listen to the problems of the farmers of Ribble Valley, which are replicated throughout the country, and can witness the fact that the Government think so little of farmers' problems that they cannot be bothered to put up a Minister who is available to respond to the problems of farmers in Ribble Valley.

Earlier this month, I challenged the Minister of Agriculture to come to Ribble Valley, to visit a farmer in Samlesbury and talk to the farmer's wife, Cath Wright, who had telephoned me that day and spoken about the plight of her husband, and of all the other farmers in the Samlesbury area. She said:

"I don't think the Minister is aware of the amount of effort we put in for little return. My husband regularly ploughs at night because he doesn't have the time during the day and often works a 90-hour week. The Minister is trying to turn a blind eye to our problems. That's why he will not come!"

I can tell the Minister, through the Minister for School Standards, that Cath Wright still extends that invitation—that she would like the Minister of Agriculture to visit her farm in Samlesbury, to see the problems that she is experiencing there.

[Mr. Nigel Evans]

Today is also poignant because it was the day that a delegation of 30 people from this country involved in farming, including a constituent of mine who is chairman of the Lancashire branch of the National Farmers Union, Peter Stott, went to Brussels to meet the European Commissioner for Agriculture and Rural Development, Franz Fischler; Commissioner Leon Brittan; Commissioner Neil Kinnock; and several MEPs concerned with farming, so that they could bring directly to Brussels the problems experienced in farming.

The one thing that the members of the delegation wanted was a lifting of the beef ban in this country. They wanted to ensure that they were getting the same treatment as the rest of Europe. It is important to note that, in the easing of the beef ban in Northern Ireland, even with all the scientific evidence that supported the lifting of that ban, Germany and Belgium still voted against us, and Luxembourg and Spain abstained. Science has been neglected for too long. Some countries were using all sorts of excuses to ensure that protection was in place for their own industries while British farming was being damaged.

The excellent recent Agriculture Select Committee report stated:

"Ironically, while the slaughter and other measures introduced to eradicate BSE from the British herd have raised UK beef hygiene standards to exemplary levels, inevitably they have reduced the volumes of the domestic product and opened up the UK market to some beef imports produced to less exacting hygiene standards."

That will include beef from European Union countries that have refused to acknowledge the action taken by the Conservative Government, and even by this Labour Government, to ensure that we have traceability of stock and eradication of bovine spongiform encephalopathy.

Of course, it is not just the European Union, but other countries. I asked the Library for recent figures for Argentina, for example, which show that, including corned beef, £39 million-worth of beef came into this country from Argentina in 1997. Indeed, imports generally were up 18 per cent. in 1997 on the year before.

While we welcome the overdue easing of the ban in Northern Ireland, we need to know when the Minister of Agriculture will achieve the timetabled lifting of the ban in the remainder of the United Kingdom. After all, British beef is among the safest in the world. For purely political reasons on the part of our competitors, my farmers are suffering. British farmers are seeing their markets being destroyed.

I want to touch on a number of problems facing the farming industry in Ribble Valley, which is not unique by any stretch of the imagination. It is a micro-picture of what is happening elsewhere. The National Farmers Union county chairman wrote to me in December saying:

"I scarcely need to tell you about the mood of British farmers at the present time. You will have understood from media reports just how angry the mood is—the industry is facing a bleak future if nothing is done to address the extremely serious economic situation reflected in the Government's 1997 farm incomes. These show a 47 per cent. drop in real terms in just one year."

So what has got Ribble Valley farmers so angry? I thought I would go through some of the anecdotal evidence from the farmers, so that the Minister will be able, at some stage, to respond to it. Paul Kenny, one of my farmers from Slaidburn, has 60 dairy cows. He is facing a veterinary bill this month of £600. Because the farmers care about their animals, they do not turn their backs when some of their animals are ill. Even though he cannot afford the £600, he will have to pay that amount.

Two years ago, Paul Kenny was getting 26p a litre for his milk; now, it is 19p a litre, and he has been told that next year it is likely to go down to 16p a litre. What he resents more than anything is that, because of the way in which the quota is arranged, he cannot produce enough to make his farm viable. I was talking to another farmer today, who has poured 6,000 litres down a hole in his farm because his quota does not allow him to put that milk on the market. That is the sort of problem that our farmers are facing.

Peter Stott, whom I mentioned earlier, is a farmer. He says that the whole of farming is in total disarray and that the beef crisis is not over. Prices are as low today as they have ever been. Howard Blackburn, who works for Dugdales in Clitheroe—a feed merchant—says that in certain areas beef production is at a standstill. There is so little happening that it is laughable. There is talk now that farmers are making a negative profit, which is a euphemism for a loss. He told me that that has an enormous knock-on effect.

Farmers are not buying machinery for their farms and they are not buying stuff from other dealers, so there is less trade in the auction marts. There is a real danger of farmers going out of business and depopulation of the rural areas. We all know the dangers of depopulation. Rural schools and shops will close and the rural way of life will go. Howard Blackburn says that banks are looking seriously at the borrowings of some farmers. In the summer, they give out umbrellas; when it is winter, they take them away. That is exactly what they are doing. He also complained about the price that people are getting for their milk.

Harry Backhouse, a farmer in Bashall Eaves, talked about the price that farmers are now getting for their sheep. It is half what it was a year ago, when they were getting £60. They are now getting £30 to £32. Some cast sheep are fetching prices of less then £30.

Steve Fawcett, who works for the National Farmers Union in Clitheroe, said that many farmers who own their farms will not risk going bust—they just get very poor. They do not want to do anything other than farm, but because of the low incomes that they are now receiving, they have become poverty-stricken.

Stuart Kerr, one of my butchers from Clitheroe, spoke about his pride in the people of Ribble Valley, who have stayed loyal during the beef crisis. They have gone to him and carried on buying beef because they do not believe the rubbish that they have read in some of the papers and all the nonsense that Professor Richard Lacey churns out, frightening people needlessly.

John Swingler, who works at the Clitheroe auction mart, made it clear to me that the beef crisis is certainly not over. He said that the trade simply is not there. One farmer to whom he spoke the other day had to get two new tyres for his tractor. That cost him three cull cows, because he was getting £300 for each cull cow and the tyres cost £900.

John Swingler also complained about the price of the sheep. He said that one man aged 30 who is a farmer has had to supplement his income by going to work in another

industry in Clitheroe. That means that he must farm when he has finished his work in the industry. Farmers now need two jobs to earn a living. John Swingler recently had a meeting to discuss the problems in farming and how farmers could present their produce better. More than 300 local farmers attended the meeting.

I spoke to Nick Capstick this evening. He is a fifth-generation farmer, only 34 years old. Council tax in Ribble Valley is going up 12 per cent. this year—that is four times the rate of inflation—yet he tells me that he put two cows into auction the other day and got only £294 each for them. Nick has four children to look after. His income has gone down dramatically.

How will a farmer like Nick—in his 30s, with four children and a wife to keep—make a living? He used to employ his sister to help milking the cows, but he can no longer afford to employ her, so he has to do the work himself. His situation is desperate. Nick was telling me about the problems caused by the increase in petrol prices. As a result of the Budget last week, he must pay 4.5p more on his petrol, on top of the 4p rise in July. Moreover, there is a tremendous knock-on effect for anyone who distributes goods to the farms.

There have been enormous problems in farming in Ribble Valley. We know about the cuts in the hill livestock compensatory allowance. Our Government gave £60 million to those areas, and it is being clawed back. We know that the Government got well over £100 million in the EU premium underspend, yet that did not go back into farming—the money has gone elsewhere. We know the problem of beef on the bone and the reaction that that has produced. There are people in Ribble Valley who want to buy beef on the bone, but they are not allowed to do so.

The cuts in the over-30-months scheme when the deadweight limits were introduced mean that the farmers are getting far less for the cattle when they take them to market. Green-top milk is another issue. Simonstone dairyman Alan Picking said:

"I have drunk raw milk all my life without incident and the Government should leave it alone."

Bryan Jackson from the Primrose dairy in Clitheroe said:

"It's down to freedom of choice. If people want to drink unpasteurised milk, let them. Cigarettes and cars are far more dangerous."

I agree entirely with him.

There is also the green pound and the strengthening of sterling. The *Farmers Guardian* reports how the strong pound is slowing the UK farming recovery. The article talks about the problems that farmers are facing because of the strengthening pound. Cheap imports are entering the United Kingdom, and our farmers are unable to compete—because of the five interest rate rises that have further increased the pound's value. What does the Minister think has happened to the pound since the Budget? It has gone up, making the farmers' job all that more difficult.

We also want the Government to do much more to ensure that local authorities and hospitals source locally and buy British meat, particularly beef, and that the armed forces are encouraged to buy much more British beef.

I have anecdotally described some of the problems and aspects of the daily crisis faced by people involved in farming in Ribble Valley. We want the Government to take action to help farmers with the problems that I have described. Farmers do not need more words; they need help.

The matters with which farmers most require help are the strong pound and timetabling, to ensure that not only Northern Ireland, but Scotland, England and Wales will see light at the end of the tunnel. Farmers will have to prove to their bank managers that there is some light. They want to farm, Minister—please give them the opportunity to do so.

6.30 am

The Minister for School Standards (Mr. Stephen Byers): I congratulate the hon. Member for Ribble Valley (Mr. Evans) on securing this debate on a most important issue. I should also like to address the issue that he raised at the beginning of his speech—why I, as a Minister in the Department for Education and Employment, will reply to the debate. As a Minister of State, I shall reply on behalf of the Government. The hon. Gentleman knows why the Minister of State, Ministry of Agriculture was unable to attend the debate, and he should be aware that the Parliamentary Secretary to the Ministry of Agriculture is representing the United Kingdom at the Fisheries Council meeting. It is very important that he discharges those specific responsibilities. I therefore have the opportunity, as a Minister of State, to reply on behalf of the Government to the serious points that have been raised in the debate.

The Government are not turning a blind eye to the constituents mentioned by the hon. Gentleman—whether Cath Wright or the others he mentioned—but are very mindful of the difficulties and problems that they face. However, the difficulties and problems mentioned by the hon. Gentleman did not suddenly emerge on 2 May 1997; many of them are legacies that we inherited from the previous Administration. We are developing policies to address and alleviate the issues and concerns that were mentioned in the debate.

The Government are aware that agriculture is currently going through a difficult time, and there is no doubt that the past year has been a bad time for farm incomes generally and for the livestock sector particularly. Total farming income has fallen in 1997, although it is true that some sectors have fared far better than others. The fall in incomes for the general cropping sector, for example, has been less marked than that for mixed farms or for lowland cattle or sheep farms.

The principal cause of the across-the-board fall in incomes has been the lower prices attracted by all major commodities. Furthermore, as the hon. Gentleman said, sterling's relative strength throughout 1997 has clearly had an effect on the prices that can be achieved by United Kingdom producers.

While sterling remains at its current high levels, and with structural surpluses in most agricultural sectors not only in the United Kingdom but in Europe generally, prospects—certainly in the short term—for increased commodity prices and therefore for improved incomes are not good. However, it is worth pointing out that the longer-term prospects for farmers are perhaps not as gloomy as the hon. Gentleman has said and as other Opposition Members have been very keen to portray. Although, as I said, incomes fell in 1997, that followed some very good years for farming. Incomes rose steadily

[Mr. Stephen Byers]

from 1990 onwards, rising to a peak in 1995. During that time, sterling was relatively weak, and commodity prices were firm.

In general, that was a good period for the farm industry generally although, clearly, some sectors experienced difficulties throughout the 1990s, and the Government are very mindful of that. Because of the increase in farm incomes that was achieved in the 1990s, business debts could be repaid and farmers could reinvest for the future. As a result, the level of debt experienced in the agricultural sector as a whole is low compared with that in other industries. There is good reason to believe that farmers will come through the present difficult period, although the Government are not complacent about the problems facing farmers.

I deal now with how the Government will tackle farmers' concerns, and why we believe that it is important to take a rational, long-term view of the pressures and needs of the farming industry. Many hon. Members, including Conservatives, have demanded that the Government act to secure the aid available under the European Union's agrimonetary arrangements to offset the strength of the pound. In order to mitigate the effects on farmers' incomes, the argument has been that we need to take that action. It is argued—the hon. Gentleman touched on this point—that we should draw on European Union funds for that purpose. It is also argued that the money is there and that the Government should not ignore the availability of such funds. Those demands ignore several key issues and questions, which have wider implications for the public purse and for taxpayers.

First, those demands ignore the substantial protection that the agrimonetary arrangements automatically give to the value of the common agricultural policy payments against the consequences of the strength of sterling. The rules delay green-rate revaluations, which reduce the value of CAP payments, but allow devaluations, which will increase them, to take effect almost immediately. CAP payments made direct to UK farmers—around 60 per cent. of UK CAP spending—will receive protection under the European Union rules to the tune of around £400 million over two years. That is a considerable contribution by way of protection to the farming industry.

Secondly, such demands ignore the fact that aid has significant implications for public expenditure. European Union rules would allow the UK to pay farmers up to £690 million spread over three years. Up to half that total could be reclaimed from the European Union budget. In practice, however, that compensation is not simply ours for the taking.

As hon. Members will know, the operation of the UK rebate from the European Union budget—a rebate that was negotiated by Baroness Thatcher when she was Prime Minister—means that even paying the EU-reimbursed element of the aid carries significant public expenditure implications for the UK. Broadly speaking, the UK Exchequer would bear around 71 per cent. of the costs of EU-reimbursed aid. Most of the money that we would be spending would be not the European Union's money but the UK taxpayers'. The argument is perhaps not as simple as it is made out to be.

It is also worth bearing it in mind that the legal basis for agrimonetary compensation payments for currency revaluation has been in place since April 1997. In fact, it was introduced in the dying days of the previous Government. Had they wished to do so, the Government could have begun to make payments then, but—despite pressure from farmers' organisations using the same arguments that we have heard today—no such compensation was provided.

Sir Robert Smith (West Aberdeenshire and Kincardine): The Minister ought to accept that two wrongs do not make a right. The farmers are genuinely concerned not just about where the money is coming from, but about the fact that other European countries are being subsidised to the full.

Mr. Byers: As I think the hon. Gentleman will know, in the case of some sectors of the United Kingdom farming industry that are under particular pressure, we have been prepared to use European Union support. The Government's policy has been to provide support where it has seemed to be in the national interest. It is worth noting that the previous Government voted to abolish the compensation mechanism completely when it was established at the Agriculture Council meeting last March. That demonstrates their intent all too clearly.

As I have said, the present Government recognise that some sectors are more affected than others by the current situation—which is relevant to the point made by the hon. Member for West Aberdeenshire and Kincardine (Sir R. Smith). That is why, even against a background of tight public expenditure control, we decided to provide some aid for the beef and sheep sectors. In structural terms, those sectors find it most difficult to absorb and adjust to the changes in income generated by green-rate revaluations.

The measures introduced by my right hon. Friend the Minister of Agriculture on 3 February will deliver £72.5 million to the specialist beef sector, in the form of payments made on the basis of eligibility for the 1996 suckler cow premium scheme. The benefits of focusing aid on specialist producers, who have the least flexibility to adapt to revaluation-derived falls in income, should feed through to other parts of the sector—by, for example, helping to ensure a supply of reasonably priced calves to calf finishers, thereby improving finishers' gross margins. We are also making £12.5 million available to the sheepmeat sector. That is targeted aid to the tune of £85 million.

Livestock farmers will receive £1 billion in direct subsidy this year. The Government have also said that they will fund the initial costs of the new cattle-tracing system, and the implementation of specified risk material controls. That will save the industry £70 million. It is clear that farmers are receiving a great deal of support from the taxpayer. That aid is in addition to nearly £1.7 billion of support for the livestock sector as a whole in 1997–98. It is a significant sum in public expenditure terms, by any standards. Total UK expenditure on the common agricultural policy will be £3 billion this year.

We acknowledge that other sectors also face difficulties. The hon. Member for Ribble Valley specifically mentioned the dairy sector, which I know has particular significance in his constituency. He referred to

the difficulties caused by the fall in the price of milk. The price has dropped dramatically over the past 18 months—albeit, perhaps, from very high levels—not only because of the strong pound, but because of strong competition between buyers and sellers. Such competition, however, has been an inevitable consequence of the deregulation of the UK milk market, which the previous Government introduced.

It remains the case that, over the years, dairy farming has been relatively profitable compared with other sectors. The continued strong demand for milk quota, for lease or for purchase, indicates that there are plenty of producers in the dairy sector who feel that an adequate return can still be gained from dairy farming.

Apart from the effects of a strong currency, the farm incomes problem in the UK has highlighted a more general problem in the European Union—the problem of a long-term structural surplus in agricultural production. The Government recognise—

The motion having been made after Ten o'clock, and the debate having continued for half an hour, MR. DEPUTY SPEAKER *adjourned the House without Question put, pursuant to the Standing Order.*

Adjourned at sixteen minutes to Seven o'clock.

House of Commons

Wednesday 25 March 1998

The House met at half-past Nine o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

Children's Health

[Relevant documents: Second Report from the Health Committee, Session 1996–97, on The Specific Health Needs of Children and Young People (HC 307-I); Third Report from the Health Committee, Session 1996–97, on Health Services for Children and Young People in the Community: Home and School (HC 314-I); Fourth Report from the Health Committee, Session 1996–97, on Child and Adolescent Mental Health Services (HC 26-I); Fifth Report from the Health Committee, Session 1996–97, on Hospital Services for Children and Young People (HC 128-I); The Government's Response to the above Reports, published as Cm 3793.]

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Jon Owen Jones.]*

9.35 am

Mr. David Hinchliffe (Wakefield): I express my appreciation and that of members of the current Select Committee on Health for the opportunity to debate in detail the reports produced in the previous Parliament on children's health. I particularly thank those hon. Members who, like me, have been up all night for their presence at the debate. It is a tribute to their commitment to the issues that we shall be discussing.

I find myself in the unusual position of introducing a debate on four reports produced by a Committee of which I was neither the Chair nor a member. Therefore, my introduction will be somewhat general. However, I am delighted to see in the Chamber two Committee members from the previous Parliament: the former Chair, the hon. Member for Broxbourne (Mrs. Roe), and my hon. Friend the Member for Preston (Audrey Wise), who devotes great energy to this issue. I know that they will address in detail many of the points picked up by the Committee.

For the record, the Health Committee's inquiry ran from February 1996 until March 1997—just before the general election. It received some 500 submissions and conducted 19 oral evidence sessions. It is fair to say that it was a very thorough inquiry; the hon. Members involved deserve our congratulations on considering serious concerns in depth. The Committee issued four reports. The first two were published on 27 February 1997, and the final two were published on 18 and 26 March 1997. In an effort to conclude the inquiry, the Committee met 29 times in a four-month session shortly before the general election.

The reports from the 1996–97 Session covered a range of areas. The Committee's second report addressed the specific health needs of children and young persons; the third report dealt with home and school; the fourth report addressed mental health services; the fifth report considered hospital services. In introducing the debate, it is obviously important to stress that the contents of the reports refer to the policies of the previous Government. I pay tribute to Ministers in the new Government for the way in which they have picked up many issues raised by the Committee.

Last July, my hon. Friend the Member for Preston and I met the Minister of State, Baroness Jay, and had detailed discussions with her in the Department of Health. We are also grateful for the formal response that the Government gave in November to the recommendations in the reports.

As a background to the debate, I particularly welcome the efforts of the Select Committee in the previous Parliament. I welcome also the chance to discuss the contents of its reports. It has been my long-standing concern that Parliament rarely gives detailed consideration to child welfare and children's health. There are few debates on those subjects, so it is commendable that we have the chance this morning—I hope that we shall have more chances in due course—to examine an area that is much neglected.

It is said that children should be seen and not heard, and I believe that that saying typifies the attitudes to children's issues that have prevailed in this place—certainly during my time as a Member—until very recently. For generations, little consideration was given to the key concerns of children and young people.

One reason for that attitude is that, until recently, the overwhelming majority of Members of Parliament were male. Some of the male membership wrongly held the view that child care is a women's issue rather than an issue for men and women; but that attitude is changing. During my time in Parliament—and at 5 o'clock this morning, when we were discussing corporal punishment—I have been struck by the number of hon. Members, especially Conservative Members, who still place their children in private boarding schools. They probably have less contact with their children in term time and less knowledge of their children's concerns than I have. I am generalising. I accept that that does not apply to all Conservative Members, but a significant number of them have dispatched their children to school. Parenting at home has perhaps been second hand, because nannies have taken the bulk of the responsibility for the care of the children.

I welcome the radical changes that have occurred since the general election, such as the great increase, certainly on the Labour Benches, in the number of women Members of Parliament. The impact of that will be far greater consideration of wider issues of family policy, and of the health and well-being of children and young people.

Perhaps it is because I have reached middle age or beyond, but I also welcome the radical reduction in the average age of Members, which will afford us far more opportunities to discuss the concerns of children and young people. It is a particular delight that several of my female colleagues have just had or are expecting babies. That is healthy for Parliament, because their experiences of the health service and of caring for young children will be brought to bear in debates. In the past, opportunities to debate a huge area of policy have been missed because the vast majority of hon. Members, because of their age or background, had no direct experience of children's and young people's issues.

[Mr. David Hinchliffe]

The changes have resulted in a radical sea change in attitudes. About 10 years ago, I was attempting to persuade the Whips Office that I needed time off to be present at the birth of my second child. There was a good deal of resistance, because the poll tax was coming through. I was told that there would be rebellions by Conservative Members, and that I had to be at the House. My daughter's arrival was delayed, and I was able to be present at the birth. My discussions with female colleagues who have recently been through those experiences suggest that there has been a radical change in the views of parliamentary business managers, which bodes well for future discussions about children and young people.

Members of the Select Committee will reinforce the fact that the overall picture of children's health and well-being is encouraging. The figures in the reports show falling mortality rates and marked improvements in the ability to treat children with diseases and to reduce the extent of those diseases in a range of ways. From our different perspectives, we all welcome those advances, which have been delivered relatively recently.

Nevertheless, the Select Committee has identified several key anxieties that relate to wider policy areas outside those for which my hon. Friend the Minister for Public Health is responsible. For example, the number of children who are killed and injured in road traffic accidents is alarming. That tragedy should be urgently addressed, and we must consider our personal transport habits. There has been a rapid increase in childhood asthma. I regularly visit schools in my constituency, and virtually every classroom has a supply of inhalers. It is tragic that such young children have been affected by problems that, in many areas, are directly related to traffic levels and pollution.

Transport policy must be reappraised radically if we are to have an effect on the health of young people, and I welcome the fact that the Government are soon to publish a White Paper on it. With regard to respiratory problems and asthma, I also welcome the steps that the Government are taking to reduce smoking. I look forward to the White Paper on smoking. As the Minister knows only too well, the Select Committee has produced but one report on tobacco so far in this Parliament. We feel strongly that urgent and radical steps must be taken to deal with the effect that passive smoking has on the lives of children and young people.

The Select Committee identified the mental health problems of children and young people as a key anxiety, and wider issues such as the increased incidence of family breakdown must be considered when addressing them. I urge my hon. Friend to discuss with her colleagues the apparent conflict between policies introduced by the previous Government, such as that between the Children Act 1989, which had cross-party support, and the operation of the Child Support Agency. The 1989 Act is underpinned by the welfare principle—the welfare of the child should prevail in relationships with the state and the natural family—but the CSA operates in such a way that children's welfare is the last thing to be considered. I see that too often in my constituency: CSA interventions often cause conflicts that damage children's welfare, and there is a knock-on effect on their well-being.

My personal anxiety about the mental health problems of children and young people is that we increasingly place far more pressures and stresses on them than we did when I was a youngster. Children do not have anywhere near as much freedom to enjoy childhood as I had. We make them grow up a great deal sooner, which is directly connected to the sad increase in mental health problems.

Eating disorders, especially among teenage girls, are a consequence of body image and the way in which the media reinforce what is expected of girls and, to a lesser extent, boys. The drug and alcohol culture has developed beyond that of the 1960s and 1970s, when I grew up.

The Select Committee rightly highlighted areas for specific action which my hon. Friend the Member for Preston and the hon. Member for Broxbourne will want to mention. It identified the lack of comparable data on children's health, which is discussed by the Acheson report on health inequalities. Although Government adult health figures can be compared, a comparison of children's health is not possible. I hope that the Government will rectify that through the health inequalities initiative on which Sir Donald Acheson will report.

The way in which children's services are fragmented over a range of professionals and agencies was emphasised. I had never heard of the children's community nurse service; as far as I know, it does not operate in my area. I was interested to discuss with my hon. Friend the Member for Preston the services that it offers. There are also health visitors, the school nursing service, social services and education services. The Committee is considering the divide between health and social services, and has rightly drawn attention to the fragmented provision and to how problems sometimes slip between the various agencies and professionals.

People in my area recently experienced the problem of the dreaded head lice, which caused great distress to many parents who look after their children and attend to their welfare. That problem arises throughout Britain, and it is difficult to decide who is responsible. Does responsibility lie with the school, the district nurse or the family? We need to consider carefully how to address this distressing, if not serious, problem.

It is obvious from the reports that, in the past, the health service has failed to recognise the separate needs of children. The report on hospital services emphasised that many hospitals do not take account of the specific needs and problems of children and young people.

I have my own interpretation of the Committee's conclusions, but other members of the Committee may take a different view. In my view, the Committee has clearly identified the need for much greater strategic vision in relation to provision for the health of children and young people. The Minister was a member of the Committee, and knows that there is a Cabinet Sub-Committee on Women's Issues. Perhaps we should consider a similar arrangement to oversee children's health and issues pertaining to them.

Perhaps the Minister will give us some information about collaboration between Departments. I served with the Minister, as a shadow Minister. She will remember that, at that time, we had a shadow Minister for children. There is a strong argument for a Minister with specific responsibility for children's issues who can span Departments and draw initiatives together.

Perhaps the Select Committee will consider the issue of a children's rights commission, which has been debated for a long time. It was raised in a recent inquiry into children who are being looked after. I welcome the Government's initiatives on children's health and their willingness to consider the issues that the Committee identified. I appreciate that wider policy changes, in particular the abolition of the internal market, will have a direct impact on the health of children. The expertise in commissioning children's services was discussed in the Select Committee.

I welcome the suggestions in the NHS White Paper on primary care, because they will certainly bring together community services that are currently fragmented. The Budget positively discriminates in favour of poorer families, and we know that there is a direct connection between poverty and the ill health not just of adults but of children.

The Committee's report on children who are being looked after was initiated in the previous Parliament and, because of its importance, was picked up by the new Committee. I hope that the House will debate that report soon. I also hope that this debate will be the first of many that will reflect a new political agenda for children and young people.

9.53 am

Mrs. Marion Roe (Broxbourne): I am pleased to be called to speak in this important debate, and to have the opportunity to comment on the four reports on children's health; the inquiries took place when I was Chairman of the Select Committee on Health in the previous Parliament. I thank the hon. Member for Wakefield (Mr. Hinchliffe) for bringing those reports to the Chamber, and for his kind comments. I pay tribute to all my colleagues on that Committee for their constant support and commitment to our work.

It was the first time that the Select Committee had held an inquiry into services for children and young people. Twenty years had passed since the publication of the last comprehensive Government review of children's services—the Court report, "Fit for the Future"—and there had been no major parliamentary inquiry into the subject. That may surprise some people, because media hype about children easily lulls us into the trap of thinking that children, who comprise about a quarter of the population, receive excellent health provision that is specifically designed to meet their needs.

As the hon. Member for Wakefield has said, there is no doubt that the overall epidemiological picture is encouraging. Childhood mortality rates have been falling steadily for more than 100 years and are lower in the UK than in many comparable developed countries. There have also been significant improvements in the incidence and severity of childhood illnesses. However, areas of significant concern remain, and although the number of deaths and injuries from road traffic accidents have declined steeply in recent years, they remain high in absolute terms. There is considerable scope for further improvement, as there is for accidents generally.

There are still problems with respiratory and infectious diseases, and asthma, in particular, appears to have increased over recent decades, for reasons that are imperfectly understood. Mental health problems among children and adolescents may be increasing. Finally, there are the problems of success. Children who, in the past, would have died now survive with varying degrees of disability or need for care.

Unfortunately, the Committee's inquiry also identified areas of major concern and revealed that the specific needs of children were commonly ignored in the NHS. Our overall terms of reference were to consider

"The specific health needs of children and adolescents, and the extent to which those needs are adequately met by the National Health Service".

We identified several major themes that were common whichever aspects of services for young people and children were studied. I hope that the new Committee will utilise the findings of the four reports to undertake further inquiries on individual aspects of care. I am pleased to note that the new Committee has resumed and completed the inquiry of major importance, "Children Looked After By Local Authorities". I look forward to seeing its report.

It is crucial that the inquiry's findings are not ignored because of the change of Parliament. As Chairman of the previous Committee, I urge the new Committee to be vigilant and to ensure that that does not happen. I hope that it will require the Department of Health to provide regular reports on its progress relating to the inquiry.

In their response issued in November, the Government recognised:

"Healthy children are much more likely to become healthy adults and we must make sure that we are investing in the future".

They also agreed with the Committee that

"The health needs of children are significantly different from those of adults, that they are a particularly vulnerable group, and that the provision of effective health services for children depends upon a thorough understanding of their special needs."

The Government's response states:

"The Department of Health will be discussing the future structure and development of health services for children with the service, the professions, users and their representatives. The Committee's reports will inform the debate about the specific policies of the new Government, and will help set the agenda for the future. Accordingly, we are not yet able to offer the Committee a substantive reply on many of their recommendations."

Although I accept that any new Government have many issues with which to contend, I have seen little evidence of activity either specifically relating to our conclusions or recommendations, or in the involvement of professions, users and their representatives. It appears that the Department of Health has no intention of consulting anyone other than its own civil servants. That must be rectified. I for one do not intend to let all the work on the four reports following that first inquiry into children's services be ignored.

The Committee recognised and welcomed the undoubted improvements in some areas of children's health in recent decades, but that should not lead to complacency or to an under-estimation of the importance of a change in attitude, leading to child care that is more child centred. Many factors have contributed to those improvements: immunisation, health education, improved nutrition and housing are just a few. I welcome the Government's acknowledgment that the reports echoed the fundamental philosophy of their public health initiative and the fact that they are carrying forward the public health initiatives to which the previous Government gave such serious attention.

[Mrs. Marion Roe]

The rewards of good health care in childhood, especially health promotion and preventive interventions, are unique, because the benefits may last a lifetime and may be passed on to future generations. We all recognise that. Therefore, it seems incredible that health visiting and school nursing posts are being dramatically reduced. That group of health professionals has played such an important role in keeping children healthy.

The Committee received an enormous volume of evidence across a wide range of topics, but several themes were prominent in every aspect of health services for children and young people. The first theme we identified was that, at present, services for children do not always consider the specific needs of children. Too often, they are based on traditional customs and practices or on professional self-interest. Children's health services must be needs-led, not based on historical patterns or the self-interest of provider groups.

That was obvious in myriad examples, some practical and involving few, if any, additional resources, such as grouping children together in out-patient clinics, rather than mixing children and adults together. Another example was of information wholly designed for adults being sent to child patients. How can a mother feel confident that her small child's needs will be met when the information that is sent refers to refraining for a defined period from returning to work or resuming sexual intercourse? We would not appreciate information advising us that we should not attend nursery school or be permitted to play boisterous games such as football. Children have as much right as adults to receive information that is appropriate to their needs.

On a more serious note, it is worrying that many of our witnesses felt that, some six years after the purchaser-provider split, purchasers still did not have the necessary commitment to, or expertise in, purchasing services that focus on the specific needs of children. Department of Health policies relating to children's services rarely appeared to have been considered by the commissioners.

Some commissioners appeared to limit specific services for children to immunisation and health surveillance. The needs of children who were ill appeared to be completely subsumed within services for adults. We therefore recommended that hospital services for children should be purchased as part of an overall package of services for children. To rectify the problem, we also recommended that each purchasing authority should appoint a lead commissioner for child health services. The Government's response was:

"We agree that health authorities could benefit from having an individual who has a lead role in the commissioning of child health services".

That lacks commitment. Again, children's specific needs are given less attention than those of adults.

A basic tenet of all Governments since 1959 has been that children should be nursed in children's wards among their own age group, with appropriate facilities for parents, play, leisure and educational activities, and that staff providing care should have undertaken specific training in children's needs, yet many witnesses gave examples of children being put in adult wards—even when there were empty beds in the children's ward—with no contact with specifically trained staff. That situation was often referred to as "surgeon's shoe leather syndrome." Some surgeons do not want to walk down the corridor to the children's ward from the adult ward in which the majority of their patients are placed.

That was clearly an example of the recurrent theme that services were too often based on traditional custom and practice or professional self-interest, and not in the best interests of the child. The Committee therefore recommended that the percentage of children admitted to adult wards should be included as a performance indicator in the Department of Health's annual hospital performance league tables. That would focus the minds of hospital managers, clinicians and purchasers on the importance of meeting that target. We also recommended that all the standards that are set out in the "Charter for Children and Young People" should be monitored.

I am sure that I was not the only member of the Committee to be staggered by the Government's response, which stated that their evidence was contrary to all that the Committee had received, as only 1.2 per cent. of children admissions are to a hospital without a children's ward. As a paediatric nurse said to me, the only reason for such a response is that the Department is being extremely economical with the truth, or deliberately obtuse, or it is completely ignorant of the reality of the situation in acute hospitals.

In reply to the Government's response to our reports, a Royal College of Nursing press release stated:

"We believe that the Government had simply failed to understand the situation. The problem is widespread in hospitals which do have children's wards and it is the reality which the Government has failed to address."

The RCN's paediatric nurse managers forum has recently completed a survey of hospitals with a children's ward. It showed that the third commonest cause of concern of paediatric nurse managers was children in adult wards.

I was pleased to note in the Government's response that they were considering whether care of a child outside a children's ward should be a centrally returned quality indicator. I should be grateful if the Minister would inform me whether a decision has been made and, if so, what it is. If no decision has been made, when will it be made, and will she assure me that her decision will be announced in the House?

The care of children in accident and emergency departments provided evidence of similar lack of implementation of well-established good practice guidelines. More children attend A and E departments during a year than are admitted to hospital. Children comprise almost one third of A and E attendees. It is reasonable to expect that high priority should be given to children's needs in those departments. The Secretary of State for Health has properly drawn attention to the violence that is now common in A and E departments. What must it be like for young children to witness such events?

The 1996 Audit Commission report "By Accident or Design" showed that even separate waiting areas for children, recommended since 1959, were uncommon. The Department's response ignores our conclusions and recommendations. I specifically ask the Minister personally to consider children in A and E departments.

Another of the "cardinal principles" stemming from 1959 is that children should be admitted to hospital only if the care that they require cannot be provided as well at

home, in a day clinic or on a day basis in hospital. To facilitate that, community children's nursing services must be rapidly expanded.

The Committee was unanimous in its concern in discovering that in 1997, almost 40 years after the expansion of community children's nurses was recommended, only 50 per cent. of the country had such a service. Only 10 per cent. provided a 24-hour service. The Department of Health report on the evaluation of the pilot projects between 1992 and 1997, published last month, concluded that

"community children's nurses make a vast difference to these families."

We would all agree that, whenever possible, children should be nursed at home. We were interested to learn how children's community nursing teams enable parents to care not only for children following a short acute illness or surgery, but for children who require long-term care due to major chronic illness and/or disability. That included children requiring special feeding techniques or ventilators to assist with their breathing.

Ms Julia Drown (South Swindon): Will the hon. Lady give way?

Mrs. Roe: No. I have so much to cover and time is limited. The hon. Lady will forgive me, but I still have some important points to put on the record.

Only a few years ago, such children, if they had survived, would have spent their whole lives in an institutional setting. Now, if community children's nursing and appropriate social care are available, not only can such children live at home with their families, but they can participate in activities of the local community and be integrated back into school—some into mainstream schools.

We were most concerned to hear that, despite continual Government recommendations to expand services, the Department has paid so little attention to their provision. Our recommendations for the rapid expansion of community children's nursing services are clearly set out in our reports. For many years, such a nursing service has been available to all adults in their own homes. We consider that, as a matter of principle, sick children need and deserve no less. It is another example of the needs of children being given less consideration than those of adults.

We all recognise that children's health needs are different from those of adults. Children become more ill more quickly and more seriously than adults do, even those with the same condition. Safety margins are much narrower and, due to their stage of development, children have difficulty in telling us what is wrong, particularly when they are ill.

Like my fellow Select Committee members, I had always assumed that health professionals, particularly those for whom children are the focus of their work, would be required to have undertaken specific training. That is not so, yet staff caring for adults undertake long training focused on the needs of adults. How strange it is that children receive an inferior service.

Clinical effectiveness is of concern to us all, yet we received evidence from surgeons that a considerable number of operations are being performed on children unnecessarily. In 1996, the Royal College of Paediatrics and Child Health, in association with other royal colleges, issued a report entitled "Children's Surgical Services", which sets out the principles for those services. We recommended that the Department should issue explicit guidance to all those involved, reminding them of the good practice guidance and the need to monitor implementation.

While welcoming such reports from professional bodies, the Government's response is that they will consider how to encourage everyone to comply with them. That is not satisfactory. Successive Governments seem to spend considerable time "considering"; it is about time that action was required. I am waiting to see whether any action will be taken or whether such an announcement will prove to be no more than rhetoric.

An aspect of care that gave serious cause for concern—so we devoted an entire report to it—was child and adolescent mental health. Even the Department of Health witnesses agreed that current provision is inadequate in quality, quantity and geographical spread. In recent years, the House has rightly heard much about unsatisfactory mental health services, but our debates have been almost totally confined to services for adults.

Child and adolescent mental health services seem to feature at the bottom of the agenda in both mental health and child health services, and there is little public sympathy either for the children and young people concerned or for their parents.

Prevention is by far a cheaper option than treatment at a later date, when a plethora of problems have arisen, and health, social services, education and the youth justice system are involved. How many of those in prison, costing the country millions of pounds, would have become involved in criminal behaviour if their mental health difficulties had been addressed earlier? The paucity of services results in difficulty of access.

Successive Governments have devoted attention to the waiting time for surgery, but no such targets or the resources to meet them are available for child and mental health services. Only last week, the Select Committee's adviser informed me that his waiting list for an appointment is now 12 months. It is very difficult for those of us who have not had to experience the trauma associated with a mentally disturbed child or teenager to imagine what it must be like to have to wait at least 12 months for an appointment unless the child attempts suicide.

In common with consumer and professional groups, I was extremely disappointed that the Government response stated that they had no plans to set up a committee on children and young people. In Scotland and Wales, Ministers with responsibility for children review, develop and co-ordinate Government policy and strategy for children.

The House has a responsibility to represent all our constituents, particularly the most vulnerable. I was not fully conversant with how orientated our services are towards adults and so often ignore the needs of children, who represent 25 per cent. of the population and our future. Children are a vulnerable group. They have no political vote and cannot lobby Members of Parliament, yet they are not even to have parity with women by being given a Cabinet Sub-Committee. Surely that cannot be right.

[Mrs. Roe]

The Government's response stated that they have a children's strategy group, which includes representatives of all the main Government Departments concerned with children, thus co-ordinating their activities. That does not convince me that fragmentation will be reduced. It was obvious from the evidence of Government witnesses that there was much about the services of which they appeared to have little knowledge and no mechanism for obtaining it. That is not good enough.

I remind the House that children are our future. The first inquiry into service for children and young people identified the serious lack of action by successive Governments on policies that were agreed by the House, consumers and voluntary bodies. It is about time that action rather than rhetoric was forthcoming. Why are our health services so focused on the needs of adults? Surely, as the 20th century nears its end, the needs of children should receive the same attention as those of adults. A notable achievement for the millennium would be in 2000 for the Secretary of State, backed by the facts, to confirm that all the principles of health care for children and young people had been implemented.

10.17 am

Audrey Wise (Preston): I congratulate the hon. Member for Broxbourne (Mrs. Roe) on chairing the Select Committee during the inquiry. It was a long inquiry. My hon. Friend the Member for Wakefield (Mr. Hinchliffe) said that it started in February 1996. However, terms of reference and an appeal for evidence were published back in summer 1995, so we gave those in the field an ample opportunity to prepare evidence. The whole process has resulted in a substantial report of no less than eight volumes—four volumes of reports and four volumes of evidence to back up their conclusions.

One of the main and best characteristics of the work of the Select Committee is the publication of the evidence. I am pleased that, in their interim response, the Government have said that that substantial body of work would inform the debate. My only worry about the report is that it costs £131.60 to buy the whole of it, so I fear that its circulation is unlikely to be as wide as its contents merit.

Like the hon. Member for Broxbourne, I have noted that theGovernment's response is an interim one; I must advise the Minister, in the friendliest possible way, that I have carefully annotated the Government's responses, paragraph by paragraph, and will seek out suitable opportunities to pursue each one. Never let anyone think that a promise by the Government to "consider" something will be allowed to die the death: it will not.

One of the good features of the new Government's policies on health is their emphasis on the baleful effect of inequality. The Committee said:

"We were surprised to hear from the Department of Health that there was no readily accessible data on variations in child health by region and social class. It is our understanding that there is a considerable body of evidence going back to Sir Douglas Black's report in 1980,' 'Inequalities in Health', and before, which deals specifically with this topic. We welcome the Department of Health's announcement that further research into the nature and extent of variations will shortly be commissioned".

The Government's response states:

"the Secretary of State for Health has asked Sir Donald Acheson to report to him on social, geographical, ethnic and sex inequalities of health . . . The health of children is likely to be a key component of this report."

I am not sure that that sufficiently meets the case. I hope that the Government will convey to Sir Donald the firm idea that the health of children must be a key component of his report; otherwise, his report will not be the valuable document that we need.

The Committee looked first into whether children need any special attention. Are they not simply miniature adults? This view, although perhaps not entertained in theory, has been prevalent in practice. Thus, children being prepared for surgery are prepared just as though they are adults. That can be harmful, because, as we learned, children's physiology is different, and all their body processes work faster. In short, they are very different from adults. I will not dwell on all the differences, because the hon. Member for Broxbourne covered them competently.

Another difference between children and adults is that children must be considered in context. A doctor can treat an adult for a particular problem—we think ourselves quite lucky if the doctor treats us as a whole person. I do not mean any offence to the hon. Member for Isle of Wight (Dr. Brand), who is sitting directly opposite me—I hope that he will not take my strictures personally. As I was saying, we feel lucky if we are considered as a whole person rather than, say, a walking stomach.

With a child, it is not enough to say, "This is a whole person." One cannot sensibly deal with a child without dealing with that child's context—the family. Professionals dealing with children are dealing not just with individuals but with whole families. For this and many other reasons, children require a different service.

This fact seems to have been overlooked by Governments, planners and managers. We became aware that many of the professionals struggling to provide a good service feel undervalued. It is almost as though, because children are small, those caring for them, and their talents and expertise, are also thought of as small. That is a wrong point of view.

I was surprised to learn during our visit to Great Ormond street hospital that paediatrics is quite an unpopular specialty. Paediatricians often earn less than other doctors—they do not go in for private practice—and they work longer hours. In general, they are regarded somewhat as the Cinderellas of the profession.

As we continued our inquiry we discovered that there is a lamentable lack of properly qualified and trained children's nurses. Only 3 per cent. of nurses hold a children's nursing qualification. That results in a ratio of one nurse to 1,400 children, which is clearly ridiculous. Depending on where we mark the boundary between childhood and adulthood, children make up between one fifth and one quarter of the population. We do not say that between one fifth and one quarter of all nurses should be children's nurses, since children are generally reasonably healthy—but 3 per cent. is ludicrously low.

We also discovered that the guidance to the effect that there should always be two registered sick children's nurses in a children's ward during the whole 24-hour period is not observed; and whereas adults expect district nurses to treat them at home, there is no such adequate service for children. There have been district nurses for adults for about 100 years, and our report draws attention to the fact that children should be entitled to the same service. But 50 per cent. of the population have no access to properly organised, co-ordinated children's community

nursing services, and only 10 per cent. have access to a 24-hour children's community nursing service. That is deplorable.

We found in the course of our inquiry that children's community nurses have additional duties; the recommendation made to us by the Royal College of Nursing about how many children's nurses are needed to provide a good community service was based on the notion that an important part of their work is training parents to do for their children what adults are not expected to do for other adults for whom they are caring. I refer, for instance, to passing nasal gastric tubes. Those of us on the Committee who are parents or grandparents found ourselves thinking about how we would have managed even if we had been lucky enough to have a trained children's nurse to show us the procedure. We were not especially enamoured of the prospect.

Our estimates of the necessary increase in the number of these nurses are based on the most conservative calculations.

Ms Drown: According to my reading of the report, the Committee found that areas with a children's community nursing service provided care that was not only better but more cost-effective. In three instances, the cost was between 11 and 43 per cent. of the cost of treating the children involved in hospital.

Audrey Wise: My hon. Friend is right, and the Government acknowledged that. I was therefore rather disappointed that, in their response to the report, they said—referring to improvements that might be made—

"This might include hospital at home schemes, community paediatric nursing and improved primary care services."

There should be no "might" about community paediatric nursing.

The eight-volume report covered many issues. One was the patients charter as it applied to children. The charter states that parents may "expect" certain things, but we discovered, on examination, that that "expectation" could be deemed to be no more than a target—something very different from a right.

We investigated the response to respite care needs, and found it to be totally inadequate. We also investigated the need for proper equipment to be provided, and heard from witness after witness that it was also very inadequate. We heard repeatedly about the fragmentation of services, and about problems relating to the boundary between social services and education, and health services. I know that my hon. Friend the Minister is interested in that aspect. We certainly feel that it requires special attention, not only in relation to the elderly but in relation to children.

We found that parents were being told to take home and wash equipment labelled "For single use only". One mother who had to use a suction device to clear a child's airway was given a packet of six for a week, although she had to clear the child's airway 56 times in that week and the packet was labelled "Use once only". I hope that the Minister will take our recommendations in that regard seriously.

We considered the need for accident and emergency departments to be properly designed for children. We pointed out that, although children use accident and emergency services far more than in-patient services, some hospitals seem to ignore the fact.

We looked carefully at the whole range of children's problems and needs. My overriding impression was that, if I had to name the most important thread, it would be the nursing thread—the need for a seamless nursing service, with properly qualified nurses. Children's nurses receive excellent training, but unfortunately not all places are being taken up, because of the exigencies of training budgets.

I hope that my hon. Friend the Minister will consider all those points carefully. I promise her that I shall come back to her for regular updates on the Government's interim response.

10.33 am

Dr. Peter Brand (Isle of Wight): I must declare an interest, especially for the benefit of the hon. Member for Preston (Audrey Wise). I was destined to become a paediatrician, but moved sideways to become a holistic family doctor in general practice.

The report is valuable, as today's speeches have been. I know that time is short, but I want to highlight two parts of the report that illustrate the lack of a national strategy, which has caused confusion in regard to the local delivery of services for children. One part deals with medical advice and treatment for children in schools, and is relevant to yesterday's prolonged debate.

In many areas, school nursing services have been cut to such an extent that they have become almost irrelevant, given the vast task that needs to be performed. That task involves surveillance, immunisation, the advising of parents, teachers and pupils, the identification of social care needs, all the work connected with child abuse, the identification of special educational needs, health promotion, the support of children when they first experience anxieties about sex and, indeed, the protection of children from the consequences of sexual activity.

I am disturbed by the fact that those services have been allowed to decline without consideration of children's needs. We seem to be considering which agency is responsible for a particular service rather than what a pupil requires. As has been explained, children with a vast range of medical needs now attend normal schools. It is unreasonable to expect a single nurse to meet those needs, especially one with a potential case load of between 2,500 and 5,000 patients spread over 15 schools.

There should be a much more flexible framework, allowing specialist community nurses who may be attached to hospital departments—and practice nurses, who are very experienced in the treatment of such conditions as epilepsy and asthma—to go into schools and advise not just teachers but children themselves.

Mr. Andrew Lansley (South Cambridgeshire): In Cambridge and Huntingdon, in my constituency, there is a greater integration of the services provided by health visitors and school nurses, but that integration is in the context of what is euphemistically termed disinvestment. What that has actually meant is redundancies among health visitors and a reduction in services, which are focused only on children who are understood to be at risk. Because of that, we have lost the universal screening services that promote good health in children and help them to become healthy adults.

Dr. Brand: The hon. Gentleman makes a valuable point, which illustrates what I am about to say.

[Dr. Brand]

We need to use the specialist skills that are available to the community to help people in their homes and those visiting GPs, but also to help people in schools. Children are people, and they are entitled to all those specialist services. Not all services need to be delivered by specialist paediatric nurses. This is another example of the achievement that is possible for the NHS, provided that it encourages team work.

The second issue that I must mention is the provision of mental health services for children and adolescents. There seems to be almost universal confusion about the roles of education, social services and health departments. A cultural apartheid seems to apply to the various people who deliver mental health services to, in particular, children and adolescents. It is rare for educational psychologists to talk to clinical psychologists or psychiatrists, and social workers do not get much of a look in. That must be changed. It is not just the child who suffers in such circumstances.

A few years ago, the only place where I could send a psychiatrically disturbed 12-year-old lad was the local police station. The adult mental health facility would not take him, and he was too disturbed to be put in a paediatric ward in the local hospital. That is not satisfactory. It is a direct result of planning failure, which is itself due to the lack of a national strategy.

I welcome the spirit of the Government's response to the reports, but I am disappointed at the lack of detail. This debate is particularly valuable, in that it enables us to extract further details from the Minister about the direction in which she believes that these important services should go. It is not only the children who matter, but their parents, their carers, their teachers and the broader community.

10.39 am

Mr. Patrick Nicholls (Teignbridge): I shall be as brief as possible, as not only do hon. Members want to hear from the Minister, but she will want to respond to the points that have been made.

The series of reports represents a formidable piece of work. When I first read my Whip, I thought that the debate would last for three hours, which I did not think would be long enough—one could not even read the reports in that time. When I realised that it would last for only an hour and a half, I knew that our work would be cut out.

The introduction to the second report sets the scene very well. It says:

"Childhood is a period of rapid and uneven development . . . Illness, disability and problems of mental health which develop during childhood may remain with an individual throughout life . . . Twenty years have passed since the publication of the last comprehensive Government review of children's health services, the Court Report . . . The Court Report contained over 200 recommendations".

It also points out that the Department of Health said that it could not provide a check list showing whether those recommendations had been met, as there had been so many reorganisations in the national health service.

The Select Committee concludes that its consideration of reports dating back to 1959

"reinforces our view, which has gained in strength as our inquiry has progressed, that the special needs of children are given insufficient priority by policy-makers, health service professionals and others who in one way or another have a responsibility for children's well-being. Changes in attitude, not merely in policy, are clearly needed."

Although that is stated in the introduction to the inquiry, I think that it probably says it all.

Anyone listening to this debate—I take the point made by the hon. Member for Preston (Audrey Wise) that listening to it or reading it will be less expensive than buying the reports to read—will have realised that this is the House of Commons at its best. A report that was prepared under the previous Conservative Government has been introduced on the Floor of the House by the current Chairman of the Health Select Committee. Most of our work in the House is a seamless robe, which sometimes the public do not realise. I commend the hon. Member for Wakefield (Mr. Hinchliffe) for staying up—as I hope to do for the next few minutes—and I thank him for his kind words about the way in which the Select Committee carried out its work, including under the chairmanship of my hon. Friend the Member for Broxbourne (Mrs. Roe).

I mentioned that the reports represent the first major inquiry since the Court report. When they were issued, they were welcomed by one and all. Baroness Jay said of the Select Committee:

"We welcome their reports, which will make a substantial contribution to the debate on children's health."

I make no criticism in saying that, although they are a substantial contribution, they must ultimately represent more than a contribution.

I have not totalled the number of specific recommendations in the reports, but even on a cursory count I reckon that there are at least 70—I could not begin to go through them all in the time I have. Indeed, it is always invidious on such occasions to highlight particular recommendations, but I shall point out the issues that struck me as relevant, in the knowledge that other hon. Members with greater experience of the Select Committee have highlighted the same recommendations.

The Select Committee said:

"health services for children and young people are not always designed to meet their needs, but may be based on traditional custom or on the convenience of the provider. They are not always delivered by appropriate staff."

It also said that it

"endorses the 'cardinal principles' set out in Department of Health guidance on hospital care for children, but doubts the extent to which they are actual achievements, rather than aspirations. In particular, the principle that children should not be in hospital unless absolutely necessary cannot be met given the current inadequacy of community nursing"

care. It went on to say:

"many hospitals fail to meet the Department of Health standard of having at least two registered sick children's nurses on duty 24 hours a day . . . the Patient's Charter standard that children should be cared for in a children's ward under the care of a paediatric specialist is not being met; it is recommended that such information should be collected as part of hospital performance league tables to reinforce its importance."

That point has rightly been made by a number of hon. Members.

Dr. Ian Gibson (Norwich, North): Does the hon. Gentleman agree that children are subjected to a vast array

of environmental hazards—such as ionising radiation—which may explain the increase in childhood leukaemias both in this country and in the United States? Would not reducing such hazards lead to a decrease in the number of illnesses to which young people, with their sensitive bodies, are subjected?

Mr. Nicholls: With a medically qualified doctor, the hon. Member for Isle of Wight (Dr. Brand), sitting to my left, and another, the hon. Member for Norwich, North (Dr. Gibson), sitting opposite, I shall have to be careful in passing judgment, but I think that that must be right. The hon. Member for Preston rightly said that childhood is dangerous; like the last days of one's life, it is a difficult time. I welcome the fact that we are moving away from the idea that children are mini-adults and can be treated as such. It is difficult to know where the dividing line falls, but children's experiences are clearly different.

The Government's detailed and thorough response to the reports was commendable. As has been said, the reports represent an agenda for action—we all share the duty to ensure that there is action. Again, time does not permit me to go through the details, but I shall mention some of the responses, both to commend the Government and to point out that further action will be necessary.

On page 13, the Government say:

"We do not believe that it is acceptable for children to be treated by inexperienced and inappropriately trained staff. We shall ensure that measures are taken to address this problem. This will include continued action to increase the numbers of relevantly trained staff."

During the debate, hon. Members have stressed the importance of staff who are trained in the care and treatment of children. I believe that the Government's aspiration is laudable, and I hope that the Minister will find time to say something further about it.

In its extremely helpful briefing, the Royal College of Nursing highlights what the Government say on page 16 of their response. The Government state:

"We acknowledge the past shortages of qualified children's nurses have limited the opportunities for the health service to benefit from their skills. As the number of children's nurses increases, their skills can be utilised in many more areas of healthcare for children and young people."

The Government's reaction is fine and right, but we need the Minister to explain how the number of children's nurses will increase.

On page 38, the Government say:

"As the Committee noted, there continues to be a need for more child trained nurses. The NHS Executive has asked education commissioners to ensure that sufficient children's nurse training commissions are placed to meet the recommendations of the Clothier enquiry (to have at least two Registered Sick Children's Nurses or equivalent, on duty 24 hours a day in all hospital children's departments and wards) and, in addition, that adequate provision has been made for the staffing requirements of paediatric intensive care units."

Again, I commend the Government for their response, which was exactly right, but we need to have some idea of how they believe that they can take that process forward.

In preparing my thoughts for the debate, it seemed to me that three common themes ran through the reports. First, there is reference to the fragmentation, and lack of child-centredness, in the delivery of many child services. Secondly, there is a failure to follow existing good practice guidance. Thirdly, there is training, training and training, a point that has been made throughout the debate.

What is interesting about the reports—I say this as a compliment, not as a criticism—is not so much that they break new ground as that they remind us of how much there is that has yet to be implemented. It is significant that the Court report was issued in 1976 and that other official Committee reports go back to 1959 because it illustrates how Governments and Select Committee reports have so often failed to pick up and run with the excellent work done. I referred to the Department of Health's response that it could not comment on whether the Court report had been dealt with, because rules had changed and the matter was difficult.

New Governments have an opportunity. This Government are not quite bright and spanking new—if I may pinch a theme of an earlier debate in which the hon. Member for Wakefield and I were involved—but they are pretty new. We are also fortunate that the Minister for Public Health's commitment to the health and welfare of children is thoroughly accepted and appreciated on both sides of the House. There is an opportunity for a new Government to ensure that the sins of the past are not repeated. I would like to think that constructive suggestions by Opposition Members on how recommendations may be taken forward and the brooding and extremely experienced presence of the hon. Member for Preston, combined with what the Minister will bring to the matter, will ensure that the reports' recommendations will not suffer the same fate as the Court report, and that, in 20 years' time, they will be seen as an agenda that was taken forward.

10.50 am

The Minister for Public Health (Ms Tessa Jowell): I join others in paying tribute to the hon. Member for Broxbourne (Mrs. Roe) for her stewardship of the Select Committee on Health and her contribution to the debate. I also pay tribute to my hon. Friend the Member for Wakefield (Mr. Hinchliffe), and particularly to my hon. Friend the Member for Preston (Audrey Wise).

All speeches in this very important debate have made it clear that the Select Committee's conclusions and the Government's response to them are in the light of the development and implementation of children's services under the previous Government. Although my hon. Friend the Member for Preston referred to the Government's response as interim, I hope that members of the Committee will not be holding their breath over the publication of the next stage of the Government's response.

I should make it absolutely clear first that I would expect nothing less from my hon. Friend the Member for Preston than her persistence and vigilant scrutiny of Government action in the light of the reports' many recommendations, and secondly, that the Government are as one with the Select Committee in its determination to meet the many shortcomings in the service that the reports identified. I hope that there can be a spirit of partnership and common purpose as we take action in areas where the need for it has been so clearly identified.

It is important to reflect on the difference between the approach adopted by this Government and that adopted by the previous one. Several hon. Members have made clear the devastating impact of inequalities in health on children's opportunities. Inequalities are evident in almost every aspect of young children's lives. Health services for

[Ms Tessa Jowell]

very young children are so important because they can act as an instrument to combat inequality and to promote greater fairness and opportunity for all children. That is so when judged by any measure.

Let us consider accident rates. The child who is born into a family of social class 4 or 5 is five times more likely to die in an accident before the age of 15 than a child from social class 1 or 2. Stark regional variations can be linked to poverty, unemployment, pollution and lack of educational achievement. Enormous regional variations occur in the incidence of tooth decay, which is very important to the developmental health of children. As our public health Green Paper makes clear in considering the likelihood of survival of children in the first year of their life, the most telling indicator is the country of birth of their mother.

Tackling inequality sits at the centre of the Government's approach to dealing with the problems that the Select Committee raised, as does our commitment to insisting on consistency of quality. The Select Committee was rightly critical of the preoccupation with numbers rather than the consideration of quality of interventions.

We are absolutely at one with the Select Committee and several speeches in the debate about the extent to which the impact of good work and services can be sabotaged by fragmentation. It is an enormous challenge for health, social and education services to move to treat the child as a whole person in context, as part of their wider family. That is the challenge for the Government, local government and local health services.

In the context of Sir Donald Acheson's report on health and equality, to which several hon. Members referred, it is important to understand that not all children who appear to suffer the same social and economic hardship necessarily suffer the same degree of ill health as a result. We need to understand much more about the protective factors that can act. That has been a major preoccupation of the review of services for children under the age of eight, which I have chaired as part of the Government's comprehensive spending review.

We intend to build on the very important contribution of prevention in our investment in the health of children, reiterating and underlining the importance of immunisation. I draw to hon. Members' attention yesterday's very important statement from the Medical Research Council and the Chief Medical Officer about the desirability of the measles, mumps and rubella vaccination to protect children against what were previously killer diseases.

Yes, we are absolutely committed to strengthening the role of health visitors and the important contribution of school nurses, but it is important that their role develops as part of the strengthening process, at a pace that reflects the change in the nature of services, the importance of overcoming fragmentation and the importance of applying evidence of what works.

Yes, we are determined to overcome the unacceptable degree of local variation and inequality in access to services. That is why the national health service White Paper stressed the importance of national frameworks. Yes, we see the development of healthy schools, harnessing the resources of health and education, as a very important contribution to overcoming fragmentation and the treatment of the child as a whole person.

I shall pass quickly through the specific points raised in the debate. On proposals for a Minister for children as a way of overcoming fragmentation, I draw hon. Members' attention to my remarks about the efforts to scrutinise across government the effectiveness of spending on children, reflecting the importance of how we put in place structures that address the whole child.

We are dissatisfied with the data on the level of community nursing available to children and on establishing the extent to which children are being treated as if they were adults requiring adult services. That is unacceptable. We recognise that that is particularly a cause for concern in relation to adolescents, which is why £2 million of the mental health specific grant will be dedicated to the development of child and adolescent mental health services. We are certainly open to the case for a lead purchaser for children. Target setting in relation to mental health is very much a preoccupation of the current consultation on the public health Green Paper.

My hon. Friend the Member for Preston made an important point about ensuring that equipment in hospitals is used only once, but clinical advice suggests that specific guidance may be provided on equipment used at home.

We are concerned about the shortage of children's nurses, as we recognise the important point that children are not merely small adults: their needs are very specific.

I hope that I have made absolutely clear the Government's commitment to acting on the recommendations of this important report. We see this is as the beginning, not the end, of the process, and we recognise that we must invest now for the future health of our children.

Railway Regulation

[*Relevant document: The Third Report from the Environment, Transport and Regional Affairs Committee, Session 1997–98, on The Proposed Strategic Rail Authority and Railway Regulation (HC 286-I).*]

11 am

Mrs. Gwyneth Dunwoody (Crewe and Nantwich): One of the strengths of the House of Commons is its Select Committee procedures and the ability to take detailed evidence on matters relating to individual Whitehall Departments; to consider carefully their impact on legislation and on the future developments of particular industries; and to take account in every way of the varying views of those who are involved, in this instance, in transport.

I was thrilled to introduce the first report of the Transport Sub-Committee of the Select Committee on the Environment, Transport and Regional Affairs, on the strategic rail authority. The Committee is lucky in having representation not only from the Conservative party but from our colleagues from across the water in the Ulster parties, and I believe that it is capable of producing a high-quality piece of work.

I warmly welcome the opportunity to debate on the Floor of the House the result of Select Committees' deliberations. It is very sad when a Select Committee produces an enormously detailed and useful piece of work that is introduced at a press conference and gets some superficial publicity only if members of the specialist press happen to be present. I am grateful that the Liaison Committee has found time to recommend that we talk about the strategic rail authority this morning. I am also grateful to my colleagues on the Select Committee and to those who helped us to prepare the report.

When the railway system was fragmented, it became obvious that there would continue to be different political views on how the future of transport should be handled. The Select Committee decided not to look backwards, as we had produced a large report on privatisation before the general election, but it was clear from all the evidence we took that there were still real difficulties in railway transport.

The difficulties were not only in the structure of the existing privatised railways. It was hard to determine the best way forward, and there was an overall lack of a strategic view. We were heartened by the Secretary of State, who gave us a clear commitment, on behalf of the Government, to create a strategic rail authority. We saw our role as that of taking evidence that could help to construct that authority and ensure that it covered all the aspects of its responsibilities to the House of Commons that would make it a really effective and useful body. That is what the report delivers.

The consensus across the railway industry on the need for a strategic rail authority was heartening. Of course, some will feel that some of our recommendations went too far and will find them too political. The aims of an authority were not only accepted but asked for. Regardless of whether we spoke about the manufacturing industry, about those who deal with passengers or about those who deal with freight, it was clear that the lack of guidance, overall responsibility and forward planning was felt throughout the industry.

We took evidence on the roles of the various parts of the Government machine that deal with the railway industry: for example, the role of the regulator. We considered what the aims of a strategic authority should be, and how it should plan its use of Government finance. We deliberated how it should consider the various parts of the industry, in relation not only to one another but to the job that they are required to do for the passenger.

The strategic rail authority must, first and foremost, have responsibility to the customer, who is being badly served by the privatised railways, and to the taxpayer. It is an extraordinary fact that the taxpayer is paying double the subsidy that went to the old British Rail system, and receiving just about half the level of service. Performance is patchy across the railway industry as a whole, but it should be a matter of concern to every one of us.

We envisaged that, as the Department said, the authority should manage the existing franchise; develop a strategic vision for investment in the national network; act as a one-stop shop for progressing investment proposals; take responsibility for some of the functions currently exercised by the Secretary of State; promote integration between rail and other modes of transport; consider the need for voluntary action by the operating companies to win more passengers; and promote the needs of disabled passengers and the personal security of all rail passengers.

We also felt that there was a need for clear accountability. The taxpayer pays for the system and initiates the money-go-round whereby large sums move in a large circle that stops at a certain point. The House is responsible to the taxpayer.

We must have clear links between elected bodies and the rail authority. The Welsh assembly and the Scottish Parliament, as well as this Parliament and the regional decision-making bodies, will want to have a direct input into both the type and the quality of services. If we are to have a radical improvement in the integration of rail, a great deal of work must be done to maximise the benefits of the existing system and develop passenger and freight services.

Many of our witnesses gave a clear picture of the existing regulator's role and said that changes needed to be made and that the regulator would always have a role as an arbitrator between certain areas of the industry. We felt that, although the regulator's role needed to be revised, he should maintain an independent status, umpiring contracts and considering fair competition issues. A lot of the work of restoring the original requirement in section 4 of the Railways Act 1993 would mean, however, that he had to take guidance from the Secretary of State. The regulator accepts that he should not be operating independently.

We believe that, in discussing the future of the railway system, we should carefully consider the role of Railtrack, which is today with great fanfare launching its report on its future role, with many comments on its intended investment in the future of the railways. Many of us will regard those figures with some disenchantment—I shall not say disbelief; that would be ungracious and unacceptable—but it is important to remember that vast sums of public money go into privatised railway subsidies. Although subsidies are nominally paid to the train operating companies, most of that public money comes back to Railtrack in the form of track access charges.

[Mrs. Gwyneth Dunwoody]

The answer to my written parliamentary question of 3 November 1997 revealed that the subsidies paid to the train operating companies in 1996–97 amounted to £2.099 billion. The same answer revealed by some uncanny coincidence that the income to Railtrack from track access charges was almost identical. If that is not a back-door subsidy to Railtrack, I should like to know what is.

Mr. James Gray (North Wiltshire): I do not wish to breach the all-party consensus of the report, but will the hon. Lady acknowledge that the £17 billion that Railtrack intends to invest over the next 10 years is much more than the public subsidy that she described, and certainly more than the Government would have spent had British Rail remained in their hands?

Mrs. Dunwoody: There are no plans for the extension of the main-line electrification network. Cities such as Sheffield, Aberdeen, Hull and Bristol will continue to be served by diesel trains for the foreseeable future. The west coast main line continues to deteriorate every day, and Thameslink 2000, which is to paid for by a massive debt write-off by the previous Government, looks as far as away as ever. I should be happy if Railtrack's figures materialised in practical investment terms.

The hon. Member for North Wiltshire (Mr. Gray) is a valued member of my Committee and knows that there is considerable disquiet about the way in which Railtrack does its accounting. It has not been transparent in the past, and maintenance is not regarded by most qualified accountants as a suitable heading in connection with investment. It is clear that Railtrack has not lived up to the previous record. It has needed to be prompted, to put it in the most polite way, by the authorities already because of the shortfall in investment. It is obvious that it has considerably underspent on track and structure renewals. There is a £385 million backlog on property maintenance. Those figures are a great worry, which we must consider carefully.

Our report sets out the belief that Railtrack should no longer control safety. Our railways have always had good safety, from the time when a man walked in front with a red flag. We are a little faster than that, although not on all privatised lines. The Committee believes that there is a problem in safety remaining part of the existing organisation. The time has come to set up an independent transport safety authority that would not only continue to safeguard the levels of care that have been endemic in the railway industry, but prove to the customer how independent it is and what a good job is being done at every level. We want Railtrack to lose that aspect of its work. We should like safety regulation and the safety standards directorate to be transferred to an independent safety authority.

We also make considerable recommendations on the need to transfer freight from road to rail. There is no point in Governments talking about that need unless there is a practical way of achieving it. I hope that our suggestions will be acted on.

Mr. Bill O'Brien (Normanton): Freight is a significant factor in the report. The relationship between road and rail transport—the intermodal system—must encourage more freight on to rail. A significant void exists there. Does my hon. Friend agree that we must impress on Ministers that the intermodal exchange between road and rail is important and should be developed?

Mrs. Dunwoody: The Committee not only emphasised that but offered various solutions, given the need for clear strategic planning if we are to achieve that useful aim.

We also suggested that customers have little idea who is responsible for what in a fragmented railway. It is all very well for those of us who understand what Railtrack is supposed to be and what train operating companies and ROSCOs—rolling stock companies—do. Customers waiting for trains, late or otherwise, have little understanding. We were disturbed because we did not believe that existing customer organisations were easily accessible or understood or that they were performing the task necessary to reassure customers.

If we are to have standards, customers must know what they are and how to complain efficiently and simply, and they must be sure that something will be done about their complaints. We suggested that the consumer organisations should be reorganised and given a much higher profile. They must have ways of advertising what they are doing and be given a bit of muscle, so that they can shout out for the passenger. That need is felt strongly by anyone who uses the existing system.

The SRA will provide a comprehensive, clear, single body reporting to the Secretary of State. It will analyse the needs and demands of the new railway system to find which aspects are failing. It will insist on high customer standards and ensure that investment goes where it is needed, when it is needed. It will seek high-quality standards so that the ways in which passengers receive services are clearly marked and capable of delivery. It should also promote a radical improvement of the integration of rail with other transport modes.

In achieving its aims, it will need to demonstrate to the public that we are no longer prepared to accept considerable amounts of taxpayer's cash going in without clear accountability and transparency of accounting procedures, and without direct responses to the needs of customers: high-quality rolling stock; high-quality services; clean, tidy and safe stations; and proper facilities for those who use the system.

To that end, we suggested that the Minister should seriously consider whether the British Railways Board should be used as a benchmarking facility. The franchises will have to be examined as they come up. Many of us believe that some of them will collapse before the end of the franchise period. The board could be used to judge the efficiency of the system and whether it is delivering what it should. There may even be a case, although there is political disagreement about this in the Committee, for the Government taking equity in Railtrack to ensure that there is a clear line of accountability to the passengers who use the service.

I hope that the House will not just debate the report, but act on it. It is a good report—although that may be rather immodest from the Chairman of the Committee. Again, I should like to pay tribute not only to the individual members, but to those who helped us prepare and take evidence.

The report looks forward, but—for obvious reasons—it will be differently interpreted in different parts of the House. However, it is constructive, useful and detailed, and it needs to be acted upon. I expect my Government to lead the way in giving that chance to the transport system of the new century.

11.19 am

Mr. Eric Pickles (Brentwood and Ongar): It is a great pleasure to follow the hon. Member for Crewe and Nantwich (Mrs. Dunwoody), and I should like to express my appreciation of the way in which she chaired the Select Committee. Those of us who know her know that she is a lady of considerable views, and it was a marvellous feat for her to chair a Committee in which there was a great deal of consensus. Speaking as someone who admires her for her views, I was pleased to see today that she occasionally returned to type.

This is the first major report produced by the Committee, and I wish to refer to the way in which Opposition Members have approached it. It is clear that the Government intend to have a strategic rail authority. We had a choice of either blindly opposing everything and trying to wreck the Committee, or of laying down benchmarks for when we examine the matter in a Bill. The latter was the right approach. The railways have gone through a period of considerable change and upheaval, and they need a period of stability in which long-term investment can be committed.

Railtrack and the train operating companies have an impressive programme of work planned, but investment takes time. I must take issue with the hon. Member for Crewe and Nantwich—£17 billion is a serious sum. Some £5.5 billion on maintenance is a serious sum. Some £8 billion on renewals is a serious sum, and enhancements of more than £3 billion involve a serious sum of money. As my hon. Friend the Member for North Wiltshire (Mr. Gray) said, there would have been nothing like those levels of investment within the public sector.

It is early days, but rail privatisation is following the same predictable path as previous privatisations—unpopular in its early stages, with all the cumulative ills of the past half-century being blamed on privatisation. If we were to substitute BT or British Airways for Railtrack in the current headlines, we could run the same stories as ran previously. Those who predicted gloom and despondency then had to eat their words, and they will have to do so again.

Mr. Ivan Henderson (Harwich): Does the hon. Gentleman share my concerns and those of my constituents at two derailments in my constituency earlier this year? One involved a passenger train in which eight carriages out of 10 derailed. That had never been heard of before rail privatisation. Does he accept that there are occasions when Railtrack may be forcing contractors to do work on the cheap, something that affects not only the track maintenance but the employees of the contractors—all of which has happened since privatisation?

Mr. Pickles: I ask the hon. Gentleman to read the evidence from the Deputy Prime Minister. I specifically asked him about such claims, and he said that there was no evidence that Railtrack had in any way compromised itself in terms of safety. On this occasion, the Deputy Prime Minister's word is good enough for me.

In a perverse way, the change of Government has made the commitment of capital slightly easier, because there is a realisation that there is no possibility—as the hon. Member for Crewe and Nantwich said—of renationalisation. The old British Railways Board is dead ,and soon, we hope, will be forgotten. The future of the railways remains firmly in the hands of the private sector. The Committee was not attempting to renationalise the railways or to make them vulnerable to short-term political interference. Those points might have been better made before privatisation, as the taxpayer would have received considerably more money had the uncertainty been removed.

We have seen a steady growth in passenger numbers, reversing the decline that occurred over a number of years. The evidence suggests that passenger growth could be as high as 25 per cent. by 2005. It is important that we look at the subsidy, which is set to decline over the next 10 years, and we must remember that a lot of BR debt was taken on by the companies.

The hon. Member for Normanton (Mr. O'Brien) and the hon. Member for Crewe and Nantwich referred to freight, which BR largely neglected. A 20-year decline in this country was reversed once English, Welsh and Scottish Railways took over. Less than 6 per cent. of freight in this country is transported by rail. On the continent of Europe, the figure is a more impressive 15 per cent. The evidence from EWS was that it was likely to triple its business within 10 years, and it is not unreasonable to suggest that, by 2010, 20 per cent. of freight will go by rail. That is 20 per cent. of a growing market.

There are a number of practical restraints on the further expansion of freight, and those need some attention. First, there is the problem of the restrictive loading gauge. If we are to see any significant increase in freight, we must ensure that high gauges are available. That will allow new international containers to be used, and it will also allow for the possibility of increasing the capacity of wagons by about a third. More importantly, it will allow piggy-backing of heavy goods vehicles. The last point was referred to by the Deputy Prime Minister as vital for haulage in the long term.

There is a considerable conflict between the needs of passengers and the needs of freight. Improvements for passengers—faster trains and more frequent services—often work to the detriment of freight. We must understand that there are environmental considerations, including noise problems. Much of freight is moved at night. I live about half a mile from a busy railway line, and I have noticed an increase in the amount of traffic in the past few months. Constituents who live closer to the track have started to complain—not unnaturally—about disturbed sleep.

We must remember that most of our freight is not time-critical; a load is sent off, but it does not matter whether it arrives the following day or a couple of days later. However, if we are to increase the amount of freight that travels by rail, we have to be able to carry time-critical freight, which means that people will be able to guarantee that a load leaving Aberdeen can be in Brentwood the following morning.

The Committee also gave consideration to the problems of international rail travel. The channel tunnel has not yet proved to be the catalyst in persuading road hauliers to

[Mr. Pickles]

switch to rail; in fact, the tonnage carried is roughly 40 per cent. of the predicted level. The cost of travelling through the tunnel and on continental railways is such that it starts to become economic only when there is the prospect of travelling through the Alps. Continental European railways are still heavily nationally focused, and it remains, peculiarly, easier to get a truck across a European border than it is to get a train across; trucks have to fill in fewer forms, and the process is quicker.

Dr. Alan Whitehead (Southampton, Test): Might not our concentration on the channel tunnel prove to be to the detriment of the 96 per cent. of British imports and exports that go through ports? In addition to the other measures that the hon. Gentleman suggests, it might be a good idea to follow a policy of ensuring that Railtrack improvements relate to movements in and out of ports, especially bottlenecks in freight movements immediately around ports.

Mr. Pickles: I do not take issue with that at all, but I believe that the channel tunnel plays an important part in the expansion of rail. I find it difficult to explain to constituents who are hauliers why it is considerably more expensive—three times more expensive, according to the Road Haulage Association—to take a heavy goods vehicle through the tunnel than to send it in the shuttle, which uses the same track and the same tunnel.

The report covers two controversial matters: the equity share in Railtrack and the British Rail Board competing for franchises. We received little evidence on that, except from Save Our Railways and the Labour Finance and Industry Group, both of which seemed to take a similar position on most issues of substance. To my way of thinking, the credibility of Save Our Railways was somewhat dented when it had to withdraw some exaggerated claims in front of the Committee, as hon. Members can read in the second volume at paragraph 197.

Mr. Gray: Is my hon. Friend aware that Save Our Railways' offices are in precisely the same place as the rail unions' offices and that it is, to a significant and majority degree, financed by the rail unions?

Mr. Pickles: I am grateful to my hon. Friend for making that point, of which I had not been aware, even though, at times when listening to Save Our Railways' evidence, it was like living on the last page of George Orwell's "Animal Farm", when it was no longer possible to tell the pigs from the people.

Although the strategic rail authority may care to consider whether the Government should take an equity share in Railtrack, it would be madness to do so. It would achieve nothing: not a single mile of track would be laid, nor an additional carriage purchased, nor a single station made cleaner; there would be nothing but the resonance of old clause IV.

As the report states, for the British Rail Board to compete on

"a fair and transparent basis",

it would have to be in the private sector. If it were in the public sector, it would intimidate and prevent fair competition. Any analogy between BRB competing for a franchise and a local authority contracting out to a direct labour organisation is frankly ridiculous. There was no evidence to support that view, other than from Save Our Railways and the Labour Finance and Industry Group.

If the strategic rail authority becomes a hands-on authority, second-guessing commercial decisions, it will fail. If it takes away powers from the Department of the Environment, Transport and the Regions and remains truly strategic in nature, it may succeed. It needs to tackle that delicate and crucial balance between the needs of passengers and those of freight. Above all, in the words of the report, the SRA needs

"to foster a climate that encourages private investment in the railways".

11.34 am

Mr. Bill O'Brien (Normanton): I wish to raise with the hon. Member for Brentwood and Ongar (Mr. Pickles) one point that I consider to be a significant factor in this debate. When the previous Government privatised the railway industry, the franchises given to many of the companies were so short that the companies now feel that it is not possible to invest in new rolling stock or the new materials that are required to ensure that they can meet the demand for passenger and freight services. The Conservative Government did not give sufficient thought to the way in which the privatisation should have taken place, and I hope that the Select Committee's report will address some of the deficiencies of the privatisation programme.

Mr. Pickles: May I ask the hon. Gentleman a simple question? Is he advocating that the franchises should now be extended and, if so, by how long?

Mr. O'Brien: I can advise the hon. Gentleman that my right hon. Friend the Secretary of State for the Environment, Transport and the Regions is now considering representations from some of the franchisees, particularly Great North Eastern Railway, which is suffering from overcrowded trains and having difficulty meeting demand. My right hon. Friend is rightly giving consideration to the circumstances of a very competitive line in an area that will improve considerably as time goes on. There is one proviso, which is that the companies keep fares at a level that people can afford; otherwise, there is a danger that we might have a railway system that is out of the reach of many of those who would like to use it. My right hon. Friend has to look at many factors when considering the extension of franchises, and I support his views on that issue.

I felt that I had to draw the attention of the hon. Member for Brentwood and Ongar to the deficiency in the hurried rail privatisation programme of the previous Administration, although I do not want to move away from the Select Committee report. There are pages of evidence from the various witnesses, who contributed well to the work of the Committee. In each case, there was general support for the introduction of the strategic rail authority and, with the support in the House and within the industry, there is a fair wind for the Committee's proposals. I make that point to my right hon. Friend the Minister because I consider that the Government must act on at least some of the recommendations in the report. Failure to do so would impede the programme for an integrated transport system, which the report could help to bring about.

That was the point that I made when I intervened on my hon. Friend the Member for Crewe and Nantwich (Mrs. Dunwoody). We need to have the integration of road transport with rail transport to ensure that freight provision, which has been neglected for so long, can be improved. Although in the past rail freight has been moved during the night, there is evidence that some freight trains are being moved by day. That will help freight movements to take place within a reasonable time and, as a result, people will increasingly accept the possibility of moving freight by rail.

Hon. Members will have received briefing material from the Scottish, Welsh and English railways, setting out some of the anxieties that they expressed to the Select Committee—directly and in briefing material—about the introduction of the strategic rail authority. We are advised that they are introducing new locomotives and new wagons, which shows that greater capacity is needed to move freight by rail.

I emphasise that we must try to remove lorries from the motorways and, in many instances, from towns and cities, by transferring freight to rail, so that it may enter city centres without creating road traffic. I make a plea to the Minister to examine the evidence that has been submitted on overcrowding of some trains—especially on the east coast main line—and the evidence submitted by Lord Berkeley and his colleagues on the movement of freight.

I conclude my remarks because I know that my colleagues, who took evidence for many long hours, want to make a contribution. I believe that the Government should act on a significant amount of that evidence, and I hope that the Minister will take note of the contributions that have been made.

11.41 am

Mr. Tom Brake (Carshalton and Wallington): Although I welcome the opportunity to debate the report, I regret the fact that none of my party served on the Transport Sub-Committee, which considered this matter in so much detail. However, I have read the report, and there is much in it that the Liberal Democrats can support.

We welcome the fact that the report draws attention to failings in the regulatory system introduced by the previous Government in their headlong ideological rush to privatise the network. The report says that, under the Conservatives, the Rail Regulator was left with

"no enforceable obligation on Railtrack to spend the cash from public subsidies on maintenance and renewal of the network".

That appears to be a major omission, as does the fact that the Rail Regulator was left without scrutiny powers over the rolling stock companies.

The Rail Regulator had to dismiss Railtrack's 1997 network management statement as unsatisfactory because of a significant backlog in investment. Earlier today, Railtrack had an opportunity to show that it took last year's red light seriously. I hope that it will be evident from this year's network management statement that Railtrack acknowledges that it has a role in the development of the country's infrastructure.

The results of biannual customer satisfaction surveys produced by the train companies, which must have been of great interest to passengers, remained unpublished for many years. I am sure that the volunteers who run the Bluebell railway could have run the railways better than the previous Administration did.

Looking to the future, many of the report's recommendations would have been implemented even if a strategic rail authority had not been established. We support more demanding train service quality targets. We strongly support the moratorium on the sale of land by the British Railways Board, which is a source of major concern. If one is trying to extend a network, it restricts one's scope if all the prime sites that can be used are being sold.

Mr. Gray: If the hon. Gentleman considers the report carefully, he will see that there is no question of a moratorium on the sale of land by the British Railways Board, but that there is a question of Railtrack being given the same opportunity as other bidders when land is sold. That is a different matter. There is no presumption in the report that the right of the British Railways Board to sell land will be interfered with.

Mr. Brake: I thank the hon. Gentleman for that intervention, but the report specifically mentions a moratorium.

We strongly support the retention of the fines and penalties levied on the train operators for immediate reinvestment in passenger benefits rather than the Chancellor's slush fund. We support the shift of responsibilities for safety matters from Railtrack to an independent body, although it is worth confirming that, as was said earlier, the safety record appears to have remained very good, even after privatisation. We support the relaunch of the rail user committees. Those organisations are supposed to represent passengers, but I am afraid that their profile appears to be no larger than the stickers that are stuck in train carriages.

Our support for the report is qualified. We question how strategic the strategic rail authority will be if all the report's recommendations are adopted. There is a great risk that, by taking on so many of the operational tasks performed by the Office of Passenger Rail Franchising and the Rail Regulator, the strategic rail authority will lose its focus and neglect key objectives, such as that of developing a vision for investment in the national rail network. The strategic rail authority should be about strategy and broad objectives; it should not be about the timetabling of the 7.23 am Connex South Central service from Carshalton Beeches to Victoria. Moreover, the creation of the strategic rail authority should not involve such an upheaval in the rail industry, or such a diversion of funds, that no progress is made in clearing the backlog of between 15 and 20 bottlenecks in the system.

We seek clarification of the funding arrangements for the strategic rail authority, especially as a sharp drop in subsidy is planned for the train operating companies—from £1.8 billion this year to £0.8 billion in 2002–03. It would have been preferable had greater consideration been given to the establishment of a strategic transport authority. That would, by necessity, have had a very restricted remit, to avoid the prospect of the operational overload that already worries us in relation to the smaller responsibilities of a strategic railway authority.

The Government have repeatedly stated their intention to produce an integrated transport policy. What better way is there of promoting such a policy than through the auspices of a strategic transport authority? For example, that strategic transport authority might take responsibility

[Mr. Brake]

for devising the Government's programme of CO_2 reduction in relation to transport. That is an area where, if action is not taken almost immediately, the Government will not have a snowball in hell's chance of meeting the Prime Minister's commitment to a 20 per cent. reduction by 2010, or even the Deputy Prime Minister's more modest commitment to ensure that, in 2002, traffic does not exceed 1997 levels.

The Liberal Democrats approve of many of the measures in the report. We shall monitor the development of the strategic rail authority, but we shall pull the emergency cord if the authority grows into an inflexible, unwieldy beast, with an appetite for detail but no vision.

11.48 am

Mr. George Stevenson (Stoke-on-Trent, South): The importance of the report is that it is forward-looking.

The hon. Member for Brentwood and Ongar (Mr. Pickles), spoke about a period of stability. If that means maintaining the status quo, with our railways not delivering what we want them to deliver, I would disagree with him. I suspect that many of the interests running our railways see stability in that way. The report is not about the stability of the status quo, because the status quo is not acceptable.

The hon. Member for Brentwood and Ongar also spoke about Railtrack's plans for investment—good: we live in hope, and we hope that those plans become reality. Heaven knows the amount of public money that was squandered by the previous Government on privatising the railways. It was billions. The amount of public subsidy has doubled since privatisation—a fact which I am sure the hon. Gentleman would acknowledge. One would expect some hard evidence of the improvements that we are promised. In the public interest we can demand that those improvements take place. We shall wait and see.

Mr. Gray: Evidence is in place already. Is the hon. Gentleman aware that Railtrack's investment in the first six months of last year was 38 per cent. higher than in the first six months of the previous year?

Mr. Stevenson: I am also aware of the damaging criticism of Railtrack's record by the regulator and the Health and Safety Executive. That is not a political point that we need waste the time of the House debating, as the hon. Gentleman seems determined to do. Well-respected outside organisations are extremely critical of Railtrack's investment record. The report rightly concerns itself with that criticism.

The hon. Member for Carshalton and Wallington (Mr. Brake) referred to the intention that the public subsidy should be reduced over the next few years. I know that that is the intention, but if it is reduced to £0.8 billion, it might bring us back to the level of public subsidy that existed under the dead hand of British Railways. If many more such dead hands are removed, the Treasury will have apoplexy, because every time a dead hand is removed, the public subsidy doubles. I am sure that that is not what the Government want.

The significance of the report is that it tells Government that we need to take a strategic view of our railway infrastructure and provision. That never occurred to the previous Government. They were concerned only with privatising and fragmenting the railway system, which is what happened. The report points out to Government that, if the railways are to play the economic, social and environmental role that the country wants them to play, a strategic overview is essential.

The Committee was of the unanimous view that we cannot achieve that strategic approach with the present fragmented system. It would be impossible, and the Government should not waste their time trying to do it. We therefore strongly support the concept of a strategic rail authority, which would have an over-arching responsibility to bring a strategic view to a critical provision in our transport sector. As the hon. Member for Brentwood and Ongar rightly observed, that provision brings not only enormous challenges but enormous potential. We want the strategic rail authority to play a central role in ensuring that that potential is achieved.

That is the first point that needs to be made to my hon. Friend the Minister, who is listening intently to the debate. That message is the factor of overriding importance that the Committee considered when we took evidence and deliberated on the contents of the report.

The second aspect that I would underline is the difficult but crucial concept of public confidence. It is true that there is no hard evidence to suggest that safety is being compromised by Railtrack and the train operating companies, but there is undoubtedly a public perception that the profit motive will ultimately override those considerations. We examined the matter carefully.

Public confidence is essential if the Government are to succeed in the enormously important task of reinvigorating our railways. In that regard, the report makes several recommendations, one of which is crucial—that we should no longer tolerate the responsibility for safety being left with Railtrack. There must be a separate, free-standing body to examine the issue dispassionately, far removed from the profit motive and commercial interests. The public interest must be its overriding responsibility. If, at the end of the debate, my hon. Friend will say that the Government will pursue that aim vigorously, they will have done the railway industry, the country and the public at large a great service.

My final point involves a different aspect of the public interest. How do we bring to bear the enormous influence—not interference, but legitimate influence—of Government, for which the report calls and which most of us want? How can we, for example, tolerate a situation where the rolling stock companies were given a licence to print money?

Mr. Gray *indicated dissent.*

Mr. Stevenson: It is no good the hon. Gentleman shaking his head. When the Angel leasing company was sold off, Nomura bank of Japan made a windfall profit of £750 million without lifting a finger. The report challenges the House and the Government to decide whether there is a legitimate public interest when public resources are milked away like that, producing no beneficial effect on the economic, social and environmental objectives in which our railways can play such a big part.

I am delighted that the report concludes that we can no longer tolerate the rolling stock companies being completely unregulated. Public interest demands that such

activity be brought within the confines of positive and effective regulation so that we may see exactly what is happening. That is one example of how the public interest—which was our overriding consideration when we addressed these factors—would be well served by the Government.

I listened with interest to the points made by the hon. Member for Carshalton and Wallington, who said that the strategic rail authority should not become a great amorphous body that is involved with the 6.30 train travelling from point A to point B. People will travel not on the strategic rail authority but on the 6.30 train from point A to point B. However, the strategic rail authority should have legitimate concerns about what is happening.

We cannot continue to tolerate the present situation: an individual turns up at a railway station and finds that the train to Euston is not running; he is told that the next train is scheduled to leave in an hour but, when he tries to book on that train, he is informed that there is no guarantee that it will run either; the individual then asks, "Well, what do you advise?", and a representative of the privatised rail company at the railway station tells him, "Our advice, sir, is not to travel by train."

Must we continue to tolerate a situation whereby an individual turns up at a railway station and sees a notice saying, "We are issuing tickets only for travel today"? What happens if that person wishes to travel tomorrow? When we ask about such matters, we receive no explanation. Is that serving the public interest? I guarantee that the information I have offered to the House is correct, because I was that individual.

The report is positive and forward-looking. It does not go over the entrails of the chaos created by the previous Government. We know all about that. I look forward to the day—in the not too distant future—when this Government, of whom I am so proud, enact the majority, if not all, of this report's recommendations.

12.1 pm

Mr. Richard Ottaway (Croydon, South): I begin by congratulating the Environment, Transport and Regional Affairs Committee on choosing this subject for its first report. The Deputy Prime Minister and his colleagues have made it clear that they intend to give transport a high profile in this Parliament. Therefore, it is right to address the issue at an early stage.

The Select Committee has made it clear that it intends to follow the debate closely. Under the wise stewardship of the hon. Member for Crewe and Nantwich (Mrs. Dunwoody), it will clearly be a robust debate. The hon. Lady has clear views about the type of transport system that she wants to see. With great respect to her, I think that the language she employed today is a lot stronger than that used in the report. The tone of the speech by the hon. Member for Stoke-on-Trent, South (Mr. Stevenson) was also much stronger than that of the report.

I sense that the hon. Member for Crewe and Nantwich may have wished for a more robust report. Her approach differs from my own, but at least we share the same objective. We want to achieve a satisfactory solution, although we differ about the means of securing that solution. From a reading of the Government's evidence, it is apparent that the hon. Lady's approach may be stronger than that of the Government. That will create difficulties for the hon. Lady and the Government, as I believe that they are on the same side.

Mrs. Dunwoody: So they tell me.

Mr. Ottaway: The report's central premise is that it welcomes the Government's proposals for a strategic rail authority. The Government have produced no firm proposals in that regard, but the nature of the report is immediately clear when it states that the SRA should be responsible for

"strategic planning, co-ordinating and supervising the activities of the rail industry".

The hon. Member for Crewe and Nantwich put her own interpretation on that statement—indeed, I believe that the statement is open to interpretation, and I suspect that the Government may interpret it slightly differently when they draw up their plans.

The report rightly does not recommend a strategic transport authority at this stage. I will go further and say that I hope that it does not recommend a strategic transport authority at any stage. I believe that the Government are the strategic transport authority: they have the powers, the funds—and, I hope, the vision—to embrace all community issues.

It is interesting to note that the report does not criticise the principle of rail privatisation. That is not surprising when one considers the effective role of Conservative Members on the Committee, including my hon. Friends the Members for Brentwood and Ongar (Mr. Pickles), for Wiltshire, North (Mr. Gray) and for Runnymede and Weybridge (Mr. Hammond). The report is full of constructive criticism, but it accepts the overall privatisation principle. I am delighted that, in its recommendations, the report states:

"The purpose of the Strategic Rail Authority should be to . . . foster a climate that encourages private investment in the railway".

That point was made by my hon. Friend the Member for Brentwood and Ongar but not mentioned by the hon. Member for Crewe and Nantwich. The conclusion is welcomed by Committee members, some of whom, I confess, I thought felt differently.

Mr. Gray: Does my hon. Friend agree that it is rather curious that the tones of old Labour have reverberated around the Chamber this morning more strongly than they resound in the report? The same applies to press coverage of the report last week. For example, a headline in *The Times* said, "Greater state control of rail urged by MPs". Does my hon. Friend agree that the report proposes a modest administrative change and in no sense attacks the principle of privatisation?

Mr. Ottaway: I am very grateful to my hon. Friend.

Mr. Stevenson: If that is your story, stick to it.

Mr. Ottaway: The hon. Gentleman implies that he does not agree with my hon. Friend. I believe that the report is fairly balanced and that the Government will probably be rather pleased by its tone, which differs from the personal inclinations of some Committee members.

Mrs. Dunwoody: Does the hon. Gentleman accept that the goal of a Select Committee is to reach a consensus?

[Mrs. Dunwoody]

I know that it will come as a shock to the hon. Gentleman to learn that I hold different views from the hon. Member for Brentwood and Ongar (Mr. Pickles). He is a most remarkable Member of Parliament, but not one with whom I agree on every point regarding the political development of this country. That means that the report will not reflect all my beliefs; nor will it reflect everything that the hon. Gentleman believes. Its tone is consensual and its strength comes from that very quality.

Mr. Ottaway: I am obliged to the hon. Lady. She confirms my suspicions that the report is welcomed neither by her side nor by my side of the Committee—although it will probably be welcomed by the Government.

Mrs. Dunwoody: That is not true.

Mr. Ottaway: The hon. Lady has just said that she does not believe in much of the report. I am sure that the whole House—and, indeed the whole country—has heard her words.

In reaching its conclusions, I have no doubt that the Committee was influenced by the evidence given by the passenger transport executive organisations, which were no particular friends of the previous Government but which are inclined not to condemn the policy. It is very early days in the privatisation of the railways and, although there is much justified criticism at present, I believe that it is wrong to take a snapshot of the railways as they stand in March 1998 and say that privatisation has failed. I do not think that privatisation will fail.

Mr. Brian H. Donohoe (Cunninghame, South): Can the hon. Gentleman tell us when he will confirm that there is a problem?

Mr. Ottaway: I shall turn to that issue in a moment. Frankly, I think that the real effect of privatisation will not be felt for three, four or five years. When some of the investment comes on stream, I believe that the hon. Gentleman will defend railway privatisation like a good Tory. There will be a marked change of attitude in a couple of years.

I have a great deal of faith in franchisees' ability to improve services, and such improvements will result largely from the economic freedom achieved by privatisation. Privatisations over the past 50 years have all struggled initially. One of the first privatisations, that of British Telecom, was unpopular and passionately opposed by the Labour party. Newspapers and Labour Members gleefully reported on the number of telephone kiosks that were not working. The criticism was similar in style to that which is being heaped on the railways. People were right to criticise BT then, and they are right to criticise the railways now. However, no one in their right mind would say that privatisation of BT was a mistake. The company is a world beater of which Great Britain can rightly be proud. In four or five years, that will be the case with the railways.

Mr. Donohoe *rose—*

Mr. Alasdair Morgan (Galloway and Upper Nithsdale) *rose—*

Mr. Ottaway: I give way to the hon. Member for Cunninghame, South.

Mr. Donohoe: Why did a previous Chairman of the Select Committee call railway privatisation a poll tax on wheels?

Mr. Morgan: Does the hon. Gentleman agree with those—

Mr. Deputy Speaker (Mr. Michael J. Martin): Order. The hon. Member for Croydon, South (Mr. Ottaway) should answer the first intervention before he deals with a second. He cannot take two at a time.

Mr. Ottaway: I beg your pardon, Mr. Deputy Speaker. I was dealing with them as a job lot.

I do not agree with the point made by the hon. Member for Cunninghame, South about railway privatisation being a poll tax on wheels. It will come right in the long term. He has fallen into the trap of thinking that the position today will continue in perpetuity, and that railway privatisation has therefore failed.

Mr. Morgan: Does the hon. Gentleman agree with franchisees who argue that franchise periods are too short to make the necessary investment and that the Conservative Government got it wrong?

Mr. Ottaway: I shall come to that point in a moment.

Dr. Whitehead: Is not rail privatisation structurally different from other privatisations because the market relationship between carriage and track charges clearly acts against social policies, such as carrying more freight by rail? Labour Members have suggested that the structural institutionalisation of the possible failure of the system is a problem.

Mr. Ottaway: I think that I understand the hon. Gentleman's point, but freight is a success story of privatisation.

BT is a world-beating company that we can be proud of, and in the long term we shall be proud of Railtrack, which is involved in discussions about the channel tunnel rail link, is a possible bidder for London Underground and announced today a £17 billion package which the hon. Member for Crewe and Nantwich churlishly did not to welcome. The strength of the company in the private sector justifies the privatisation. The old, nationalised British Railways Board would not have been able to match Railtrack's investment and its involvement in the channel tunnel rail link and London Underground.

We all know that the west coast main line is hugely unreliable, but Virgin proposes a £1 billion order for 130 tilting trains that will knock 90 minutes off the

journey time from London to Glasgow and reduce the trip to Birmingham to 75 minutes. Labour Members should be patient: just as BT became effective, we will have effective railways in three or four years' time when the investment has been made.

I am the first to admit that, 18 months after the completion of privatisation, there are problems, some of which are becoming clearer. There is an important distinction between current railway operations and long-term investment plans. In the short term, the passenger service is everything. My constituency contains 11 commuter stations in the Connex South Central area. I watch developments closely; after an excellent start and increased services, the service has become unreliable and unacceptable. Trains do not have enough carriages, and conditions are squalid at peak times; but trains are becoming victims of their own success. Passenger numbers are increasing, and the forecast is that they will continue to rise.

The Deputy Prime Minister believes that that is largely explained by the well-established link between rail use and economic growth. However, it cannot wholly be explained by that link, and, not surprisingly, the Office of Passenger Rail Franchising took a different view and expected passenger growth of 24 per cent. over the next five or six years. I share that view, because improvements brought about by rail privatisation—better stations, improved services and falling fares in real terms—will make a heck of a difference to public attitudes, and will go a long way to achieving the strategic objectives of both the previous and the current Government.

There is a problem with continuity of investment as the end of the franchise periods approaches, as the hon. Member for South Antrim (Mr. Forsythe) said. A weakness of the franchise system is that the Government of the day were so nervous that they took a number of precautions to deal with any failures, but the system is short on mechanisms to cope with success and a large growth in demand.

Although under no obligation to do so under the terms of the franchise, Great North Eastern Railways wants to improve its rolling stock, which is not old, but unexpected passenger growth is causing serious problems. As the hon. Member for Normanton (Mr. O'Brien) said, short franchise periods make it difficult to fund further investment.

I am pleased that the Select Committee has strongly recommended that the strategic rail authority should have the power to offer guarantees to existing franchisees who propose to invest in new rolling stock, and that subsequent franchisees should be required to take over the lease for such stock. The tone of the recommendation is a little heavy, but the SRA should address the issue and I am pleased that it is a priority.

An interesting passage of the report deals with freight, which is an unambiguous success story of privatisation. The report does not quarrel with that. The nation's main freight mover is English, Welsh and Scottish Railways, which has about 90 per cent. of the market. EWS reports a 30 per cent. increase in freight train miles in the past 18 months.

The Select Committee suggests that the SRA should consider how to increase freight carrying, but companies seem to be doing well without the SRA intervening. The Minister appears restless. How much time does he need to make his winding-up speech?

The Minister of Transport (Dr. Gavin Strang): I need 15 minutes.

Mr. Ottaway: I shall conclude my remarks.

Although Conservative Members have reservations about the report, we have no difficulties with the thrust of it. Such a complex privatisation needs constant fine tuning. The previous Government would have concluded that a strategic rail authority was necessary during this Parliament. However, I urge the Government to adopt the lighter touch proposed in their evidence to the Select Committee, given that a strategic rail authority, not an executive rail authority, has been proposed.

12.18 pm

The Minister of Transport (Dr. Gavin Strang): I congratulate my hon. Friend the Member for Crewe and Nantwich (Mrs. Dunwoody) and her fellow Select Committee members on their thorough and wide-ranging report on the Government's proposals for a new rail authority and railway regulation.

The Government welcome the report, and we shall consider its recommendations carefully when finalising our plans for the railways, which will be published in a few months.

The Committee's report is timely: it is almost exactly a year since rail privatisation was completed. In that year, the industry and its customers had to try to come to terms with the massive upheaval that was imposed on them by the fragmentation of the network. During that time, the shortcomings of privatisation have become all too obvious. Many passengers are not getting the service improvements that were promised by the previous Government. In that year, a few people have made fortunes from the railways, but many passengers have been short-changed.

Mr. Graham Stringer (Manchester, Blackley): Does my hon. Friend agree that the proposed acquisition of Great Western by First Group is an example of the rail privatisation leading to the creation of millionaires at the expense of the travelling public? The privatised railways are in danger of creating more millionaires than the lottery. Does he further agree that the franchising director should not let that acquisition go ahead until there has been proper consultation and proper equity among the franchisers? He should not use his position improperly to pass on some of the benefits to a franchise that is not involved in the takeover.

Dr. Strang: I agree with my hon. Friend that huge and unjustified private profits have been made from the resale of assets. The case that my hon. Friend cites looks like another example of that. He asks about the franchising director. Because of the shortage of time I shall not reply to that now, but shall write to my hon. Friend.

The Committee's report highlights well the shortcomings that we inherited from the previous Administration. We saw those problems coming, and that

[Dr. Strang]

was why in opposition we consistently opposed rail privatisation. When we came to power in May we found a railway system that had been broken into a hundred pieces, and no strategic vision for the development of the network. Even the industry regulators acknowledge that the regulatory structure can be confusing. The railways were crying out for some leadership and direction.

Everybody acknowledges that the challenges facing the rail industry cannot be solved overnight. However, the Government have made clear their intentions. We aim to put the railways at the heart of a truly integrated transport policy; to win more passengers and freight to rail and, above all, to make sure that the railways are run in the public interest. That is why we are taking a long, hard look at the present regulatory structure, and why we have taken action within it where we can.

The House will recall that on 6 November I announced the first fruits of our review of railway regulation. We issued the franchising director with new objectives that deal with the issues that matter most to passengers—investment in decent rolling stock and stations, high standards of punctuality and reliability and the protection of passenger rights. We approved the franchising director's new planning criteria to provide an effective framework for developing and implementing worthwhile rail investment that will improve the range and quality of the services for rail users. We also agreed a voluntary concordat between Ministers and the Rail Regulator to give the regulator a clear sign of what the Government want for the railways.

We have also taken action on rail freight. We have revitalised the freight grants scheme and have increased its budget to encourage more rail freight. We have also secured commitments from the French Government and Eurotunnel that are designed to get a better deal for rail freight through the channel tunnel and beyond, not only by English, Welsh and Scottish Railways but by potential new entrants to the market.

Our measures on passenger and freight operations have been widely welcomed. Some train operators have played their part by taking steps to improve their services to passengers, but the overall picture is still unsatisfactory and there is much more to do. As the Committee's report states, the recent bulletin from the Office of Passenger Rail Franchising on the performance of the train operating companies in 1997–98 shows that punctuality and reliability on about half of the route groups surveyed were worse than in the preceding 12 months. The comments by the hon. Member for Croydon, South (Mr. Ottaway) reflect that deterioration.

I shall now turn to the centrepiece of our proposals—the new rail authority. Our manifesto contained a commitment to create a new rail authority to provide a clear, coherent and strategic programme for the railways, so that passengers' expectations could be met. I am pleased to note the Committee's endorsement of that proposal and of our aim for more effective and accountable railway regulation. The Committee made some detailed recommendations about the authority's functions. Of course, we shall carefully consider those recommendations in drawing up the new authority's detailed functions.

It may be helpful to hon. Members if I outline the general areas in which we expect the new authority to operate. We said in our manifesto that the new authority would combine the functions of the franchising director and some functions of the Department of the Environment, Transport and the Regions. We do not necessarily regard those functions as the limitation of the new rail authority's remit. The likely areas of responsibility for the new authority, many of which are referred to in the Committee's report, will include managing and enforcing existing franchise contracts; developing a strategic vision for investment in the network; promoting integration between rail and other modes of transport; promoting voluntary action by train operators to win passengers; protecting the needs of disabled passengers; and balancing the needs of passengers and freight users.

In addition to those likely functions, my right hon. Friend the Deputy Prime Minister stated in his oral evidence to the Committee that we shall also consider how consumers might be represented on the new authority. We envisage that the new authority will play an important role in encouraging more freight on to the railways.

Mrs. Dunwoody *rose––*

Dr. Strang: I shall give way to my hon. Friend, but should like to make progress.

Mrs. Dunwoody: The Minister will look carefully at the role of customer services, will he not, because at the moment passengers are not being well served? That is an important matter.

Dr. Strang: I am grateful to my hon. Friend for her intervention, but in the few minutes that are left I should like to comment on safety, which some hon. Members, including my hon. Friend the Member for Stoke–on–Trent, South (Mr. Stevenson) emphasised.

The Committee's recommendation that transport safety regulation, should be focused on a single, entirely independent authority goes wider than railways. It would be a significant change in present arrangements for transport safety regulation, and would raise some complex issues. The United Kingdom's transport safety record is relatively good, and we would need to ensure that any new body would be more effective than current arrangements.

In terms of the railways, the Committee drew attention to mark 1 rolling stock and the installation of a train protection system. It recommended that Railtrack should be relieved of its role in safety regulation and that its safety and standards directorate should be transferred to an independent safety authority. The railway inspectorate's last annual report revealed that some operators have tried to reduce safety levels to the minimum that is allowed, saying that maintaining or improving on the status quo is too costly.

The Government are determined that no privatised railway company will be able to put private profit before public safety. I have already made it clear to the House that we look to the independent Health and Safety Commission as the safety regulator to ensure that standards are maintained and, where necessary, improved.

In the context of train protection and mark 1 rolling stock, I have written to the chairman of the Health and Safety Commission to make it clear that he should produce any formal proposals that he considers necessary, and I understand that Health and Safety Executive officials are working on such proposals.

The current arrangements for the present division of safety responsibilities were proposed by the Health and Safety Commission. Accordingly, we shall need to consult it before responding to the Committee's recommendations. When the commission proposed those arrangements, it said that in due course a full review should be carried out of the arrangements for setting and promulgating railway standards. I have asked the chairman of the commission to bring forward that review and to consider as part of it the extent to which Railtrack's current role in enforcing standards as well as in setting and promulgating them might be transferred. I am pleased to announce that the chairman of the commission has agreed and has said that the review will begin immediately.

The debate has been constructive. My hon. Friend the Member for Crewe and Nantwich was characteristically forthright in introducing the debate, and lucidly set out the issues. In the time available to me, it has not been possible to cover all the Committee's detailed recommendations. However, it is already plain from the Committee's report and from representations that we have received that our proposal for a new rail authority has widespread support. It was striking that even the Opposition spokesman, the hon. Member for Croydon, South, said rather lamely that, if the Conservatives had been elected to government, they would have proposed such a rail authority.

Passengers want the railways regulated in a way that is firm, fair and accountable. They should have a public service ethos, should not be driven solely by the profit motive and should be fit for the 21st century. Our proposals are a major step in the right direction and will help to create a climate in which the railways can flourish as part of an integrated transport system.

Adhesive Arachnoiditis

12.28 pm

Mr. Tim Collins (Westmorland and Lonsdale): Last September, I visited a constituent of mine, Mrs. Spence, who lives in Kendal at the heart of my constituency, at her request. When I saw her, I found a lady in constant pain and completely bed-ridden, apart from access occasionally to a wheelchair, whose life had been ruined by the pain she suffers 24 hours a day. That was not always the case. In her younger years, she was a tennis player and ballroom dancer, and even marched on trade union marches when she lived in London. Today, her entire life has been ruined by the condition that is known as adhesive arachnoiditis.

In describing the condition to me, Mrs. Spence said, "It is like having a hot poker placed in your spine and spreading all over your body. It is like having a group of worms in your legs and feeling that they are wriggling around inside." She constantly feels that she has to punch her legs to try to stop the pain.

Mrs. Spence's husband, Brian, who has been a support to her throughout her life, sits up night after night looking after her, trying to control her pain and to help her. She is on constant medication. That includes a course of morphine tablets, but she has also been given liquid morphine; she often has to take it in liquid form when the pain breaks through the barrier of the tablets. She cannot put her feet on the floor without experiencing extreme discomfort. In 1980, she was told that, unless she used a wheelchair, she would be unlikely ever to leave her home again.

All that appears to stem from two occasions—one in 1971 and the other in 1973—when Mrs. Spence was injected in her spine with a chemical called Myodil. It is worth pausing to reflect on the purpose of the chemical. It is a radiopaque dye that is used when people have X-rays of their spines to enable all the substances within the spinal column to be shown more clearly on the X-ray. When she was given the chemical, she was placed on a table, injected and upended so that it sloshed up and down her spinal column. It appears that the chemical is a very sticky substance, and it bound together many of the nerve endings in the back of her spine. The consequence is constant discomfort and agony.

Mrs. Spence is not alone. I am grateful to my hon. Friend the Member for Tunbridge Wells (Mr. Norman) for drawing to my attention the case of his constituent, Mr. Peter Crawford, who is also confined to a wheelchair and suffers continuous pain requiring 24-hour care. My hon. Friend the Member for Faversham and Mid-Kent (Mr. Rowe) has told me of similar instances in his constituency. I believe that right hon. and hon. Members on both sides of the House have constituents who suffer from the condition.

In September, the Minister of State, Department of Health, Baroness Jay, wrote a letter to my hon. Friend the Member for Hertsmere (Mr. Clappison) in which she described adhesive arachnoiditis as "a rather uncommon . . . condition". To some extent, I wish that that was true, but none of us knows.

[Mr. Tim Collins]

I tabled a parliamentary question, which received an answer from the Under-Secretary of State for Health. I asked

"how many cases of adhesive arachnoiditis have been diagnosed in the last 20 years".

The reply was:

"The information requested is not available"—[*Official Report*, 12 January 1998; Vol. 304, c. *152*.]

That was largely because adhesive arachnoiditis is not a notifiable disease. It is not infectious, and statistics are not kept, so, sadly, none of us knows how extensive the condition is. However, there are some world experts in the sector.

One in particular is Dr. Charles Burton, the senior medical director of the department of neuroaugmentive surgery in Minnesota, a department which he founded. He is a distinguished person. Among other things, he served as a panel chairman of the United States Food and Drug Administration and was a founder of the North American Spine Society. He is probably the world's leading expert on this condition.

Recently, Dr. Burton wrote a paper, in which he says:

"Despite the availability of a wealth of published scientific information on the subject, it has not been well appreciated by the medical profession that the advanced forms of arachnoiditis may be associated with incapacitating pain, disability, or even death. In addition, the global incidence of severe arachnoiditis has only recently become more evident owing to the formation of patient self-help groups in the United States, England, and Australia. These organizations have shown that arachnoiditis represents a worldwide public health problem of considerable magnitude."

He has said that the condition is as

"bad as terminal cancer without the prospect of death to end the suffering."

The difficulty is that there is a history to that use of the chemical and its side effects. I have an article that appeared in January 1954 in *The Journal of Bone and Joint Surgery*, which was the official publication of the American Orthopaedic Association and the British Orthopaedic Association, and was printed both in Boston and London. The article is entitled "Arachnoiditis following the use of iodized oil." It starts:

"It is the purpose of this paper to present clinical and experimental data which suggested to us that pantopaque"—

the material that I am talking about—

"and other iodized materials may contribute to severe and disabling arachnoiditis."

An article in *The Lancet* as long ago as 1956 indicated similar problems relating to the chemical.

It is worth noting also that Dr. Burton points out in his paper:

"In Sweden and a number of other countries throughout the world (including the former Soviet Union) . . . on the basis of animal studies or clinical observation",

these substances were

"removed from clinical practice . . . as early as 1948",

yet in this country Myodil was used as standard practice for many decades: from the 1940s to the 1980s. Indeed, Myodil was never refused a product licence of right under the Medicines Act 1968. It was always granted those licences every five years until the late 1980s, when its manufacturer, Glaxo Wellcome, decided for its own reasons to withdraw the product from use.

The difficulty is that Myodil is an extremely unpleasant substance. Glaxo Wellcome issued guidance on its use about 20 years ago, which said that it should not be injected with anything other than a glass syringe because it would melt the rubber or plastic of any other type of syringe. There is evidence of the chemical being spilled on to a laboratory floor and melting the tiles, yet, in this country, the chemical was regularly injected into the spinal column of people as a normal and accepted part of medical practice. That was against a pattern of well-known scientific research throughout the world showing that there were problems with it.

I am delighted to note that, last month, Baroness Jay, who I believe is responsible for these matters in another place, wrote to Mrs. Ursula Coxhead of the Myodil Action Group:

"The Department of Health does recognise the association between the use of Myodil in myelography and the development of arachnoiditis in some patients."

That is a very important statement, because it has taken a long time for the Government—whether Conservative or Labour—to accept any link between the two. She adds:

"Warnings about the possibility of post-myelography arachnoiditis were included in the product information for Myodil many years ago."

That may be true, but those warnings consisted largely of exhortations to medical practitioners to remove the chemical immediately after it had been injected. In many cases—certainly in that of Mrs. Spence—that was not done, but, even where the chemical was removed in some cases, the evidence is that it was not possible to remove it all and that it did sustained and long-term damage.

That is why I and many sufferers of the condition have called for an inquiry. It is clear that there is prima facie evidence of, at best, something dramatically wrong and, at worst, serious and consistent malpractice. It is also clear that there is a division in medical opinion, which the Minister may mention in her reply. I accept that there is not yet a medical consensus on the causes of the condition or its linkage with Myodil, although it is strongly felt by some leading global experts, and the evidence appears to be accumulating.

I was disappointed when the Minister replied to my written question of 5 November last year:

"We have no plans to institute an inquiry into this issue."—[*Official Report*, 12 November 1997; Vol. 300, c. *596*.]

I hope that she will reconsider.

I pay tribute to a Newcastle newspaper that does not cover much of my constituency, but is significant in the north—*The Journal*—which has been running a sustained campaign on the issue. Let me quote briefly from an editorial last month which sets out the case very clearly. It states:

"This is not a small claim for a minor injury. Myodil has ruined lives. It is a case which must come to court, not only to fix compensation for sufferers, but also to throw some light on what happened when Myodil was being used.

This will have to emerge in the courtroom because of the Government's steadfast refusal to hold an inquiry into the circumstances surrounding the drug's use.

This obstructive attitude is unforgivable. Those people enduring the daily agony from the Myodil treatment at least deserve to feel that lessons might be learned from what went wrong. Such an

inquiry might also result in information about the extent of the problem. Health ministers admit they have no idea how many people are suffering from the problem they refuse to investigate."

Let me stress that it is not a partisan issue and that the current Government are taking exactly the same stance as their predecessors. In that respect, they are no worse—or better—than the previous Government. However, some of those concerned about the issue find it sad that, in opposition, the Government took a rather different view. In a press release issued in February 1993, under the heading "Blunkett calls for emergency action on arachnoiditis" the shadow Health Secretary, now the Secretary of State for Education and Employment, referred to

"needless tragedy" and

"the damage caused to innocent people's health"

and the need for

"a clear statement of precisely what action has been taken".

He called for specific steps, including:

"No-fault compensation should be paid . . . A full enquiry should be established . . . All invasive procedures carried out in the course of spinal treatment should be immediately replaced with safer practices such as Magnetic Resonance Imaging."

That is what the then shadow Health Secretary, now a member of the Cabinet, called for in opposition. That is what those suffering from the condition seek from the Government today.

We are considering a chilling chain of incidents. There is scientific evidence, published as long ago as the 1950s, that the chemical has devastating side effects. There is also evidence of concealment within the medical profession. My constituent tells me that in 1994 she obtained medical notes dating as far back as 1973 which demonstrated that two separate doctors and a neurosurgeon diagnosed her as suffering from adhesive arachnoiditis, but she was not told until she obtained those notes that she was suffering from anything other than a variation of arthritis of the spine.

There is evidence that Myodil was a nasty chemical and that a very large and wealthy company has taken a hostile attitude. It takes the view that, as anybody needing a myelography had a back problem, all subsequent problems must have stemmed from that. There is also evidence that, sadly, successive Governments followed the advice of their officials that it would be too difficult to have an inquiry and get to the root of the problem.

I am sure that the Minister will have looked into the matter and that she has in front of her an elegant speech drafted by her hard-working officials—no doubt the same officials who advised previous Governments. After she has read her speech, I ask her not to dismiss the issue from her mind, but to search her heart and consider whether the impulse for justice that brought her and hon. Members representing all parties to the House, and which is the purpose and function of this place, would be best served by having an open, full and public inquiry to establish the medical facts, who knew what when and where blame lies and to address the issue of compensation for people whose lives have been blighted beyond belief. They will never recover, but they may be able to have a little more comfort in their dying years if they receive some compensation.

12.44 pm

The Minister for Public Health (Ms Tessa Jowell): I begin by congratulating the hon. Member for Westmorland and Lonsdale (Mr. Collins) on introducing the debate, on the elegance and eloquence of his speech, and on the care with which he is representing his constituent's interest in the matter.

Let me also make it clear to the House that my brother holds a senior position on the board of Glaxo Wellcome. In the context of my ministerial duties, I do not participate in discussions concerning the pharmaceutical industry. I raised the question of my having any conflict of interest in replying to today's debate with the permanent secretary, who feels there is no conflict of interest, and I have written to the hon. Gentleman accordingly.

The hon. Gentleman is absolutely right to say that arachnoiditis is not a party issue. Members on both sides of the House have constituents who are raising precisely the same concerns as he has raised today on behalf of Mrs. Spence. Many such people afflicted with awful and chronic illness turn their own adversity to the advantage of others by highlighting through their circumstances the broader lessons to be learned. We pay tribute to their efforts.

I assure the hon. Gentleman that I have listened very carefully to the points that he has raised. Let me begin by putting the issue of the treatment of people who suffer from arachnoiditis into its broader context by setting out the Government's proposals for developing, strengthening and rebuilding our national health service that were clearly set out in the White Paper "The new national health service—modern and dependable" which made clear our concern to develop proper support and services for people who suffer long-term, life-limiting conditions and disabilities such as arachnoiditis.

Many people suffer from conditions that will never be completely cured. Therefore, it is important for the health service to ensure that they are properly supported. We shall focus on recuperation and rehabilitation, recognising that the management of chronic pain and other palliative care is an important part of enabling people with such conditions to live as independently and actively as possible. The Government will expect co-operation, not competition, in the planning and delivery of health and social care at local level.

As the hon. Gentleman made clear, co-operation will be crucial in providing the right support for people suffering from conditions such as arachnoiditis. I hope that he accepts that all the action that the Government are taking following the publication of the White Paper and the public health Green Paper make clear our determination to rebuild public confidence in the national health service as a public service accountable to patients, open to the public and shaped by their views and experiences.

It may help if I briefly summarise the issues that the disease raises for the Government. The hon. Gentleman has made very clear the extent to which arachnoiditis is an uncommon and distressing condition, characterised by chronic inflammation and thickening of the arachnoid membrane. That membrane apparently looks like a spider's web—hence its name. It covers and protects the brain and the spinal cord.

It is particularly distressing that arachnoiditis may be a subsequent complication of an earlier injury. It is a progressive condition, for which there is no known cure. It traps nerves as they leave the spinal cord, and at the lower end of the spinal canal; it may cause a great deal of low back, neck and leg pain—and in some cases, this becomes a neurological disability.

[Ms Tessa Jowell]

The sad fact is that a mercifully small number of people are seriously affected by arachnoiditis. We know, as the hon. Gentleman stressed in the case of Mrs. Spence—other hon. Members will testify to the experience of other constituents—that the pain from this condition can cause misery for the individual concerned and for his or her family.

The White Paper sets out our approach to service development in the context of evidence-based service frameworks which will focus much more strongly on the quality of care. That was often neglected by the previous Administration under the internal market. The election of a Labour Government, with our commitment to rebuilding a national health service, marks an important move away from focusing solely on quantity of treatment and towards a much greater preoccupation at every stage with the quality of treatment. Pain management is developing across the country and is supported by an increasing commitment by the professions to evidence-based pain services. Quality is absolutely integral to the effectiveness of those services. I hope that that will be good news for patients.

The National Institute for Clinical Excellence will actively contribute to the development of services across the NHS by co-ordinating programmes to improve clinical standards, by issuing guidance on the clinical and cost-effectiveness of clinical practice, and by supporting clinical audit development work, making sure that quality is measured at every stage of the process.

Effective pain relief, a key component of high-quality care for people with arachnoiditis, will be one of the topics that may in due course form part of the national institute's work. Attention has recently focused on the Audit Commission's report "Anaesthesia Under Examination", which highlighted the need for commissioners and trusts to obtain better data about clinical activity and service standards, so that resources can be matched more closely to need. The Audit Commission has made a number of extremely sensible recommendations for improving the efficiency of pain clinics—recommendations which I am sure managers and professionals throughout the NHS will take on board, because they are evidently of benefit to patients.

As I said, arachnoiditis is caused by injury to the arachnoid membrane. That may result from many causes, such as infection, haemorrhage, trauma, surgery, and the diagnostic procedure known as myelography. Patients with arachnoiditis may have more than one predisposing cause.

Myelography, the cause with which the hon. Gentleman is particularly concerned, is an X-ray of the spinal cord cavity involving a lumbar puncture to inject the contrast agent or dye used into the subarachnoid space. The contrast agent or dye may then be visualised by X-ray. Myelography is used to diagnose serious conditions such as spinal cancer or a prolapsed disc. It is not a procedure used on patients who are otherwise fit and healthy. As with many difficult clinical decisions, the risks of not being able to diagnose what may be a life-threatening illness have to be set against the risks involved in the procedure itself. It is never a clinical decision to be undertaken lightly; it is undertaken only after careful consideration of all the factors involved.

As the hon. Gentleman will be well aware, no clinical intervention is completely free of risk. That is why we look to doctors to use their knowledge, skill and experience to weigh carefully the likely benefits of any procedure, such as an X-ray investigation, against the anticipated risks for the patient. It is also why we support doctors' efforts to maintain those skills. There should also be discussion with patients so that they are aware of any risks that may accompany the treatment.

Mr. Collins: Of course the Minister is right to say that we must place our trust in the medical profession; equally, that profession is subject to public accountability. Will she deal with the case for a public inquiry, which her party supported when in opposition? Now that it is in government, does her party still support the idea?

Ms Jowell: I shall be coming to the case that the hon. Gentleman made for a public inquiry.

In the past, Myodil was linked to the development of post-myelography arachnoiditis in some patients, especially when there were technical difficulties in carrying out the X-ray procedure. Myodil was withdrawn by Glaxo from the market in late 1987 for commercial reasons. Arachnoiditis was a known, if rare, side-effect of Myodil, and the appropriate warnings were given in the product information, with the advice to remove as much of it as possible after the X-ray procedure. The number of patients who suffered from that complication is unfortunately not known.

Myodil is an old product which was available before licensing procedures were in place in the UK. Following the thalidomide tragedy, the Medicines Act 1968 was introduced, and implemented in 1971. Products already available on the market were given a product licence of right and were systematically reviewed by the Committee on Safety of Medicines for safety, quality and efficacy. Myodil was reviewed under those procedures, and a reviewed licence was given early in 1987. It was therefore handled under the normal procedures for the licensing of medicines.

Things have moved on; patients today are much more involved in discussions and subsequent decisions about their care. Like any medicinal products, the contrast dyes used in myelograms come with product information supplied by the manufacturer. All medicinal products are subject to stringent assessment of safety, quality and efficacy before being licensed, and are closely monitored after licensing to detect any previously unrecognised adverse effects or any change in the balance of risks and benefits. This post-marketing assessment of drug safety is known as pharmacovigilance.

Things have also moved on in the area of diagnoses. Today, many patients who require diagnostic procedures of this nature have to undergo a non-invasive magnetic resonance imaging scan instead of myelography. But not all patients are suitable for MRI scanning, so myelography is still an important procedure. For such patients, newer, water-soluble dyes are available and are less likely to be associated with arachnoiditis.

On the hon. Gentleman's call for an inquiry, I reiterate the parliamentary answer that I supplied some months ago: we have no plans to hold an inquiry, and I hope that he understands that it would not be proper for me to comment on matters that may yet become the subject of

legal proceedings. I have, however, asked officials to set up a meeting with the Myodil Action Group. Baroness Jay, who has ministerial responsibility for this matter, has agreed to chair the meeting.

I hope that, having raised this issue in the context of concern for his constituents, the hon. Gentleman accepts the responses that I have given to his questions.

Rookery Footpath, Barrow-on-Soar

12.59 pm

Mr. Andrew Reed (Loughborough): I am grateful for the opportunity to raise the issue of the Rookery footpath in Barrow-on-Soar in my constituency. Once in a generation, a Member of Parliament makes a great speech. Unfortunately, this morning is not the time for that great speech in my parliamentary career. Many issues that arise in our constituencies daily are just as important to local residents as the big issues that we discuss here, and I am humbled to follow the debate initiated by the hon. Member for Westmorland and Lonsdale (Mr. Collins), which dealt with a very important issue.

Hon. Members are driven into politics to discuss the big issues, to sort out major problems and to represent our constituents nationally, but every now and then a small event occurs which dominates one's postbag. This year, instead of receiving Christmas cards from the vast majority of my constituents, my postbag was inundated with 150 letters from the residents of Barrow-on-Soar about the temporary closure of the Rookery footpath in Leicestershire.

The footpath was supposed to be closed for six months, but it became clear from my discussions with local residents, the parish council, the county council and Railtrack that this was a saga: the temporary closure has lasted 12 years. On finding that a footpath is unsafe, the traffic authority—in this case, Leicestershire county council—can take out a temporary closure order under section 14(1) of the Road Traffic Regulation Act 1984, as amended. Whenever such issues arise, hon. Members find themselves looking up pieces of legislation of which we were previously unaware. That Act was never high on my reading list, but since Christmas I have become increasingly aware of its effects.

I wish to explain what has happened in the case of the Rookery footpath. The action that I have taken so far has generated much local interest, and I am sure that it will lead to the footpath being reopened by the end of the year. I hope that this case will serve as a lesson throughout the country. Temporary closure orders that last 12 years or more are unacceptable, and I hope that we can ensure that they are not automatically renewed, as happens currently. When the county council asks for an extension of the temporary closure order later this year, I hope that a condition will be put on the order that the path be reopened.

This issue has generated a great deal of local interest. I congratulate the local press and the work of my constituents, particularly Dr. Earl, a parish councillor who has taken on this issue single-handedly and been a constant pain and threat to the county council.

I wish to declare an interest. Before 1 May last year, I was employed in Leicestershire county council's department of planning and transportation. I dealt with issues that were far removed from this one, as I was in the economic development unit and had no dealings with footpaths, so I cannot be blamed for the fact that the footpath has been closed for the past 11 years. I declare an interest because I know of the hard work and sincerity of all the officers at Leicestershire county council in dealing with this matter since I took it up.

It is always easy for Members of Parliament to criticise public servants for lack of action. When I go through the catalogue of disasters, delays and prevarications, hon.

[Mr. Andrew Reed]

Members will see why some members of the public are right to wonder what has been happening over the past 12 years.

The Rookery footpath is important for a number of reasons. It is a cut-through from Humphrey Perkins school in Barrow-on-Soar to the village where I live, Quorn. It was used by a number of elderly residents, who remember it well, and unfortunately it is still being used by many pupils from the school.

The first order for closure was taken out in June 1986 because a wall adjoining the footpath was deemed unsafe—part of the granite was in danger of falling off, presenting a danger to individuals using the footpath. The footpath cuts through from Cotes road alongside a number of houses and crosses a busy and dangerous midland main line railway track. I use the line regularly, so I have been underneath the bridge and know that trains travel along that track at well over 90 miles an hour. It is important to reopen the footpath as soon as possible for the sake of the pupils and others who are still trying to use it. We all know the consequences of young children trying to cross railway tracks in front of fast-moving trains.

When the footpath was closed on 27 June 1986, it was unclear who owned the wall. Twelve years later, it is still unclear, which is why the footpath has remained closed. The first order was an emergency measure, which was supposed to last for just 14 days. Later that year, an order for a further three months was secured. I have a catalogue of the dates, from 1986 to January 1994, when further orders and the consent of the Secretary of State were secured. The Government office for the east midlands, as it is now known, became so used to extending the order that it did so without being asked. In 1995, the Secretary of State granted an extension to the order without the county council asking for it, so it seems to have become a piece of correspondence that went out regularly and automatically.

Unfortunately, on a couple of occasions the order lapsed by mistake, and the county council has admitted responsibility for that—a new order should have been made early in 1997. We now appear to be back up to date with the temporary closure orders and to be covered until July 1998. I hope that the Secretary of State will then find a way to ensure that work is carried out so that the path can be reopened within a reasonable time.

Mr. David Taylor (North-West Leicestershire): From what has been said so far, it is not clear to me whether the delays have been caused mainly by uncertainty about ownership, by a lack of funds for the repair of the boundary wall or by a lack of political will.

Mr. Reed: I was coming to that. Ultimately, the reason for the delay is the fact that the wall's ownership is in question; but the estimated cost of repairing the relevant part of the footpath is between £30,000 and £60,000. The county council—rightly, I suppose—does not want to be responsible for the repair of the wall and the reopening of the footpath at a possible cost of £60,000 if that proves to be the responsibility of some other body. Given the proximity of the footpath to the railway, it is felt that Railtrack and its former incarnation, British Rail's property arm, must bear some responsibility. The present reason for the continued delay is the fact that the county council is taking advice in order to ascertain the ownership of the wall and hence to establish when the footpath can be reopened.

As I have pointed out to constituents who have written to me, even if the county council is shown to own the wall, local councillors will have to decide how to find the £60,000 that is needed for its repair—and rightly so. If I may put it crudely, £60,000 equates to two teachers, or two or three social workers. It must be recognised that the county council has responsibilities. It has a financial responsibility, but it has another responsibility as well.

I am aware of the interest of my hon. Friend the Member for North-West Leicestershire (Mr. Taylor) in the right to roam and other issues relating to footpaths. I feel strongly that an issue here is the need to ensure that, where footpaths are provided, we make them available to the public. That applies particularly when public safety is involved, as it is in this instance. We rightly criticise farmers and others who cover and close footpaths, but in this case a democratically elected body—a county council—is doing that, entirely legally. I want to draw attention to the prevarication that seems to have taken place—although I am pleased to say that our actions are moving things forward.

Mr. Taylor: My hon. Friend is right to say that I have a direct interest in the matter. There is a similar problem in my, neighbouring, constituency. Has it ever been established, as a result of investigation, whether the repairs could be carried out as part of a community project? That happened in the village of Thringston when I was a district councillor. Admittedly it was a larger project, but it seemed to resolve what had become an impasse.

Mr. Reed: We have not conferred about that, but the answer is yes. Dr. Earl, one of the parish councillors, has suggested that option. The county solicitor has said that the estimated cost of the work—£60,000—is so high because it will be done by hand. I am not sure by what other method the council envisages the wall's repair, but in my constituency—and no doubt that of my hon. Friend the Member for North-West Leicestershire—such repairs have been done before. Similar walls have been repaired in Birstall, where I was a councillor, under Government schemes.

I am sure that today's debate and the action taken by the county council in the last week and a half have produced light at the end of the tunnel. I am convinced that, because of Dr. Earl's work and that of the parish council—and, as I have said, my brief airing of the issue today—more has happened in the past three months than has happened in the past 12 years. I am grateful for that. I know that the county council and Railtrack are now negotiating, and I think that the footpath may be reopened as a result.

I hope, however, that the Minister will be able to say something about the legal aspects of temporary closure orders. An extension requires the consent of the Secretary of State, but there is no limit to the number of extensions for which he can provide. If an order is extended, the local authority need only advertise that. Given the position relating to the footpath—which I am sure is repeated throughout the country—we must ensure that, in future, temporary closure orders are not extended without question.

I hope that, by the time the Minister is able to respond—by producing legislation, or in other ways—the footpath will have been reopened; but I also hope, for the sake of future generations of footpath users, we have gone some way towards dispensing with a ridiculous anomaly.

1.15 pm

The Parliamentary Under-Secretary of State for the Environment, Transport and the Regions (Angela Eagle): I congratulate my hon. Friend the Member for Loughborough (Mr. Reed) on securing the debate.

Leicestershire county council's temporary closure of the Rookery footpath is clearly an important local issue, and I share my hon. Friend's disappointment about the length of time for which it has been closed. However—as my hon. Friend may have realised from my reply to his recent parliamentary question—responsibility for the closure rests squarely on the shoulders of the county council, and the Government's ability to exert influence is limited.

The Secretary of State's role is restricted to considering requests by the county council to extend the life of temporary traffic regulation orders closing the footpath. Such an extension was last granted on 19 February 1996, with an expiry date of 31 July 1996. The county council did not apply for a further extension, and the order lapsed. I understand that the council made a fresh order in February 1997, which was subsequently discovered to be invalid and was replaced with yet another order in January this year. That order will expire in July if it is not extended by the Secretary of State.

In considering a request for extension of the expiry date, the Secretary of State will look for evidence that the views of local users have been taken into account by the authority, but in a case such as this, in which there is a danger to public safety, those views will inevitably be given less weight. Having said that, I must emphasise that the 52 letters received recently by the Government office for the east midlands postdated the Secretary of State's consideration of the council's latest request for an extension.

The retaining wall alongside the footpath has not collapsed during the many years for which the closure has been intermittently in force, but that does not mean that its condition is without risk to the public. If the county council and its engineers have concerns about the safety of the retaining wall, it is right for the Secretary of State to take serious account of them.

There have been complaints about a lack of consultation by the county council. The legislation does not require such consultation to take place—although, given such a prolonged and sensitive closure, the council might well have benefited from explaining its proposals better rather than relying on statutory public notices.

I assure my hon. Friend that extensions to temporary closure orders are never made by Government offices unless requests are made for them to do so. I also assure him that, should the council apply for an extension of the expiry date of the current order, the Secretary of State will take full account of the points that have been made today and in letters from residents. If the Secretary of State decided that an extension should not be granted, the council would be at liberty to introduce a fresh order, but would be obliged to wait for three months before doing so.

I note the calls for the Secretary of State to intervene or to require the holding of a public inquiry, but there is no provision for that in the Road Traffic Regulation Act 1984, as amended by the Road Traffic (Temporary Restrictions) Act 1991. I suspect that my hon. Friend already knows that.

I am alarmed to learn of the risk to children who continue to use the footpath by climbing on the outside of the footbridge over the railway, but I understand that the county council has recently installed more and improved fencing and barriers to prevent such use.

I am pleased to hear that the county council has reopened a section of the footpath north of the railway to enable better access to properties on Cotes road. However, I note that, as the footbridge remains closed, that will not provide schoolchildren with the short cut they want to the south side of the railway.

I share the concern of my hon. Friend and his constituents about the use of temporary orders to close a footpath intermittently for 12 years, but I am encouraged by the fact that the Government office for the east midlands is taking a robust line with the county council. When, in February 1996, the most recent extension of six months was granted, the Government office asked the county council to consider promoting a permanent order, as that would enable objections to be heard and a public inquiry to be held.

I am disappointed that the county council seems to have disregarded that advice, and I express my dissatisfaction at the time that it is taking to resolve the problem and reopen the footpath. It is difficult to see how the delay can be consistent with the general duty on rights-of-way authorities under the Highways Act 1980 to maintain a public right of passage.

I am particularly disappointed at the prolonged closure of the footpath, as it flies in the face of what we want to achieve through an integrated transport policy. The Government recognise the flexibility that the car can bring and the fact that, for many people, the car has become a necessity, but the forecast growth in traffic is clearly unacceptable because of its environmental and economic effects. Forecasts suggest that, unless we change our travel habits, traffic levels will be between 36 per cent. and 57 per cent. higher in 20 years' time than they are now.

It is conceivable that some parents in Barrow-on-Soar are taking their children to school in Quorn by car following the closure of the Rookery footpath. The reduction in our dependence on the car through providing genuine alternatives and promoting walking, for example, is central to our achieving a more sustainable transport system. Consequently, failures to minimise the time during which footpaths are out of service do nothing to help, and much to harm, our collective efforts to bring about the changes that are necessary if we are to modify people's travel habits—we must work hard at that.

We shall set out the national policy framework for integrated transport in the forthcoming White Paper on transport, but delivery will rest with local partnerships. We very much hope that, across the country, schemes will be dealt with rather more effectively than has been the case in the unfortunate example that my hon. Friend has described.

I understand that the county council has now received advice from leading counsel about liability for the repair works to the retaining wall alongside the footpath.

[Angela Eagle]

The council's solicitor is now acting on that advice to ascertain who is liable for the repairs to the wall. I understand that the council hopes to complete those legal inquiries within the next month, after which it will meet Railtrack and the British Rail Property Board to take matters forward. In the meantime, the council's engineers are considering what measures could be implemented to reopen the footpath.

I can only hope that the county council's optimism is rewarded and that a solution is found quickly to the impasse that has resulted in the closure of the Rookery footpath for such an unacceptably long time.

Water Industry

1.22 pm

Mr. Matthew Taylor (Truro and St. Austell): I am delighted to have won the opportunity to debate the water industry in the House today. I thank the Minister for her presence, especially as she has just responded to the previous debate.

This is not the first time that the House has debated the industry. Indeed, I have over the years secured several Adjournment debates on the matter. However, this is the first time that I have been able to do so under a Labour Government, and I believe that the huge concern that the issue throws up justifies the use of the Minister's time.

This is a critical moment for water policy. Water pricing is undergoing its periodic review, and the Government are consulting on water abstraction licences and charging for water. Moreover, the BBC is in the middle of a specially themed water week, on which I congratulate it—I have been interested in the wide range of programmes that have been shown.

The water industry has changed beyond recognition since privatisation. This is not the moment to debate whether the industry should have been privatised—suffice it to say that the Liberal Democrats would not have taken it out of public hands. However, we must now look to the future, not the past.

There is no doubt that issues relating to the water industry are extremely emotive. Problems are all too apparent, and scarcely a day passes without a water story featuring prominently in the national press: fat cat pay-outs; water shortages; huge profits for the water companies; huge increases in bills; and environmental destruction as the search for new water increasingly drains rivers, lakes, wetlands and underground reserves. It is no wonder that people are worried and angry.

Profits across the industry have increased by some 130 per cent. since privatisation—they have more than doubled. Share prices and dividends to shareholders have, unsurprisingly, shot up as a result, despite supposedly tough regulation. To pay for that, water prices for domestic customers in England and Wales have increased on average by 39 per cent. in real terms—in other words, prices have risen by almost half.

In my constituency, and in the rest of the region served by South West Water, the price increase has been much greater—since privatisation, average water bills there have more than doubled. That is because people in the area have been forced to pay an unfair share of the costs of maintaining what is a natural resource. In the south-west, 3 per cent. of the national population are being asked to pay to clean up a third of the national coastline. Local pensioners who rely on the state pension are on average paying more than 10 per cent. of that meagre state pension on bills for which no help is available. Again, it is no wonder that people are angry.

Investment has increased since privatisation. There is no dispute about the fact that there has been necessary investment in water supplies and in environmental protection. However, whereas customers have borne much of the cost of investment, company shareholders have received most of the financial benefits. The Consumers Association concluded that more than 80 per cent. of the water companies' investment has been funded by

increases in domestic consumer bills. That is despite the fact that we were told that privatisation was intended to allow greater access to private funds through borrowing and investment. Indeed, it was argued that privatisation would prevent big increases in customer bills, but that has clearly not happened.

As customers rather than shareholders have taken on most of the costs, it is little wonder that share prices and dividends have rocketed. Only a monopoly could get away with dipping into customers' pockets in such a way; in any other industry, customers would have left in droves. Water customers do not have that choice.

Water companies do not have an entirely positive record on investment either, and I hope that my earlier comments do not suggest otherwise. Perhaps most infamously, Yorkshire Water cut investment in preventing leakages, and left customers without water. Despite increased profits, water companies have largely failed to secure sustainable future water resources, and have not invested adequately in water conservation and distribution. Many of Britain's rivers, lakes, reservoirs and underground reserves have run dry through over-abstraction, which has caused major environmental problems and put at risk some of our best wildlife sites.

All too often, water companies present us with what they claim to be a stark choice—they say that they can stop increasing water bills, but only by scaling back investment in environmental protection. That is far too simplistic, and the water companies have got away with using that argument for far too long.

The regulator has struggled to get a hold on these slippery creatures; they have squealed against tough price regimes, but any so-called tough pricing formulas that have been agreed have led to further share and profit rises. Generally, as soon as the settlements have been announced, the share price has shot up, as the market has recognised that they are not tough at all.

The current review of water company prices will provide a key test. There is a danger that the review will turn into a debate about price cuts versus the environment. However, the review cannot be only about putting money into customers' pockets. It must be about setting water prices—and, perhaps more crucially, water company profits and share prices—at a level that will allow us to make good the environmental damage caused by the water companies in the first place at a cost that customers can afford. The regulator must in future consider a much broader range of issues.

Polling released by the Environment Agency shows that water consumers want environmental improvement to be funded from efficiency gains, and not necessarily price reductions. In fact, 95 per cent. of customers polled would prefer to receive the same water bill if that delivered improved environmental protection.

The water companies and the regulator should take note of that poll, as I am sure that water companies can afford to do much more for the environment. The Government must either make it clear that the regulator has a duty to consider environmental standards as well as prices—which could be effected in the current review of utilities regulation—or tighten environmental standards and make them part of the context in which the regulator has to work. He argues consistently that it is not for him to set standards, but he must recognise the standards that have been set. Let us ensure that the House and Ministers set the standards correctly.

English Nature has identified 80 sites of special scientific interest that need urgent action to protect them from the devastating effects of abstraction and sewage effluent. Almost half have been proposed as internationally important sites. Without action now, damage will be permanent.

The Royal Society for the Protection of Birds has released a list of what it believes are some of the most important of those sites, which I think it has made generally available. The sites range from the Yare broads and marshes in Norfolk to the River Avon in Hampshire and Wiltshire, where there is a decline in salmon stock, a general decline in the quality of the habitat and low flows, which are especially a problem on its tributaries. The list also includes Hewell park lake in Hereford and Worcester, highlighting serious concern about problems arising mainly from over-abstraction.

Other sites identified are the River Eden in Cumbria, Swanbourne lake in Arundel park in west Sussex, the River Kennet in Berkshire and Wiltshire, the River Wye in Gloucestershire, and the River Axe in Devon. The list is far too long to cite fully in the time available.

The status of an SSSI should in theory be enough to protect a site. The designation means that the Government have said that the site's preservation is vital to the UK's biodiversity. Indeed, the definition is that there should be no erosion of the sites—it is not that no erosion would be ideal, but that something less would be all right. In reality, though, an SSSI classification is simply not enough, as we know from the erosion that is taking place.

Worse still, in the most recent guidance to the water industry, the Environment Agency split the sites into two groups: core sites, which are of international importance and protected by European Union legislation—the so-called special areas of conservation—and non-core sites, which are protected by UK legislation. That division implies that the Office of Water Services and the water companies can give lower priority to protecting non-core sites. That split has never appeared in previous guidance, and is a backward step for environmental protection.

There is specific concern about the designation of SACs not being conterminous with SSSIs. I know from discussions with English Nature staff that, at one stage, it was suggested that all SSSIs should simply be nominated as SACs, but the previous Government were reluctant to allow that. In terms of protecting British biodiversity, there is no differentiation between the importance of sites.

The Minister must intervene to insist that money is spent to protect threatened sites. Thousands of millions of pounds are to be invested by the water companies in return for huge profits. The RSPB calculates that just £230 million more would be enough to protect all vital but threatened environments. That investment was always described as necessary—until the new guidelines came out. I hope that the Minister will find a way of getting the Environment Agency to withdraw the guidelines for water companies that differentiate between core and non-core sites. That would be a practical way of fulfilling the often-quoted Labour aim of putting the environment at the heart of Government.

The periodic price review will always be a necessary method of ensuring adequate funding for treating detrimental environmental impact, but that is really treating the symptoms, not the causes, of degradation.

[Mr. Matthew Taylor]

Many environmental problems caused by the water industry involve abstraction in one form or another. A proper system of abstraction licensing would mean that many such problems would not occur in the first place. I know that the Government are undertaking a review of the issue.

The abstraction licensing system is inflexible and economically inefficient, and has resulted in huge environmental damage. It is clearly in need of reform. We must start managing water resources in such a way as to encourage more efficient use of water. That is the only way in which to reduce pressure on our rivers and wetlands. There is no point in spending a fortune putting right what is wrong, if we can avoid it being wrong in the first place.

One reason why the system is so bad is that it is based on what was considered important 30 years ago, when the environment was not under the same pressure, and overall demand for water was very much lower. Consequently, the Environment Agency inherited a backlog of abstraction permissions that have no proper place today.

The system operates on a "first come, first served" basis, and, in addition, many licences have been granted in perpetuity. Many were granted to allow more water to be taken than was required. In some cases, they allow more water to be taken than exists. The agency has to compensate abstractors if it revokes or varies a licence, which can be costly and time-consuming. The net effect is that many licences are effectively cast in stone, and as many as 200 wildlife sites are threatened with legal abstractions.

It is worth pointing out that the abstraction licences system is, furthermore, extremely inefficient economically. Charges are set at a level that recover only the administrative costs of regulating the system. Little attempt is therefore made to reflect the true costs of abstraction, which include enormous environmental damage.

In such circumstances, water is invariably undervalued. Without clear economic signals, those seeking to abstract have little or no incentive to use water effectively, and water is not efficiently allocated between users. Any new system must combine meeting essential water needs while ensuring sufficient water in the natural environment to protect and maintain biodiversity. I should like to suggest a few key elements that should be included in the Government's conclusions.

First, licences of right should be phased out, and existing licences should be required to meet current environmental obligations. That would bring the abstraction licences scheme into line with the system of granting consents to discharge effluent into the water environment, which already builds in a periodic review of consent without compensation, precisely to avoid the problems to which I have referred.

Secondly, the regulatory regime should be expanded to take into consideration abstraction from any form of irrigation, historic abstraction, de-watering operations and abstraction for navigational purposes. Thirdly, applications for new abstractions should include consultation with all interested parties and an assessment of the environmental impact of the proposal and the need for water. All licences should be clearly time-limited. Fourthly, I should like incentive charging in order to encourage efficiency in the use and allocation of water. Revenue from incentive charging should be directed into projects of environmental benefit.

All those measures would be fairly easy to introduce—if the political will is there. I believe that Ministers want to take action. That will is far more likely to be apparent if the Government also have the will to reform the way in which everything is paid for. Water bills are likely to fall under the price review; the regulator has already made that clear. However, huge regional differentials in domestic bills are likely to remain, because each region will face different challenges in coming years. Unreasonable costs should not be imposed on regions with high infrastructure costs and major environmental challenges. If that were so, people would simply increasingly rebel against necessary environmental measures.

I have already mentioned the problems faced by the people in the South West Water region—but problems do not occur there alone. Customers of North West Water, and those served by Wessex Water and Yorkshire Water, will face particularly high costs of meeting the urban waste water directive. Lead will be a major concern in the north-west, and nitrates will have an impact on areas such as that covered by Anglian water. As time goes by, differential environmental impacts will hit customers very unfairly in some parts of the country, under a bills system that does not allow them any help.

The cost of cleaning up such regional problems will fall almost exclusively on local consumers, so the first change I advocate is the establishment of a new independent water services trust, funded by a 2 per cent. levy on excessive continuing water company profits, which would help to reduce unfair differences in water charges. It should be used to subsidise water projects of national environmental importance, and to encourage more efficient use of water.

Secondly, all customer bills could be cut if the industry relied more on long-term financing and less on customer price rises. There must be a requirement to fund more investment from borrowing and equity raising, rather than by dipping into customers' pockets through endless price increases. I agree with the regulator that excessive profits must be returned more quickly to customers. None of that will help share prices, but we should not be worried about that: shareholders have made a fortune.

The water rates system is unfair and out of date. Valuations date back to the 1970s, and there is no help for those on low incomes and no discount for those living alone. As a first step, moving to the council tax banding system would be far fairer.

For too long, environmental concerns have been seen as expendable—something that we can put aside while we concentrate on bringing down water bills. That does not have to be so. The recent Environment Committee report on sewage treatment, which I hope the Minister has seen, reached exactly the conclusion that ever-rising share prices of water companies prove that more could be done without increasing bills. My proposals would ensure both fairer prices and a cleaner environment.

The Conservative privatisation of water has failed to deliver. People look to Labour to do better. I hope that the Minister can brighten the proceedings at the end of our Adjournment debates this morning with some good news.

1.39 pm

The Parliamentary Under-Secretary of State for the Environment, Transport and the Regions (Angela Eagle): I congratulate the hon. Member for Truro and St. Austell (Mr. Taylor) on securing this wide-ranging debate, even if we have only a short time for it; clearly, we cannot begin to do justice in the time available to the many complex issues that he has raised, but I welcome the opportunity to respond.

At the water summit last year, my right hon. Friend the Deputy Prime Minister made it clear that we want a world-class, water-efficient and environmentally sustainable water industry. We should recognise that water is a necessity of life, and that that marks it out from any other commodity. We must take into account the need to give special attention to vulnerable households and the less well-off in our policy making.

I note and agree with many of the hon. Gentleman's points about privatisation, but I hope that he recognises that, as a new Government, we must work with what we have inherited from the previous Administration.

In the 1990s, there has been a sustained improvement in river quality, with a net upgrading of more than 25 per cent. of the total monitored length of rivers and canals in England and Wales; but we want improvements in quality to continue. A regulatory approach to prevent pollution or to enforce controls will often be needed, but there is a mix of measures that may also be relevant. We must get the best mix to realise our aims, be they regulatory, voluntary or economic.

We said last year that we want to explore water pollution charging. We issued a consultation paper in November on economic instruments for water pollution that sought views on a range of possible instruments, and set out in some detail a series of issues relevant to whether instruments could in practice be designed and could operate successfully. As my right hon. Friend the Chancellor said in his Budget statement, we are continuing that exploratory work.

The potential advantages of economic instruments are considerable, in that they can encourage more cost-effective improvements in water quality objectives as well as giving greater effect to the "polluter pays" principle; but to judge whether those advantages can be realised in practice, and what the wider consequences of a change would be, requires consideration of a set of complex issues.

Indeed, an acceptance that this is a difficult area is one matter on which responses to our discussion paper were consistent across the board. To provide answers to those questions requires considerable detailed work, and that work is continuing.

The periodic review of water company price limits for the period 2000-05 is already well under way. Indeed, the hon. Gentleman referred to it several times. As I said, water is not only a commodity but an essential for life, and it raises issues of public health. Water charges should be fair and affordable, particularly for the most vulnerable.

I am aware that the variation in charges to customers by water companies is a long-established concern, especially in the south-west.

Mr. Paul Tyler (North Cornwall): The Minister will appreciate that there are five Liberal Democrat Members from the south-west present, and that, although my hon. Friend the Member for Truro and St. Austell (Mr. Taylor) referred to the national situation, there is a marked discrepancy between areas in the impact on households of water charges.

Under the previous regime, we were constantly told that the privatisation of the water companies had restricted their possibilities of obtaining European Union funding for major infrastructure projects, including the clean-up of beaches in the south-west. Is there likely to be a renewed attempt under the Labour Government to obtain outside grant support to cushion the impact of major infrastructure improvements?

Angela Eagle: That is a technical question, requiring a detailed knowledge of European Union funding regimes. As I had no notice of it, I shall write to the hon. Gentleman, so that I can give him an accurate answer.

The current water charges are largely shaped by the present system of economic regulatory control. We are reviewing the underlying system of utility regulation. The review has been considering the structure of utility regulation across all the main privatised utilities, with a view to establishing a system of regulation that is seen as fair by all, but particularly by the consumer. Consumers have long seen the regulatory system as favouring the companies, and we want to redress that balance.

In examining water prices, Ministers will consider the level not only nationally but in terms of differences between companies. The Director General of Water Services will seek guidance from the Secretary of State on broad priorities, in the form of an open letter to the Deputy Prime Minister at the end of April. We hope that the accompanying material will give an idea of how specific issues bear on individual companies, as well as the broad national picture.

In the south-west, for example, we might expect the protection of coastal waters to continue to be an important, perhaps the paramount, issue, even allowing for the major investments that are being made in the current price period.

In considering what guidance to give the director general about broad priorities at national level, we shall certainly consider the implications for individual companies, not least in terms of the effect on water bills. Some of the ideas of the hon. Member for Truro and St. Austell would have implications for bills, but I shall come to that later. Higher-quality water has to be paid for by somebody, and we must get the right balance of who should take the hit.

The process will be followed up in the autumn by more detailed work to assess the financial implications for individual companies. The Deputy Prime Minister's guidance will be drawn up after he has invited public consultation on the director general's letter. We hope that as many people as possible will make their views known, because water prices and the way in which the money is spent are clearly issues for lively debate. We want to know what people think.

The companies are consulting their customers, my Department has commissioned independent research into customer preferences for environmental improvements, and the Environment Agency is conducting its own research through its regional advisory committees. We hope that those processes will provide a valuable input to the debate, and let us judge where people's priorities lie.

[Angela Eagle]

In the current periodic review of water prices, we shall consider the prices not only at national level but as they differ between companies. I hope that that provides some reassurances to hon. Members.

As we get further into the review, I am conscious that the environmental agenda is uppermost in many people's minds. Last autumn, my Department was involved in the process of identifying possible future obligations on water companies for investment to improve environmental quality. Companies were asked to cost those obligations on the basis of detailed guidelines issued by the Environment Agency.

The hon. Gentleman asked whether I could get the Environment Agency to withdraw the core and non-core guidelines that he was worried about. I can reassure him that those are a device to help with data gathering, and have no implications for lesser or greater protection of special sites, be they identified under European legislation or under our own. There is no need to withdraw them, because they are not as meaningful as he seems to think.

Mr. Matthew Taylor: That comment is extremely helpful. I know that most of those concerned will read the debate and accept what the Minister says, but it would be helpful if she could write to me to clarify that position and put it formally on the record.

Angela Eagle: I am happy to do that, but I hope that my assurance is worth the same whether it is given in the House or in a letter.

There are very real concerns about the need to protect all sites of special scientific interest. The Environment Agency guidelines asked water companies to cost the protection of any site of special scientific interest that was on the priority lists drawn up by English Nature and the Countryside Council for Wales and was affected by discharges from sewage treatment works or by water abstraction in the vicinity. It was especially important to distinguish the sites that are also special areas of conservation or special protection areas.

There is an important role for the conservation agencies in advising the regulators and the companies themselves on what needs to be done to protect the sites. It is vital that conservation objectives are properly established. Those objectives need to identify the habitats, plants and animals whose favourable conservation status is significantly influenced by water quality.

The conservation agencies will also need to identify the nature of the link between the water quality of the site and the conservation objectives. That is important because, if we are to ask water companies to make substantial investments to provide extra treatment, or to pay for it, we need to be as sure as we can that the treatment provided will be effective in providing the protection that such sites need.

There has been some debate about the nature of the legal responsibility placed on water companies, the Director General of Water Services and Ministers in relation to the protection of sites of special scientific interest. My officials are considering that. We are considering particularly the points made by English Nature and the Royal Society for the Protection of Birds.

In a sense, however, that is not the real issue. Protection of SSSIs is a key matter to which we must give serious consideration as part of the environmental agenda in the periodic review. However, it is only fair to point out that the Government are likely to have to make some difficult decisions to balance legitimate aspirations for environmental improvements against acceptable water bills for customers. Coming from the south-west, the Liberal Members who are here know that only too well. We must take a sensible view of how much can be done now, and how much we can plan for the future. To do that, we need clear objectives and a demonstrable expectation that the action we contemplate will prove beneficial in protecting these precious environments.

Protecting SSSIs and the environment in general is a continuing task. The pressures and responses do not come and go with each periodic review. Moreover, they change in nature over time. In future, a major pressure is likely to come from climate change and its impacts on water resources and water environment. Just as pressures on the water environment have changed and are likely to change further, it is necessary that the legal and administrative arrangements governing abstraction from it are sufficiently flexible to allow an appropriate response.

That is why we launched, as part of our water summit 10-point plan, a review of the water abstraction licensing system. The hon. Member for Truro and St. Austell had much to say about abstraction. The system was put in place in the early 1960s. Although it placed a framework of controls on abstraction, it was fettered from the start by what was perceived as the need to give all the abstractions that then existed what was called a licence of right, regardless of the effect that they were having on the environment. Much as we might wish that that had not been done, the fact is that it was.

Not only those licences but most licences for new abstractions granted since, right up to the present, were granted until revoked. Granting an abstraction licence without a time limit allows no account to be taken of our improved understanding of how the water environment works or of climate change effects on the availability of water for abstraction. It hampers redistribution of that resource among other abstractors who may be able use it more wisely, and encourages the notion that the water belongs to the abstractor, even though that has never been the legal position.

We are having to consider that aspect of the licensing system very carefully. The solutions of the hon. Member for Truro and St. Austell sounded simple and logical. If they were legally possible, I would be much happier. We are trying to be as creative as we can, but we are having to take careful legal advice about the implications of changing the abstraction system. We will produce the result of the review when in a position to do so. His seemingly logical solutions are not always deliverable without considerable costs in compensation, which are likely to be legally unavoidable.

We recognise that abstractions under a small proportion of existing licences are damaging sites specifically protected under the European Union habitats and birds directive or by designation as an SSSI. We have found that voluntary variation or revocation by the licence holder cannot be negotiated. If there is no negotiation, the Environment Agency should use its existing powers, on a clearly prioritised basis and on grounds that will stand the scrutiny of public inquiry, to vary or revoke the

offending licences. Unfortunately, in those circumstances, the agency must be prepared to pay compensation where necessary. That is the legal position.

We are addressing compensation arrangements in the short and longer term as part of the review. We expect abstractors to behave responsibly towards the environment, and to seek voluntary solutions wherever possible. We expect such proposals to come forward in the water companies' periodic review submissions.

Since taking office, we have encouraged a new spirit of co-operation between the Government and the water companies, based on firm regulation and the changing nature of regulation. My right hon. Friend the Deputy Prime Minister's water summit marked the beginning of that. We recognise the positive way in which the companies have responded to the challenges set them. They have not just opposed us all down the line: they have co-operated, for which we are grateful. We recognise, as do they, that there is further to go. I hope that the hon. Member for Truro and St. Austell also recognises it, given the number of reviews and the system that we inherited.

With the Government's firm encouragement, we are confident that the water companies will achieve the level of care for all their customers and for the environment that is our vision, taking into account the elements of social justice and fairness that are so important in considering what, after all, is a necessity of life, not simply a commodity.

It being before Two o'clock, the motion for the Adjournment of the House lapsed, without Question put.

Sitting suspended, pursuant to Standing Order No. 10 (Wednesday sittings), till half-past Two o'clock.

Oral Answers to Questions

INTERNATIONAL DEVELOPMENT

The Secretary of State was asked—

Sierra Leone

1. **Mr. Savidge:** What plans she has to provide assistance to Sierra Leone. [34626]

The Secretary of State for International Development (Clare Short): In the last two weeks, we have provided £1 million to the International Committee of the Red Cross for humanitarian and protection work in Sierra Leone.

The Foreign Office has provided substantial funds for peacekeeping. We have also funded £1 million of emergency equipment and technical advice to help President Kabbah's Government become operational as quickly as possible. We will continue to play a full and active part to support the restoration of democracy and help rebuild the shattered economy.

Mr. Savidge: The House will unite in congratulating Her Majesty's Government on acting so swiftly and effectively. What are the Government's plans to provide continuing, long-term assistance to Sierra Leone as it emerges from its dreadful nightmare, and to involve other countries and international agencies in that process?

Clare Short: Britain has historical responsibilities in Sierra Leone, and it was only right that we did everything we could to restore democracy. The fighting has not finished everywhere, and we must be ready to move in quickly with food and medicines to help the Government restore their competence throughout the country. We must particularly help to get seeds and tools into the hands of people so that they can grow their own food. We are talking to the World bank and other donors to make sure we act together.

Sir Alastair Goodlad: Will the Secretary of State join me in congratulating the commanding officer and ship's company of HMS Cornwall on their work in bringing relief to the people of Sierra Leone during the recent troubles? Does she agree that conflict is a serious cause of poverty, and that the work of the Royal Navy and the other armed services has been vital in the humanitarian relief efforts, not only in Sierra Leone, but in other parts of the world? Can she assure the House that those efforts will not be vitiated in future by the outcome of the current defence review?

Clare Short: It was fortunate that HMS Cornwall was in the vicinity and was able to bring in supplies and assistance to Sierra Leone to bolster the returning Government. We were able to use Ministry of Defence helicopters cheaply, because the MoD charged only marginal costs to quickly provide food and supplies to people who otherwise would be in difficulty.

I agree very much that, in the post-cold-war world, war is more a feature of poorer countries and is more likely to break out within poor countries. It is caused by poverty and, in turn, it exacerbates poverty. The strategic defence review must take account of that change, and we must have the capacity to intervene rapidly to serve the UN, where necessary, and to learn the lessons of our dreadful failure in Rwanda. The right hon. Gentleman can be satisfied that the defence review will take account of all these changes and the need for our armed forces to continue to make a contribution.

Mr. Simon Hughes: Does the Secretary of State accept that in addition to the excellent work done so far, some of the needs include making sure that the areas out of the capital become peaceful and stable as soon as possible, and we may be able to help there; that the external borders are secured, so there can be a sense of security within which people can rebuild; and that rebuilding of key buildings and plant is done quickly so that the system can get up and running, and the Parliament—which, I gather, met yesterday—can begin to do its work properly in conjunction with the President?

Clare Short: I know of the hon. Gentleman's long-standing interest, and that of his constituents, in the situation in Sierra Leone. I agree with him. As I said, fighting is not finished everywhere, and we must bring assistance—food and medicines—as rapidly as we can to bring a return to normality. We must get the seed and the capacity to grow their own food into the hands of the people of Sierra Leone, as well as work hard—as we are doing—to get the capacity of the Government up and running, so that the people of Sierra Leone can take charge of their own country and its future. We have to learn from past failure about the demobilisation of those who have been involved in fighting and ensure proper management and civilian accountability of the armed forces, so that there is never again a coup that destroys democracy and does as much harm as has been done to the people of Sierra Leone.

Education Projects

2. **Mr. Pike:** If she will make a statement on her Department's expenditure in 1998–99 on education-related projects. [34627]

The Parliamentary Under-Secretary of State for International Development (Mr. George Foulkes): We expect our Department's expenditure on education projects in 1998–99 to be more than £100 million, which will be directed to achieving the key international targets of universal primary education by 2015 and gender equity in primary and secondary education by 2005. We shall spend more on education as new programmes are agreed with our partners.

Mr. Pike: My hon. Friend will know that in South Africa the system of education inherited from the apartheid system has left major problems. Bodies such as the Canon Collins Educational Trust for Southern Africa have pointed out the problems in that country. What discussions are being held with South Africa to try to ensure that all the people of South Africa have the best possible opportunity for education, so that the pace of progress can be speeded up in that country?

Mr. Foulkes: I am grateful to my hon. Friend for his question. I visited South Africa last year and had some

discussions about the matter. I am pleased to say that South Africa, along with Pakistan, Malawi, Kenya and India, have had new basic education projects approved by the new Labour Government, amounting to £100 million in the last year. We are now developing projects in Bangladesh, Ethiopia, Ghana, Tanzania and Uganda, because we believe that primary education is one of the best means of enabling poor people to climb out of poverty and have better health and better lives.

White Paper

3. **Mr. Gray:** What representations she has received from non-governmental organisations about the White Paper on International Development. [34628]

Clare Short: NGOs have warmly welcomed the Government's White Paper on international development, particularly our commitment to the international poverty eradication strategy.

Mr. Gray: Of the 148 clauses in the White Paper, only two deal with the voluntary sector. The Secretary of State describes the NGOs' welcome as warm, but how does she reconcile that with the comments of Save the Children, which described its treatment as

"perfunctory, incomplete, and a little confusing"?

Is it not the case that her disregard of the NGOs in the White Paper is indicative of a longer-term intention to use national Governments to deliver aid, rather than NGOs?

Clare Short: I think that, if the hon. Gentleman talks to the more thoughtful NGOs, he will find that they would say—*[Interruption.]* The hon. Gentleman should allow me to answer his question, instead of hectoring before I have replied. He will find that they would say that the White Paper concedes lots of what they have been demanding for a long time, which requires change of everyone. When one has been battering on a door that was closed and it then opens—the Government are more sympathetic and proactive in the field of development and are anxious to work with other Governments where they are keen to do so, because in that way it is possible to achieve much more in terms of the universal provision of basic health care, education and so on—there has to be an adjustment in the role of NGOs.

The welcome for the White Paper has been very strong among NGOs. There has been some carping on the sidelines such as the hon. Gentleman tries to put forward, but not from Save the Children as an organisation. The hon. Gentleman may try to find one mischievous quote—

Mr. Gray *indicated dissent.*

Clare Short: The hon. Gentleman does not have to act out his part—I heard what he said previously. If he listens to the reply, he might learn something—*[Interruption.]*

Madam Speaker: Order. The hon. Gentleman has had an opportunity to put his question, and he should listen to the answer.

Clare Short: Thank you, Madam Speaker.

As I said, the NGOs are all, in turn, rethinking their role in terms of working with a Government who have a stronger commitment to international development and who are seeking to work with other Governments with a stronger commitment. There is still a very powerful role for NGOs, but it is a changed role in changed circumstances.

Ann Clwyd: Although the White Paper's focus on eradicating poverty is very welcome, will my right hon. Friend pay special attention to Rwanda? The Select Committee on International Development has just returned from a visit to that country, which I know she has visited. It is the third poorest country in the world, fighting to recover from genocide, fighting to rebuild its education and health service; yet, with a crippling debt around its neck, it is impossible for Rwanda to survive and pay back that debt. Will my right hon. Friend give it very special attention?

Clare Short: I agree very much with my hon. Friend that the situation that confronts the Government and people of Rwanda is intolerable, and I have a lot of admiration and respect for what they are trying to do. They are recovering from genocide after the international community let them down badly and breached our agreements in international treaties always to intervene to prevent genocide.

Rwanda is a desperately poor country. It has very many people in prison, accused of genocide, and a large number of people trying to survive genocide. A million people have returned. The country has a high debt burden, and yet the Government of Rwanda are determined to make progress. We are committed to doing everything we can to work with the Government of Rwanda to achieve reconciliation, to rebuild the economy and to help with debt. It is not easy, but we are determined to do all that we can.

Dr. Tonge: Also in the context of the White Paper, and Rwanda in particular, have the Government any plans to bring pressure to bear on the European Union to help with the judicial process in Rwanda? Following the genocide, there are so many prisoners in Rwanda who need to be tried and dealt with.

Although the White Paper focuses largely on primary education for all, will the Secretary of State also consider helping with university and higher education in Rwanda, because so many skilled and educated people were lost in the genocide?

Clare Short: The question regarding the criminal justice system in Rwanda is not just a resource question, but a question of trying to build systems and promote speedier trials in a highly traumatised country, but the hon. Lady is right. I visited Kigali prison, which is absolutely full of people accused of horrendous crimes. There must be a system to speed up trials. Then, in the case of some of the more trivial offenders, it may be possible to promote truth and reconciliation, in a style similar to that adopted in South Africa. We have offered help to the Government of Rwanda, and I believe that they are ready to move soon.

On higher education, in Rwanda and elsewhere, we are reviewing all our scholarships and other support programmes to focus on the essential skills needed to

build the capacity of poor countries to take control of their own future. Universal primary education is the key to the progress of a whole generation. Next, one should consider the high-level skills that are needed to give a country the capacity to make progress. It is not enough to put a sprinkling of resources into higher education in a way that promotes the interests of an elite, and does not promote development in the country.

Mr. Bayley: Does my right hon. Friend agree that NGOs based in developing countries provide a terribly important way of delivering aid to the poorest people? Has she been seeking feedback on her White Paper from NGOs abroad?

Clare Short: I agree with my hon. Friend that NGOs in the South need strengthening. They are part of the democratic capacity and governance capacity of a country, and we need to devote more support and effort to strengthening them. I continue to believe that, on universal public services such as education and health care, it is best if there is a willing Government with NGOs supporting, criticising and demanding quality services, because then one gets universality. However, there is a case for NGOs, as part of civil society, to stand up for the poor and for quality of services, and one must look to NGOs to provide services where Governments are unwilling. It is less good, but it is the way to go. Strengthening southern NGOs is a major objective of our policy.

Mr. Faber: I listened carefully to the right hon. Lady's reply to my hon. Friend the Member for North Wiltshire (Mr. Gray). She must accept that the criticism by renowned organisations such as Christian Aid and Save the Children is more than carping. Even the Select Committee felt that the role of NGOs had been dealt with too briefly in the report.

If the right hon. Lady is keen to accentuate the positive and turn to what is good in her relationship with NGOs, as I am sure she is, can she tell us about the progress of the consultation process that she promised in her Department's reply to the Select Committee report? When does she intend to publish a more detailed response on the role of NGOs?

Clare Short: Up until today, Question Time on this subject has been genuine, but today there is clearly a theme to the questions. Hon. Members are trying to pretend that there is a conflict between the Government and NGOs in the field of development. That is an untruth. I am sure that, if the hon. Gentleman met some of the NGOs as often as I do, he would know that it was an untruth.

It is true that the step change that is reflected in the White Paper requires a change of strategy for British NGOs. They are engaged in much detailed thinking, and some of them have spoken to me about their change of role, arising from the fact that the Government are making a much more active and determined effort to promote international development. The consultation with NGOs about this change, which comes out of the more informal discussions that we have had and which I announced at Question Time a month ago, will start shortly.

Literacy (Developing Countries)

4. **Mr. Boswell:** What steps she is taking to encourage literacy in developing countries. [34629]

Clare Short: As our White Paper makes clear, we are strongly committed to the international target of achieving universal primary education in all countries by 2015. We see this as the most important step in increasing literacy worldwide. We are funding a large number of substantive primary education projects in Africa and Asia, all of which will contribute to the eradication of illiteracy. We also support adult basic education in many of our programmes.

Mr. Boswell: I thank the Secretary of State for her answer, and acknowledge that that is essentially a job to be carried out by nationals of the countries concerned. Will she acknowledge that universal literacy is the absolute basis of all economic and social progress? In particular, will she have regard to the fact that there is a marked gender imbalance in a number of developing countries, and that mothers are the best first educators of their own children?

Clare Short: The hon. Gentleman is right. A newly published paper from the World bank looks at what we must do to achieve the international poverty eradication targets throughout the world, especially in sub-Saharan Africa, where there are such high proportions of very poor and illiterate people. The finding is that the education of a generation of children, including the girls, who tend to be excluded in poor countries, is the biggest indicator of development. When that generation grows up, those girls as mothers and income earners transform the lives of the next generation. They are more able to earn a living, they are more likely to control their fertility and their own children are more likely to be educated. If there is one single indicator of development, education of all children, including girls, is it.

Mrs. Fyfe: I am sure that there is unanimity throughout the House about my right hon. Friend's last comments. Has she considered how to overcome the difficulty in countries such as Afghanistan, where the ruling authorities are opposed to literacy for girls and women?

Clare Short: My hon. Friend is right. It is universally recognised—it is not a matter of taste or preference—that there cannot be development unless women are empowered and girls are educated. That is a precondition of development. All agencies and donors throughout the world, including all United Nations agencies, are desperately worried about the situation in Afghanistan, which not only holds back development, but is a breach of the fundamental human rights of women and the universal declaration of human rights. There is an agreement across all the major agencies that we cannot and will not provide support and help in the Taliban-controlled areas of Afghanistan unless equal provision is made for girls and women.

Mr. Wells: Does the right hon. Lady agree that the single most important need in Jamaica is to reduce the level of illiteracy, which for many years has been

running at 50 per cent.? Would she support through the aid programme the introduction of compulsory primary education to reduce illiteracy in Jamaica?

Clare Short: The hon. Gentleman raises an interesting question. On the statistics, Jamaica and the Caribbean have virtually universal primary education, I believe, but there is a high drop-out rate and a serious quality problem. In the past my Department has been engaged in trying to improve the quality of secondary education in Jamaica. I have just been considering the matter. We know in my own city of Birmingham that it is better to pick up a child who is slipping back at primary level than to try to put things right at secondary level. I share the hon. Gentleman's analysis and am looking into the question now.

Strategic Defence Review

5. **Ms Church:** What discussions her Department has had regarding the strategic defence review; and if she will make a statement. [34630]

Clare Short: My Department is engaged in the defence review process. I have recently given evidence to the Defence Select Committee, and have had useful and interesting meetings with my right hon. Friend the Secretary of State for Defence and the Chief of the Defence Staff to discuss the review.

Ms Church: I know that the Secretary of State shares my view that ridding the world of the scourge of land mines will be a crucial contribution to international development objectives. Does she agree that those objectives will be best achieved if there is a co-ordinated strategy with other Departments? Will she pursue that matter with other Ministers?

Clare Short: My hon. Friend knows that we are doing all we can in that area. We are increasing our efforts to support land mine clearance and to strengthen the capacity of countries with many land mines to do their own clearance work so that we may speed up the process. My hon. Friend is correct: the post-cold-war world is different, and so is the challenge to our armed forces. As I said earlier, the risk of war is more prevalent in poor countries, the victims are increasingly civilians and there are more refugees than ever before. The room for more collaboration between the Ministry of Defence, my Department and the Foreign Office to try to prevent and resolve conflict is very great in the current historic circumstances.

Mr. Blunt: This morning the Defence Select Committee took evidence from Saferworld, among other bodies, as part of its inquiry into the strategic defence review. That organisation mentioned Pakistan, which is the recipient of one of the United Kingdom's largest bilateral aid programmes. It pointed out that Pakistan spends 25 per cent. more on military expenditure than on health and education combined. Pakistan has a missile programme and is developing weapons of mass destruction. It is also suspected of supporting terrorism in other countries. Will the Secretary of State review her policy of granting to Pakistan one of our largest bilateral aid programmes?

Clare Short: I share the hon. Gentleman's concern about Pakistan. He has tabled written questions about that country and the Government's strategy in that regard. Both India and Pakistan are nuclear-capable, have high defence spending and high levels of poverty. They are in unresolved serious conflict over Kashmir, and the situation is a danger to the people of India and Pakistan, and indeed the people of the world. We must see how we can engage most positively in order to promote development, encourage a reduction in defence spending and remove the causes of conflict.

I am certain that it would not be right simply to disengage before we have tried everything else. When a country spends too much on defence and has high levels of poverty there is much suffering and many causes of instability. However, I agree with the hon. Gentleman that we cannot keep supporting the Government of Pakistan if they continue to spend disproportionately on defence.

Mr. Hoyle: In the context of the defence strategic review and the discussions that are taking place, will my right hon. Friend consider abandoning the joint funding of retraining for Russian officers, as Russia is not a third-world country and because that would be a major financial saving to her Department?

Clare Short: I am happy to inform my hon. Friend that my Department does not fund the retraining of Russian military officers. However, I shall ensure that his suggestion is passed to the appropriate Department.

Interestingly, my Department has been very unwilling to engage in military restructuring in the past. We have never gone further than demobilisation, because we obviously do not wish to become involved in the organisation of armed forces. However, we believe that that might have been a mistake in the case of Sierra Leone. Perhaps, if we had done more to make the armed forces in that country accountable to the civilian power, the last coup would have been avoided. We are examining our work in that area, but we shall not go as far as training Russian military officers.

China

6. **Mrs. Ann Winterton:** What steps she is taking to prevent funds from her Department supporting coercive abortion in China. [34631]

Clare Short: No funds from my Department support coercive abortion in China now or under the previous Administration. I am very surprised and disappointed that organisations and individuals who claim to have high standards of integrity continue to propagate this untruth. All our funding for reproductive health is contingent on respect for the principles of free and informed choice upheld at the international conference on population and development in Cairo in 1994. The work that my Department supports in China has the purpose of reducing the number of coercive abortions and giving Chinese people the freedom to control their own fertility.

Mrs. Winterton: Will the Secretary of State raise the issue of forced abortions in China with the United Nations Commission on Human Rights? Will she explain to a sceptical public how using United Kingdom taxpayers' money to fund such repugnant practices through the United Nations Fund for Population Activities is consistent with an ethical foreign policy?

Clare Short: Anyone who is serious knows that money given to the UNFPA by the Government and by the

previous Government does not subsidise coercive abortion in any way. On the contrary; it is used to end those abusive practices and to give the people of China control over their own fertility. It is deeply unfortunate that hon. Members propagate untruths.

Afghanistan

7. **Ms Roseanna Cunningham:** When she last met aid agencies to discuss the situation in Afghanistan. [34632]

Mr. Foulkes: My right hon. Friend the Secretary of State has not received a request from aid agencies to hold a meeting on Afghanistan specifically. However, officials are in regular contact with organisations providing assistance there, and they keep Ministers informed. My right hon. Friend and I have also discussed the situation in Afghanistan with Emma Bonino, the European Commissioner responsible for assistance in Afghanistan.

Ms Cunningham: The Secretary of State mentioned literacy. A recent written answer states that 17 British-based aid agencies working in Afghanistan are funded by the Department. What steps have been taken to ensure that aid is delivered non-discriminatorily, especially health and education aid? Given the outrageous plight of women in Afghanistan, they are virtually without a voice.

Mr. Foulkes: My right hon. Friend was a prominent supporter on international women's day of the campaign for the women of Kabul. The hon. Member for North Wiltshire (Mr. Gray) may like to know that we recently announced £7.5 million for UN agencies, for the Red Cross and for non-governmental organisations working in Afghanistan. Next month, I shall chair a meeting of the Afghan donors group, which will consider what further action could be taken. I shall bear in mind the points made by the hon. Lady.

Sudan

8. **Rev. Martin Smyth:** What representations she has made to the Government of Sudan on obstacles to non-governmental aid programmes. [34633]

Mr. Foulkes: We take every opportunity to press the Government of Sudan on the need for non-governmental organisations and other humanitarian agencies to have full access to vulnerable people. The United Nations, acting on behalf of all donors involved in the international relief effort in Sudan, exerts similar pressure.

Rev. Martin Smyth: Although I welcome the Minister's answer, does he agree that aid has not always reached its destination at the right time, and that some has been blocked, which causes great hardship? Does he also agree that, in other spheres of life, that would be called misappropriation or even stealing?

Mr. Foulkes: We now channel our aid through a number of organisations in which the hon. Member for North Wiltshire might be interested—Oxfam, CARE, the Red Cross and Save the Children. They are effective in getting aid to the poorest and most vulnerable people. We applied pressure about the stopping of flights to the south, and I am glad that they have been reinstated, which will help to get aid to people who face the severest threat.

Mr. Flynn: Hon. Members owe members of the Select Committee a great debt of gratitude for visiting Rwanda. Is it not extraordinary that, despite extraordinary carnage, there have been fewer deaths there than in Sudan over a slightly longer period? Should not we and the non-governmental organisations redouble our efforts to assist the two halves of Sudan, where murder and slavery exist, and every kind of atrocity takes place?

Mr. Foulkes: I assure my hon. Friend that we are doing everything possible to find a political solution. We support regional efforts to find a lasting solution to the conflict through the Intergovernment Authority on Drought and Development. The lives of the poor people who are suffering will be improved only when such a lasting solution is found.

Palestine National Authority

9. **Mr. Burden:** If she will make a statement on the Marin memorandum and EU aid to the Palestine National Authority. [34634]

Clare Short: The European Community aid programme for the Palestinians is due to expire in December 1998. It has helped the peace process survive under very difficult circumstances. We fully support the Council conclusions calling for renewal of this assistance, and shall be seeking to ensure that lessons learned about quality and effectiveness in the current programme are fully taken into account in the future.

Mr. Burden: While the Marin memorandum shows the value of EU aid to the Palestine national authority, does it not also make the clear point that aid without a comprehensive and just political settlement simply cannot work sufficiently? Are not the efforts of my right hon. Friend the Foreign Secretary totally in line with the Marin memorandum in ensuring a leading role for the European Union in promoting such a just settlement? Is he not right to say to all parties in the middle east conflict that none of them is above, or immune to abiding by and respecting, the international agreements to which it is a party?

Clare Short: My hon. Friend is right. Despite large programmes of assistance to the Palestine authority from the European Union and our own bilateral efforts, the people of Palestine are getting poorer because of the political situation, the closing of Gaza and their inability to work. I agree that my right hon. Friend the Foreign Secretary was right to draw attention to the failure of the Israeli Government to promote the peace process. We should all support my right hon. Friend and the European Union in all their efforts to get the peace process back on track. That is the only way to bring peace and development to the middle east.

PRIME MINISTER

The Prime Minister was asked—

Engagements

Q1. [34656] **Mr. Gareth Thomas:** If he will list his official engagements for Wednesday 25 March.

The Prime Minister (Mr. Tony Blair): This morning, I had meetings with ministerial colleagues and others. I shall have further such meetings later today and shall speak at a dinner this evening of leading members of the Asian community, both to celebrate the enterprise of the Asian community and to reiterate our total opposition to racism in all its forms.

Mr. Thomas: Following his successful visit to France, does my right hon. Friend agree that it is time to administer the coup de grâce to the law-making powers of the hereditary peers? Has he received any sign from the Opposition party in the other place that it will co-operate in this long-overdue reform of the ancien régime?

The Prime Minister: I am delighted that we are back on English today. I think that we shall stick with that. It is absolutely essential that we end up with a situation where we do not have people making the laws of this country on the basis of being hereditary peers. I think that that reform is long overdue and I hope very much that the Opposition will now tell us whether they support the principle of hereditary peers in the House of Lords because we could get this reform done more quickly with their consent. I hope that the Leader of the Opposition can tell us what his position is.

Mr. Hague: Does the Prime Minister agree that today's European Commission report fudges the criteria for entry to a single currency?

The Prime Minister: We are obviously considering the report that has been presented, but, no, I do not agree with the Leader of the Opposition.

Mr. Hague: The Maastricht treaty lays down that countries joining the single currency should have debts of under 60 per cent. of their national income or should be rapidly approaching it. On the Commission's own figures in this morning's report, eight of the 11 countries that are to join the single currency have a higher level of debt. Two of them have twice that level. Can he honestly tell the House that that is not fudging the single currency?

The Prime Minister: As the right hon. Gentleman knows, a range of criteria are taken into account. We shall make our decision as president of the European Union and we shall do it on the basis of the report that has been submitted and also on the basis of the legislation that is set out in the treaty.

Mr. Hague: One of the countries has not only twice the recommended level of debt, but a higher debt level than at the time the Maastricht treaty was signed. The Commission says that the tendency is in the right direction. That is more ostrich than emu. Does the Prime Minister agree at least that it is essential for the success of economic and monetary union that there is genuine convergence, without any fudging?

The Prime Minister: The answer is that I do believe that, but, as I say, we take into account a range of different criteria and we will apply the treaty properly. I had understood that the position of the right hon. Gentleman's party was to oppose it altogether.

Mr. Hague: Whether Britain is in or out of a single currency, people of all parties have previously been able to agree that jobs and investment are at risk from a fudged single currency. The Prime Minister is president of the European Council at the moment. Does he not have a duty to Britain and to Europe to insist, and at the very least to argue, that only countries that clearly meet the criteria should join the single currency?

The Prime Minister: I agree that it is important for the single currency to work for Britain, whether we are in or out of it. I also agree that it is our duty as president of the European Union to ensure that the criteria are properly obeyed. We shall do so. All I am saying is that, if the right hon. Gentleman reads the report carefully, he will see that a range of criteria are set out. A judgment has to be made on that basis. We shall make it according to the report and to the criteria. We shall, in other words, carry out our duties under the treaty faithfully.

Mr. Hague: All the Prime Minister's answers this afternoon suggest that he will go along with the fudge. This will be one of the most important decisions that the European Council has ever made. People's jobs and businesses are at stake in countries inside and outside a single currency. If he would stand up for strict adherence to the rules, he would have wide support across the House, but is not the truth that, now that the crunch has come, he is not willing to make the hard choices?

The Prime Minister: No, I do not agree with that. Without repeating everything that I have already said to the right hon. Gentleman, yes, I believe that it is important that we adhere to the criteria, which is exactly what we shall do, but the worst thing for this country would be if it lurched into the type of anti-Europeanism that characterises his party. It is only as a result of the change in attitude since 1 May that we have a Government with any influence in the European Union at all.

Q2. [34658] **Mrs. Ellman:** Do not Labour's Budget decisions to increase child benefit by a record 20 per cent., to fund a national child care programme for the first time and to concentrate financial help on the poorest families and children, demonstrate Labour's commitment to equality and opportunity? Does the Prime Minister contrast that situation with the record of 18 years of Tory Budgets, which intensified inequality and division—*[Interruption.]*—trebled the number of poor people and produced the social exclusion that this Government are committed to tackling? *[Interruption.]*

The Prime Minister: I find it extraordinary that Conservative Members should shout at my hon. Friend when she is raising issues such as child care and help for

the poorest families, which are precisely what government should be about. As a result of the changes that we have made in the Budget, child benefit is going up, there is greater help for people with their child care, there is obviously a cut for everyone on national insurance, and there is extra money for health, education and transport. The changes mean that the poorest households with children will gain an extra £490 a year on average and that 3.8 million children will benefit. I should have thought that that was a series of recommendations and policies that would command support across the House.

Mr. Beith: Bearing in mind the serious difficulties that are being faced by British exporters because of the exchange rate, does the Prime Minister think that the pound is either stable or competitive?

The Prime Minister: I am well aware of the problems that exporters have over the pound, which has a high value at the moment, but the Budget could take the pound down only if it engaged in revenue-raising measures that everyone would find totally unacceptable and that might not work in any event. We have to provide the right balance between fiscal and monetary policy. We have tightened fiscal policy considerably and, as a result of giving the Bank of England independence over the setting of monetary policy, we have also succeeded in that long-term interest rates are at their lowest for more than 30 years. That stability is precisely what British industry needs in the long term.

Mr. Beith: Does the Prime Minister not recognise that there is one thing that he could do in present circumstances—give a clear and unambiguous commitment that he will promote British membership of the single currency and that he intends Britain to be in the premier division, not the second division, to which the Leader of the Opposition would condemn us?

The Prime Minister: I cannot think of a worse reason for taking a decision of such fundamental importance for the future as monetary union on the basis of the level of sterling at a particular time. That would be foolish indeed. The right hon. Gentleman appears to be advocating getting the pound down by dropping interest rates. Monetary policy has had to be tightened since the election because inflation is back in the system. There is no way in which we should take any risks at all—in terms of either financial prudence or monetary stability—of going back to boom and bust. If we do that, we shall return to the end of the 1980s and the early 1990s, with interest rates at 15 per cent. and record borrowing, bankruptcies and repossessions. Those were the Tory years, and we are not going back to them.

Q3. [34659] **Mr. McNulty:** Will my right hon. Friend join me in welcoming the impending publication of the White Paper on the London assembly and the London mayor and the apparent conversion of the Tories to campaigning for a yes vote in the referendum, depending on which Tory one is talking to? However, will he strongly resist the extremely tempting offer from Lord Archer, who has promised to give up writing books if he is elected mayor? Although that may be an appropriate contribution to British literature, the alternative—an Archer mayoralty—would be a complete and utter disaster for London.

The Prime Minister: Our proposals for a mayor for London now have widespread support across the House. I am delighted that the Conservative party has come round to the idea and will campaign for a yes vote. Personally, I think that it will be a good thing for London and, combined with the highly imaginative proposals for London Transport by my right hon. Friend the Secretary of State for the Environment, Transport and the Regions, at least now, after years of neglect, we have the chance for a new start for London.

Q4. [34660] **Mr. Collins:** Why did the Prime Minister refuse to admit yesterday that he had interceded with the Italian Prime Minister on behalf of Mr. Rupert Murdoch, especially given that the British Embassy in Rome has now confirmed that that is exactly what he did?

The Prime Minister: What I said—I shall repeat it to the hon. Gentleman now—is that conversations between myself and the Italian Prime Minister, as conversations between heads of Government, should remain private. I have made it clear that BSkyB will be treated no differently from any other company.

Q5. [34661] **Jacqui Smith:** Is my right hon. Friend aware that, as part of its work on implementing the new deal, the employment service in Redditch is already working with local agencies on training, enterprise, housing and welfare advice? It is also implementing a new deal guaranteed to continue working with young people until they have permanent work or training. Does he agree that such work is to the credit of the Employment Service in Hereford and Worcester and that it shows that we now have a Government who are keen to promote jobs, training and opportunity for all, as opposed to policing a burgeoning benefit bill and inefficiency, as we saw in the past 18 years?

The Prime Minister: My hon. Friend is right to draw attention to the work that has already been done under the new deal and the numbers of people who now have the chance to get back into the labour market. Already, more than 1,000 lone parents have moved from benefit to work. Hundreds of young people are taking advantage of the scheme and thousands more will do so in the next few months. It is a great tribute to the Employment Service, employers and those who, for far too long, have not had the opportunities that they need. I hope that tomorrow's Green Paper will take the process one stage further. It is important that we have a welfare state in which there is work for those who can, security for those who cannot and opportunity for those who are denied it.

Sir Peter Tapsell: I congratulate the Prime Minister on the honour paid to him yesterday by the French Parliament, but will he explain why we see so little of him in the British Parliament?

The Prime Minister: During these Question Times, the hon. Gentleman gets precisely the same chance to

question me as there used to be under the old system—it is just a shame that the questions from the Opposition are so poor.

Q6. [34662] **Mr. Prosser:** Does my right hon. Friend remember being in my Dover and Deal constituency before the general election and visiting the highly successful trust port of Dover, which the Tory Government were ready to sell off to the French? With the economic policies of this Government and the confidence that they engender, the port of Dover now handles one third of European trade, and is planning to build a second terminal. Last week it signed contracts that will create 1,600 new jobs. Is it any wonder that my constituents will never vote Tory again? *[Interruption.]*

The Prime Minister: I think that I heard the right hon. Member for Bromley and Chislehurst (Mr. Forth) say, "Bring back David Shaw." I think that, when my hon. Friend won the Dover seat, he probably united both sides of the House.

I am delighted at the good news from the trust port: it shows exactly what can be done—new jobs, stronger service and a great sense of the future. That is precisely because we put the interests of the service before the dogma of privatisation.

Miss McIntosh: As a pro-European, does the Prime Minister accept that one of the criteria for joining a single currency is a two-year membership of the exchange rate mechanism? Can he envisage a time when it would ever be right for Britain to rejoin the ERM?

The Prime Minister: First, we have no plans to rejoin the ERM, as my right hon. Friend the Chancellor has made clear on many occasions. Secondly, what is important is exchange rate stability. Those matters will be decided in the same way as I explained earlier to the Leader of the Opposition—according to a range of criteria. The hon. Lady will find that that is what a report from the Commission, published today, says.

Q7. [34663] **Mr. Plaskitt:** Does my right hon. Friend agree that the lobby held yesterday against the Child Support Agency reflects growing concern that the agency has failed many families and children? Will he assure the House that the Government review will be completed as speedily as possible; and that it will concentrate first and foremost on the interests of children?

The Prime Minister: It is important that the review concentrates first and foremost on the interests of children. It will be published later this year. We believe it important to undertake fundamental reforms of the system, since most people now accept that the Child Support Agency is neither administratively satisfactory nor, often, fair and just in its decisions. That is why we undertook the review; as soon as it is ready, we shall bring it before the House.

Mr. Wigley: As the European Commission's new proposals for structural funds leave Wales, Scotland and Northern Ireland with no objective 1 status, will the right hon. Gentleman make a determined effort on the part of the Government to ensure that the newly defined western and coalfield region of Wales, whose GDP per head is 72 per cent. below the threshold for objective 1 status, enjoys objective 1 status under the proposals for the years 2000 to 2006?

The Prime Minister: As the right hon. Gentleman knows, the publication of the Commission's proposals for structural funds marks the beginning of the negotiations. We shall negotiate the best deal we positively can for Britain. I cannot give guarantees for particular areas, but we have said that the Commission's proposals are unacceptable because many of our areas would lose out. The purpose of the negotiation is to prevent that from happening. The last time that the Commission made proposals, we went through the same process of negotiation.

It is important to see this in the context of the enlargement of the European Union. Changes will have to be made to the structural funds, and it is important that they should be fair as between all the countries—hence our objection to the proposals as they are now. Change to structural funds is a necessary part of enlargement. If we want the end—enlargement—we must also will the means. We shall get the fairest deal that we can, but change there will be.

Q8. [34664] **Mr. Clapham:** Is my right hon. Friend aware that, towards the end of the previous Government's term in office, the Social Security (Claims and Payments) Amendment (No. 2) Regulations 1996 went through, restricting the backdating of disablement payment in cases such as asbestosis and mesothelioma cancer? Those diseases can be caused by exposure to white asbestos, a considerable amount of which still enters this country and is in many materials used by the construction industry. Will he therefore ensure that the current DSS review considers backdating payment to the date of development of those diseases? Will he press ahead unilaterally with a ban on white asbestos if the EU does not go ahead with a European ban?

The Prime Minister: My hon. Friend has raised this issue a number of times. A standard time limit on backdating those benefits is designed to ensure fair treatment for all citizens. There would be a problem if particular benefits were picked out and longer backdatings were allowed for some rather than others. However, we accept the special circumstances of people affected by asbestos. From April 1997, industrial injuries disablement benefit has been available where the disease has been caused by any exposure to asbestos at work, and the usual waiting period has been waived to pay benefits to sufferers as soon as possible.

On the second point, we have already toughened up the restrictions and regulations on the use of all types of asbestos in the workplace. We are presently working with European colleagues to get a Europewide directive on this, as we believe that that is a better way to proceed. It is important, however, that the action we take is matched by action elsewhere in Europe.

Q9. [34665] **Mr. Ruffley:** Why is the national tax burden increasing from 38.1 per cent. of gross domestic product last year to 40.1 per cent. of gross domestic product in five years' time?

The Prime Minister: Actually, if the hon. Gentleman compares our Budget proposals in the Red Book with those of the previous Government, he will see that, under both sets of proposals, the tax burden is set to rise.

Dr. Iddon: Last year, the Deputy Prime Minister asked the water companies to stop water wastage by investing

some of their profits in infrastructure. All they have done is produce higher dividends for shareholders and, even more seriously, reduce water pressure, thereby endangering lives throughout the country, according to fire brigades. Does my right hon. Friend agree that that is an insult to the Government? Will he assure the House that more action will be taken?

The Prime Minister: Within the powers available to him, the Deputy Prime Minister is seeking to ensure that the problems to which my hon. Friend draws attention are dealt with. Dealing with water leakage was one of the initiatives taken straight after the election. It is regrettable, especially given that profits in the industry have been so high, that those complaints are still being made. I am sure that my right hon. Friend will keep the matter under review.

Q10. [34666] **Mr. Tyler:** Do not the BBC's proposals for political and parliamentary reporting not only undermine its reputation for public service broadcasting but blow sky high its charter obligations? Would it not be better to be honest, to dumb down completely and sell off channels to Rupert Murdoch?

The Prime Minister: Those are matters for the BBC, but it must act in accordance with its charter. It is the Government's job to make sure that it does, and we shall do that. I am sure that a lot of pressure will be exerted on the BBC by the hon. Gentleman and many others in the House who feel the same way.

Dr. Whitehead: I am sure that the Prime Minister agrees with me about the amazing all-purpose funding properties claimed for the Liberal Democrats' magic penny. After last week's Budget, does the additional money that the Government have put into the national health service now stand above or below the magic penny standard measure?

The Prime Minister: The extra money put into health, education and transport comes to far more than could possibly be raised by 1p on the standard rate of income tax. Indeed, the Government are putting more money into hospitals and schools this year than the Liberal Democrats ever asked for. However, according to the Liberal Democrats' broadcast on the Budget, that 1p is apparently no longer necessary—the "p" has dried up! They now say that it should all come out of what they call the "Chancellor's war chest". The fact that the Liberal Democrats are now pursuing tax-and-spend policies that are only spend policies simply demonstrates the complete incredibility of their economic policies.

Q11. [34667] **Mr. Rendel:** In February, the Government announced that the jobseeker's allowance cuts that were part of the Conservatives' spending plans would be reconsidered as part of the welfare state review. In the light of that, does the Prime Minister agree that it would be best also to reconsider, as part of that review, the lone parent and council tax benefit cuts?

The Prime Minister: No, I do not agree with that. My right hon. Friend the Chancellor made it clear in his Budget statement that we would not go back to benefit for lone parents. [Hon. Members: "Shame."] I do not think that it is a shame; I think that it is right. I think that, pro rata, lone parents and couples should be treated in the same way. However, as a result of the help given in the Budget to all families with children, they are much better off than they would be either under the Conservative plans that were published before the election or under the Liberal Democrats' plans.

Dr. Stoate: Will my right hon. Friend confirm that, although the Government pledged to stick to the Red Book targets of the last Government, we have invested significant extra money in the economy for health, education and the new deal for young adults? Will that not make a huge difference to the economy?

The Prime Minister: There is the £3.5 billion that has gone into the welfare-to-work programme, which, as I have said, is the largest programme of its kind that any Government have ever introduced. There is—as I have also said—the additional money for schools, hospitals and transport, and there is the additional money for child benefit.

The priorities have changed, but yes, it has always been necessary for us to keep a tight grip on public spending. Under the Conservative Government, the national debt doubled. This year, we shall spend more on interest payments on debt than we spend on our whole school system. It is to restore faith in public finances that the Chancellor has presented the measures that he has presented—but, within the public finances, the priorities will be Labour priorities, not Tory priorities.

Q12. [34668] **Mr. William Ross:** Does the Prime Minister recall that, when the body of Mr. Keys was discovered in the Maze prison, the first statement issued by the Northern Ireland Office was to the effect that his death had been due to suicide, although it was blatantly obvious that the man had not only been murdered, but had been tortured beforehand? Can the Prime Minister give us a guarantee that in future he will ensure that any statements that are issued are accurate? Can he also give a guarantee that the Government will now protect the lives of those in the prison, and that no more inmates will be murdered?

The Prime Minister: To the best of my knowledge, the report and the statement were correct in terms of what people believed on first finding the body. It is true that the findings then changed, and that the statement changed as a result. I cannot guarantee that every statement will always be accurate if the perception of the facts changes; what I can guarantee is that we shall do our best—as we have—to tackle any such problems, in the Maze prison or elsewhere.

As for what happened in the Maze prison, the regime there—which has been operating for some time—is, as the hon. Gentleman knows, under review. There is the report from Sir David Ramsbotham, and there is also the Narey report. We have agreed to publish those reports, so that people can make up their own minds. Of course the situation is desperately serious, but I hope that the hon. Gentleman will accept that the statement made by

the Minister at the time was made in good faith, even if it subsequently turned out to be subject to change.

Q13. [34669] **Mr. Timms:** When the last Government left office, was not unemployment still considerably higher than it had been in 1979? Youth unemployment was more than twice the overall level, yet there were large and growing skill shortages in key parts of the economy, particularly in information and communications technology. What steps will the Government take to ensure that the enormous new opportunities for work in information and communications technology will be available to young people in my constituency, many of whom would have been abandoned to unemployability by the last Government's policies?

The Prime Minister: Some £200 million additional finance was provided in the Budget, and that money can go towards tackling skills shortage problems. It is absolutely necessary that we deal particularly with the computer and technology problems that will arise as a result of the millennium bug, which is why the Government have singled out for more resources computer and information technology. My hon. Friend is right to draw attention to the large numbers of people—the 3.5 million workless families—who will, for the first time, have the opportunity to work and to earn a decent living.

Mr. Jenkin: How does the Prime Minister reconcile his grand words about rooting out corruption in Labour councils with the continuance in office of the Lord Provost of Glasgow, Pat Lally?

The Prime Minister: That is a quite bizarre question, because the Labour party has taken disciplinary action against that individual, who is, of course, perfectly entitled to go to the court, which is what has happened.

I contrast the actions of the Labour party on any allegations of impropriety—we have always acted, and acted straight away—with those of the Conservative party, which has to its discredit the scandal of Westminster. The Conservative party took no action against any of the people involved in that scandal, exactly as, before the general election, it took no action against Members of Parliament who breached the proper rules of conduct. The last people from whom we will take lessons on corruption or impropriety are the Conservatives, whose record is shameful.

Mrs. Maria Fyfe (Glasgow, Maryhill): On a point of order, Madam Speaker.

Madam Speaker: I take points of order after statements.

London Governance

3.31 pm

The Secretary of State for the Environment, Transport and the Regions (Mr. John Prescott): With permission, Madam Speaker, I should like to made a statement about our proposals for a Greater London authority.

Last July, we published a consultation paper setting out our proposals for an elected, strategic authority for London. More than 1,200 individuals and organisations responded, and we have listened carefully to their views.

Today, we are publishing our detailed proposals for a radical new type of local government. For the first time in the United Kingdom, people will have the opportunity directly to elect their mayor—the mayor of London. Londoners will also be able to elect a small, streamlined, strategic assembly. The new authority will have new powers devolved from central Government. It will work with the boroughs and not duplicate their work.

This is another step in our programme of constitutional reform. We are establishing new devolved assemblies in Scotland and Wales, with the full consent of the people of Scotland and Wales. We are now taking a significant step in the decentralisation of government by establishing these new arrangements in London.

The proposals fulfil our manifesto commitment to restore democratic, citywide government to London. It is almost 12 years since the Greater London council was abolished by the previous Government. There was no consultation then—no Green or White Paper, and certainly no referendum. Public opinion polls at the time showed overwhelming opposition to the abolition of the GLC; indeed, it was sheer arrogance on the part of the Government to abolish it without the consent of Londoners.

However hard people have tried to fill the gap, there is no substitute for democracy: no voluntary committee, no consultants' reports, no Cabinet Committee can substitute for London democracy. London needs leadership with a clear mandate from the people to tackle the problems that have built up over the years, such as traffic congestion, decaying infrastructure, air pollution, crime and social exclusion.

The Labour Government have decided to give Londoners the choice to have a voice. Londoners will vote on our proposals in a referendum on 7 May—if they vote yes, as I believe they will, we shall introduce the necessary legislation.

Many of the world's great cities have thrived on powerful, directly elected mayors—cities such as New York, Toronto, Cologne, Wellington and Rome. Now, for the first time, a local authority in Britain will have a directly elected mayor and a new form of assembly, which will act as a check and balance on the mayor. Uniquely in this country, there will be a separation of powers between them.

I intend to bring arrangements for policing in line with those in the rest of the country. Since the days of Robert Peel, the Metropolitan police have been responsible only to the Home Secretary. The time has come for that to change; we must make the police accountable to Londoners. We are therefore establishing a new police authority. The mayor will appoint 11 assembly members to the board of the new Metropolitan police authority.

The mayor of London will be a powerful figure, with an electorate of more than 5 million voters—more than any other individual politician in the country. They will expect the mayor to deliver real improvements in their quality of life. The mayor will therefore need considerable powers. The mayor will directly control two powerful new organisations responsible for transport and economic development in London, control large resources—currently more than £3 billion—and be a powerful voice for London at home and abroad.

To balance the powers of the mayor, there will be a new type of council and a different role for its members. The new assembly will think and plan strategically for the benefit of all Londoners, examine and test the mayor's policies and performance, and be able to approve or amend the mayor's budget. The assembly will also have a wider role; it will have wide-ranging powers to investigate issues on behalf of Londoners.

We believe that this new form of London government demands a new type of voting system, tailor-made for London. We want the mayor to have a clear mandate. With an electorate of 5.5 million people and a potentially long list of candidates, we must have a system that ensures that the mayor has the backing of the largest possible number of people. The Government believe that the supplementary vote system—known as SV—for the election of the mayor will achieve that. It allows voters to mark their first and second choice of candidate, and will therefore give the mayor a strong mandate to implement his or her manifesto.

The assembly will have a different role, and the way in which it is elected will need to reflect that difference. It needs to ensure a direct link with local constituencies and broad representation of all Londoners. We believe that the system must also enable women and members of ethnic minority groups to be more fairly represented. The assembly will therefore be elected by a system similar to the one being used for the Scottish Parliament and the Welsh assembly: the additional member system. That means that 14 of the assembly members will be directly elected from 14 constituencies by a first-past-the-post system, and that 11 others will be drawn from Londonwide lists to reflect the proportion of votes that the parties receive.

The GLA will have eight significant areas of responsibility. It will develop and manage an integrated transport system; create jobs and promote economic regeneration; tackle crime; ensure that Londoners have adequate fire and emergency services; improve London's environment; devise a strategy for land use planning; promote London's arts, sport and tourism; and improve the health and quality of life of Londoners. Each of those has an impact on the others, so it will be essential for the mayor to tackle London's problems in an integrated and sustainable way. A number of important organisations under the mayor's control will assist in that task.

We will create a new London development agency, which will implement the mayor's economic and regeneration strategy. It will have powers to attract new investment, create jobs and tackle the problems of rundown areas. It will also be one of nine similar regional development agencies that we are creating across the English regions. It will be responsible to the mayor and not the Secretary of State. As the first democratically accountable development agency, it will be a trailblazer for the other regional development agencies.

An efficient, integrated, transport system is essential to the capital's health and prosperity. Transport for London will be responsible for the underground, London buses, taxis, most main roads, river transport and the docklands light railway. It will also have a say in how other commuter railways are run. The mayor will appoint the chair and board, set its budget and be responsible for its strategies and performance.

I have already set out our proposals for an accountable police authority. We want to ensure that, in tackling crime, we bring together all those London organisations that have a part to play. Londoners have confirmed that they would expect the mayor to oversee the fire service. The mayor will therefore appoint assembly members and London borough councillors to a new fire and emergency planning authority.

The state of London's environment is an important element in its competitiveness, and is crucial to the quality of life and health of those who live in, work in and visit London. The mayor will have substantial new powers and responsibilities, working with the boroughs and others, to improve air quality, tackle noise and London's growing waste problem and improve Londoners' quality of life in other ways. That will contribute to improving the health of Londoners, and will encourage tourism and inward investment.

Matching economic regeneration, social and environmental needs will require the best use of the resources available. The mayor will be responsible for drawing up strategic planning guidance. Boroughs will continue as local planning authorities, but their development plans will have to conform to the mayor's strategy.

Culture, tourism and media and related leisure services are the second biggest component of London's economy, currently totalling £9 billion. London's culture acts as a magnet to visitors both nationally and internationally. It is essential that the quality and diversity of the capital's cultural achievements should be maintained and improved.

A new forum to be established by the mayor will include existing cross-London cultural and sports organisations. It will play a major part in developing the mayor's strategy. Government funding for tourism in London will be channelled through the mayor.

It will be understood from what I have said that we are creating new and radical institutions to give London the means to solve its problems and maximise its potential. We will also require new ways of working, to ensure that the GLA is genuinely accountable to the community that it is elected to serve.

The GLA will be an open and accessible authority: the assembly will meet regularly and in public; the mayor will have to notify the assembly of all major decisions and give reasons; each month, there will be a question time, when the assembly questions the mayor and senior officials; twice a year, there will be a people's question time, when the mayor and assembly can be questioned in public and by the public. *[Interruption.]* I do not understand why Conservative Members consider it so important for parliamentarians, but not for the people of London, to be able to question representatives. Every year, the Mayor will deliver a state of London address, which will be debated in an open, public forum.

That is just the starting point. We expect the GLA to develop other imaginative ways in which to consult and to involve people in its decisions.

Our aim is also to simplify the structure of governance in London. A number of organisations will be absorbed wholly or in part into the GLA. That will mean change, but we will work closely with the affected organisations. I would like to reassure staff that transfers will be within the public sector, and will be on existing terms and conditions. We will examine the pension arrangements, with a view to ensuring that the GLA offers broadly comparable arrangements within the public sector.

The financing of the GLA will come from a range of sources. It will inherit existing funding for the services that it provides for Londoners. The grant, council tax, business rates and credit approvals currently amount to about £3.3 billion. The mayor will decide how the money is to be spent. The assembly will approve the mayor's budget, and there will be safeguards to protect service standards.

The greater part of the authority's funds will be spent on transport, economic development, policing and fire services. The mayor and assembly and their small staff will cost about £20 million a year—less than 1 per cent. of the GLA's budget. The Government will also spend up to £20 million in preparation for the GLA, including the provision of its headquarters.

These are exciting and radical proposals, which I am proud to present to the House. They are a significant part of the Government's programme of constitutional reform, and they correct one of the previous Government's most foolish, undemocratic and reckless acts. They secure the role of the boroughs, placing responsibility for taking decisions at the right level. London will have an elected mayor for the first time in British history.

Above all, the proposals provide a choice and a voice for London, and return government to the people of London.

Sir Norman Fowler (Sutton Coldfield): As the right hon. Gentleman knows, we believe that the public of London should have been allowed two separate questions in the May referendum on whether they want a mayor and, separately, on whether they want a directly elected assembly. We greatly regret that the Government did not agree to that, and we regret it even more having seen the White Paper proposals, which profoundly affect the 32 boroughs of London. Although we will say yes in the referendum, because of our support for the mayor, we do not accept many of the proposals in the White Paper. In particular, we do not accept the devaluation of the role of borough councils that is implicit in virtually every page of the White Paper, but was hardly mentioned in the Secretary of State's statement.

Is it not a fact that the Government are proposing layer after layer of administration and bureaucracy for London? There will be a mayor for London, a new assembly for London, a development agency for London, a transport authority for London, and a Government office for London, as well as the prospect of junior executive mayors throughout London. Only then do we get to the borough councils. Is not one of the White Paper's fundamental faults the fact that, although the borough councils are nearest and most directly accountable to the public, their powers are being curtailed? They are being sidelined.

[Sir Norman Fowler]

Let me give the example of planning. On page 14 of the White Paper, the right hon. Gentleman sets out his planning plans. He says:

"The Mayor would set the overall framework for the development of London. The boroughs would continue to deal with small and local planning matters but major developments in the boroughs should fit in with the Mayor's overall scheme."

Does he not recognise that many London residents will be greatly concerned if that means that decisions on vital local issues such as the green belt and the development of green-field sites are handed over to a new central authority?

Does the right hon. Gentleman recognise also that there will be concern about the new authority's cost and its taxing powers? Is it not the case that it will be able to raise money by top-slicing proceeds from council tax? Will he confirm clearly—it is anything but clear in the White Paper—that the Government are considering giving the new authority the power to impose taxes on cars coming into London and to put new taxes on car parking by offices and shops?

Will the right hon. Gentleman give an assurance on the Metropolitan police? The Home Secretary has been the police authority since 1829. It should be emphasised that the Metropolitan police has served the public well over the past 170 years. It has a local policing role, but will the Deputy Prime Minister give an assurance that nothing will be done that could conflict with its role in fighting terrorism or its other national roles?

At the end of his statement, the Deputy Prime Minister talked about returning government to the people of London. How does he square that with the electoral system that he proposes? Does not the first-past-the-post part of proposals mean that 14 assemblymen will have constituencies of more than 500,000 people to serve? How is that close to the people of London? Does not the proportional representation part mean that the remaining assembly members will be on a list system, answering first to their party organisation? How is that close to the people of London?

The Secretary of State referred to the May referendum, but let me remind him that there are also borough elections on that day. I hope that the public will use that opportunity to register a protest against the proposals in the White Paper, which have the undoubted effect of reducing the power of the boroughs, to the disadvantage of the people of London.

Mr. Prescott: When a complaint is made that there will be one question rather than two questions, I say that no question was asked by the Tory Administration when they abolished the Greater London council. It is one question rather than two, because we are proposing a new form of local government. The mayor is an integral part of the assembly system. There are checks and balances. It is a radically different form of local government. That is why we have asked people in London to endorse it. On 7 May, we will see the answer. Nevertheless, the Opposition have done a U-turn and decided to support the proposals. The right hon. Member for Sutton Coldfield (Sir N. Fowler) draws this distinction: "I support the principle, but I do not like the White Paper." The issue will be decided on 7 May.

The right hon. Gentleman referred to certain bodies and organisations, but the London borough authorities have welcomed the White Paper. There are many matters that they will want to discuss with us and, now that the White Paper has been published, we will be able to have discussions with them. The general principle involved in the discussion and consultation groups might be unusual to the right hon. Gentleman—it is called consultation. In consultation, one gives a reasonable idea of the sort of thing one wants to do. Our proposals have been warmly accepted, and they are embodied in the White Paper. That is why the authorities are able to say that they agree generally with the White Paper and with the new form of London government. We will enter into proper discussions with them on these matters.

We are not changing a great deal of the activities of the borough authorities; the strategic example of that is roads. For example, 95 per cent. of roads are relevant to the activities and traffic management of borough areas. Some 5 per cent. of London's roads carry something like one third of the traffic. Those are the strategic routes which cross borough boundaries, and it makes a lot more sense to have a strategic approach. That is what the GLA is doing with roads and all forms of transport.

The right hon. Gentleman complained about the organisational structure, but we are recommending a bonfire of a number of the quangos that the Conservative Government set up. They did away with the elected representation. As for the financing and the available resources, we have said that the cost is equivalent to about 3p on band D council tax. As with all local authorities, about 80 per cent. of funding comes from central Government, with 20 per cent. raised through council tax, and so on. There is not a great change in the way in which local authorities will be financed, although the scale of the resources in total is considerably different because we are dealing with the capital city.

As for our consideration of raising finance through charges for non-residential parking, we have said that we will deal with that in the White Paper on transport. The principles in the White Paper will apply to all local authorities. London is a different type of local authority, but it is a local authority, and the rules we introduce will apply to all.

With regard to the police authority, I echo the right hon. Gentleman's words on the work of the Metropolitan police. I welcome the fact that the Commissioner of Police of the Metropolis has welcomed the White Paper. He is in a good position to make a judgment on whether the extra powers that we are giving him will strengthen or weaken him in tackling crime. I assume that it is fair for me to say that, if he welcomes the White Paper, it must strengthen his position. That is another mark of the success of the White Paper.

As for the electoral system, we have said that this will be a different form of local government. Fourteen of the assembly members will be elected by direct election, and we have decided that the remaining 11 will be elected from a list system, because we believe that that will give a wide representation of the various groups in London. That principle has been followed in Scotland and Wales, and the House has debated it. We think that it will provide better representation, which is important in getting support for the new London authority. It is my view that on 7 May there will be an overwhelming endorsement of the radical approach to London government taken by the

Labour Government, and a total rejection of the carping and U-turns that are the Conservative party's history on London local authorities.

Mr. Ken Livingstone (Brent, East): May I congratulate the Deputy Prime Minister on putting before Londoners an exciting and radical new job opportunity? I wish to raise two small points of concern. Listening to his account, I felt that he has come down against those Londoners who argued that we needed more powers for the assembly and fewer powers for the mayor—a case that has been reflected strongly in opinion polls. On finance, if there are to be no direct tax-raising powers, can we expect that Londoners will be allowed to keep a greater share of the £6 billion more that we pay into the national Treasury than we get back? The worst problems in Britain are here in this city.

Mr. Prescott: The judgment made in the White Paper is to get a proper balance of powers, checks and balances between the assembly and the mayor. I think that it is a proper balance and that we are right to do so, but we shall leave it to the electorate to make that decision. The arguments regarding resources are more on a national level than internal to London. That is a debate which is on-going in the House and, no doubt, my hon. Friend will have a chance to make more of those points in coming days in what I think is a rather nationalist fervour.

Mr. Simon Hughes (Southwark, North and Bermondsey): May I thank the Government for being clearly committed to restoring democratic government to London, which is much appreciated, and for the process of Green Paper, White Paper and referendum, which is clearly the proper way to proceed? I also thank the Deputy Prime Minister, as a northerner, for being clearly committed to London, London's causes and London's success.

First, what are the things on which, as a result of consultation, the Government have changed their mind between the Green Paper and the White Paper—not just clarified, but changed their mind?

Secondly, given that, as I understand it, the financial regime for the Greater London authority will allow the Government to fix a spending ceiling and a spending floor, and, therefore, it looks as though the GLA will not have a huge amount of independence if the Government do not wish it, is that not inadequate for a capital city, which deserves and needs to be able to raise and spend its own resources?

Lastly, given the change of electoral system proposed, does the right hon. Gentleman accept that it would be better to have a system for both the assembly and the mayor that allows independent candidates to have a chance of making progress, not just party political nominees? In any event, can we have the elections next year and not in 2000?

Mr. Prescott: We have not yet decided exactly when the elections will be, but the House will want to ensure that the London authority is well established before the next general election, and we intend to achieve that. We need to embark on discussions with various people about the date and time, and we hope to make a decision in the summer.

One example of a change from the consultative document is the payment of assembly members, which we thought was an important change to make. In view of many of the things that we have heard in the past few years, that was an important step, and it is proper that it be done in a properly accountable democracy.

The independence of these bodies and the question whether the powers will change are a matter of balance. We are creating a very powerful body and a high-profile one—

Mr. Hughes: But not an independent one.

Mr. Prescott: Well, I do not think that Governments totally control such matters at the end of the day. We are giving powers and resources, and giving these bodies tremendous opportunities to speak on behalf of London. That will provide a powerful pressure, not only to the good of London, but perhaps towards effective change in constitutional and political terms. That is what we are doing here; such matters arise during the coming debates.

I think that we have basically got the right balance in electoral change, and I wait to hear people's responses in the coming months. We shall introduce legislation based on the proposals in the White Paper.

Mr. Malcolm Wicks (Croydon, North): Speaking as a son of the last chairman of the London county council, which was destroyed by the Tories in the 1960s, and remembering also the Greater London council, which was destroyed by the Tories in the 1980s, may I ask whether my right hon. Friend agrees with me not only that this is an important and historic day for those of us who are proud to be Londoners, but that we must urge all Londoners to turn out in their millions to vote yes in the referendum, so that the passion for democracy among Londoners speaks so loud and clearly that the Conservatives will never dare to destroy democracy in London again?

Mr. Prescott: Many hon. Members will remember my hon. Friend's father who, as its chairman, was a powerful and effective influence on the authority of that time. It will be an historic day for Londoners and for the constitution itself, because we are making significant constitutional changes.

The hon. Member for Southwark, North and Bermondsey (Mr. Hughes) made some kind remarks about my commitment to London; that commitment is to decentralisation of power, whether in Scotland, Wales or the English regions. London is the first step, and I am hopeful that there will be many more, but this is about the decentralisation of power.

A London authority is something which we should welcome; every one of us should take the opportunity to get everybody to turn out. Democracy is about turnout, it is about mandates and it is about endorsement, so we should be encouraging as many people as possible to vote on 7 May.

Mr. Peter Brooke (Cities of London and Westminster): Will the Deputy Prime Minister confirm that, under these proposals, the status of the City of London, as determined by the conclusions and

[Mr. Peter Brooke]

recommendations of the Herbert commission, will be maintained, subject to changes in the City's franchise, which I understand the Government have approved?

Mr. Prescott: The City corporation is not dealt with in the Bill. It has said that it will undergo specific changes in its democratic processes, internal procedures and voting practices. I hope that that is the case, and the House may be sure that I shall review matters as they progress.

Ms Diane Abbott (Hackney, North and Stoke Newington): Will the Deputy Prime Minister agree with me that the abolition of the Greater London council was one of the most spiteful and undemocratic acts of the previous Administration, and that Londoners of all parties will welcome the restoration of democracy to London? A great capital city deserves an elected authority.

As for the matter of the police committee, apparently Opposition Members are unaware that, for a long time, the Metropolitan police Commissioner has supported the idea of a police committee for London, because he realises that it can play a constructive role in involving communities in the fight against crime.

Mr. Prescott: I very much agree with my hon. Friend. It was undemocratic and spiteful, as I said in my statement. The Metropolitan police Commissioner has confirmed that view, not only in relation to the White Paper; it was previously his view. He is only confirming what, generally, the rest of the country accepted a long time ago—but in London there was always an exception. I do not believe that that exception was justified. I am glad that the Commissioner does not believe that it is justified. That is one of many changes which will come about as a result of the White Paper.

Mr. Eric Forth (Bromley and Chislehurst): Who will prevail if there are conflicts between the mayor and assembly on budgetary matters, or the mayor and the boroughs on planning matters?

Mr. Prescott: The procedures in all these matters are to be decided, in the sense that there will be a strategic plan that is determined by the mayor, and if the borough plans conflict with it, he will be able to call the matter in. That is exactly like what happens now. Ultimately, in the case of all planning cases, if there is a conflict it will be for the Secretary of State to call the matter in if he decides that that is right. We are not suggesting that London is any different from any other local authority.

One of the advantages that will come from the Bill is that the London assembly people and the mayor will take a decision about safe taxis and not be subjected to the curious behaviour that we have seen in the House, which has denied passengers that safety.

Mr. John McDonnell (Hayes and Harlington): My right hon. Friend will be aware that some of us have strong and deep reservations about the proposals for a directly elected mayor. Having said that, I pay tribute to the work that has been done over the years by my hon. Friend the Member for Greenwich and Woolwich (Mr. Raynsford) and my right hon. Friend the Member for Holborn and St. Pancras (Mr. Dobson), who have kept the flame of the prospect of a restoration of democracy alight in London.

One of the tests of the new authority will be that eventually it achieves an unfettered right to raise a level of taxation in London from Londoners to enable it to tackle the problems that we now face. I also urge my right hon. Friend to think seriously about bringing the elections forward to next year, so that we can restore democracy that much more swiftly.

Mr. Prescott: I am grateful to my hon. Friend for his comments. Many hon. Members with London constituencies have worked long and hard to bring about proposals of this type. I have had the good fortune to arrive in this job and to be able to introduce the White Paper, but I very much endorse my hon. Friend's remarks about those who, for a long time, have attempted to bring back government to London. Regarding the elections, I assure him that I shall do as much as I possibly can to ensure that we have those elections as soon as possible, so that Londoners can have some influence on decisions that affect them.

Mr. John Wilkinson (Ruislip-Northwood): The additional member system of election is alien to this country, and there is no evidence, in any sense or form, that it is more democratic. The representative democracy that we have enjoyed over the years ensures that there is a direct personal connection between a locality and the elected representative.

I point out to the right hon. Gentleman that, if he is seeking, by manipulating the list members of the assembly, to ensure particular representations of ethnic minorities or of women, he could be in breach of the Race Relations Act 1976 in one case and the Sex Discrimination Act 1986 in the other. Is it not also true that local people can have no confidence in the mayor, who will have unprecedented powers over budget and patronage unless the assembly is able to replace or remove the mayor and unless local people can ensure that, in relation to development plans, their specific interests, especially concerning the environment and the green belt, are safeguarded?

Mr. Prescott: Obviously, I fundamentally disagree with most of the hon. Gentleman's comments. We have agreed that the additional vote system should apply to Scotland and Wales. Therefore, we are not creating a precedent, although the system is new to English local government. The point about additional representation will be relevant to the 14 constituencies in which members will be directly elected. That is an important principle.

In a modern democracy, one must take into account the serious under-representation of women and ethnic minority groups. If we want their support for local government, they must have some stake in it. Representation is an important part of that. I am not sure that the directly elected system is not open to persuasion, change and the other pressures that the hon. Gentleman mentioned, but we all know the role of party politics in such matters. We have struck the proper balance, so we have presented our proposals to the House.

Mr. Dale Campbell-Savours (Workington): May I express my appreciation to my right hon. Friend for his decision to press for the use of the supplementary vote—a system which was invented in my home in Keswick and worked on for more than 12 months in my office in London—for the election of the mayor of the new authority? I believe that it is the system which should finally be used for the election of Members of Parliament. It is a thoroughly democratic system, which I am sure will please the people of London and, ultimately, the wider nation.

Mr. Prescott: I recall that my hon. Friend gave evidence to the Plant committee on that very point. The plans that we have adopted with regard to the mayor are right. It is important that there should be a popular mandate—that as many people as possible agree to support a mayor. This is the best way of ensuring that, which is why we have adopted it.

Sir Paul Beresford (Mole Valley): The Deputy Prime Minister made much of checks and balances. Will he correct me if I am wrong in my impression that a developer could submit a plan to the local authority, it could be called in by the mayor, who, on checks and balances, would have the Greater London authority involved in the decision at that level, the development agency would also be involved, and the plan could then be called in by the Secretary of State through the Government office for London?

Mr. Prescott: That is an important point, which was raised by my hon. Friend. I explained that not every planning decision by the borough can be called in by the mayor, but he can have a role in regard to decisions taken in boroughs, which are of strategic significance. He must develop a strategic plan to achieve that and to show where those differences can be established. At the end of the day, it will still be the Secretary of State who will make the planning decision in regard to these matters.

Mr. Jim Fitzpatrick (Poplar and Canning Town): May I offer my congratulations to the Deputy Prime Minister on the statement that he has just made, and echo the comments of my hon. Friend the Member for Croydon, North (Mr. Wicks)? This is indeed a proud day to be a Londoner, whether one has a classic cockney accent like mine or a south London accent like my hon. Friends.

I refer to a matter on which my right hon. Friend did not comment—the siting of the new mayoralty and the elected assembly. I have previously pointed out that, as the centre of gravity of the capital has been moving eastwards for the past 20 years, docklands may be an appropriate home for the new elected assembly.

I recognise that space is still available at county hall, that the City corporation has offered accommodation at the Guildhall and that other premises may be available in the capital. Given the experience of Scotland and the competition between Glasgow and Edinburgh—a decision which I consider has been inappropriately concluded—and the difficulty between Swansea and Cardiff, may I ask the Deputy Prime Minister who will make the decision on where the mayoralty will be sited? Will it be the Government office for London or the mayor, and when is that decision likely to be taken?

Mr. Prescott: That could be a very controversial decision. The Government will make a decision initially so that we can get on with London government, but, after that, the elected authority can make its own decision.

Dr. Jenny Tonge (Richmond Park): Will the new London transport board be responsible for planning air transport in London, and particularly for the configuration of airports that serve the London area?

Mr. Prescott: That is a very interesting point. The strategic question of aviation and the siting of airports will affect London and its development. That decision will be considered as part of the national transport plans; we shall say more about it in the White Paper. The mayor will clearly want to be consulted about the matter. For example, he may have an opinion about the expansion of London City airport and the effects on Heathrow, and so on. Such issues will affect London, and the mayor will have an important voice in policy development in that area. However, the mayor will not make the decisions.

Mr. Geraint Davies (Croydon, Central): As the former leader of London's largest borough, I add my support to the initiative. Does my right hon. Friend agree that the proposal will add value to local boroughs because, instead of floating around in an isolated individualistic manner, there will be an holistic approach to economic development, transport and the environment? Will he confirm that the subsidiarity principle will apply to planning and that individual boroughs will have a unitary development plan set within the wider framework of the evolution of an economically successful and environmentally sustainable capital for Britain?

Mr. Prescott: A grievance expressed by many London authorities is that, with the abolition of the GLC, they have had no influence over those strategic decisions apart from some consultation now and then with a Government Department. We must develop a strategic plan in consultation with the boroughs. The GLA will be a strategic authority and it will have a close relationship with the boroughs, which will have influence on the boards.

Mr. Alex Salmond (Banff and Buchan): Does the Deputy Prime Minister echo my enormous welcome for the political vigour of the hon. Member for Brent, East (Mr. Livingstone), but does he share the concern about the early direction of the hon. Gentleman's campaign for mayor? Is the Deputy Prime Minister aware that the official publication "London Facts and Figures 1995" reveals that public spending per head in London in that year was 20 per cent. higher than public spending per head in Scotland? In the light of that, is it altogether wise for the hon. Member for Brent, East to make public spending in Scotland an issue in his campaign in London—particularly given the fact that he might want some expatriate Scots to vote for him?

Mr. Prescott: The hon. Gentleman makes an interesting point. No doubt he and my hon. Friend can meet outside this place and discuss the facts of the case.

Mr. Mike Gapes (Ilford, South): Does my right hon. Friend agree that this is a great day for Londoners like

[Mr. Mike Gapes]

me, who were born in London, and for the millions of Londoners who have come from all over the world to live in this great city? Does he recognise that a great advantage of his proposal will be that we shall at last be able to rid this city of the residuary bodies and the quangocracy and begin to have some democratic accountability regarding the governance of Londoners and this city?

Mr. Prescott: Yes, I do. That is right at the heart of what the White Paper is about. Not only Londoners but people all around the country will welcome the introduction of democratic accountability to their capital city. I am Welsh by birth and I represent a Yorkshire constituency, and I am delighted to advance proposals for democratic accountability in London.

Mr. Alan Clark (Kensington and Chelsea): May I ask the Deputy Prime Minister to enlarge upon an answer that he gave to my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth), as I think that his reply may have gone rather further than he intended? What right of appeal will there be to the Secretary of State against decisions of the mayor and, in particular, what rights will be vested in borough councils or other organisations or individuals? While such a right would be very welcome, how does the Deputy Prime Minister square it with his alleged attempts to decentralise power?

Mr. Prescott: I may have made a mistake, although I do not think at this stage that I did. I shall examine the matter carefully and write to the right hon. Gentleman. As I said before, the London authority will develop a strategic plan. It will allow for appeals to the Secretary of State, who will be the final arbiter.

Mr. Tony McNulty (Harrow, East): Is my right hon. Friend aware of the current position of the Conservatives in London? Who represents them? Is it the Tweedledum who has just rubbished the White Paper, the Tweedledee who was dancing around on the bus for the yes campaign the other day or the funny little man from the other place who likes to give £2,000 to people he does not even know?

Mr. Prescott: That is an interesting point, but I usually keep out of such controversial issues.

Mrs. Jacqui Lait (Beckenham): I am an expatriate Scot. As the assembly and mayor will have some tax-raising powers, who will collect the tax—the boroughs or the mayor and the assembly?

Mr. Prescott: Council tax will be collected by the boroughs.

Mr. Barry Gardiner (Brent, North): I welcome my right hon. Friend's statement. Does he agree that the new London development agency must consider the development of Wembley, our national stadium? It should be fitting and appropriate for a national stadium, and of a standard that one expects of national stadiums throughout the world, especially as we hope to welcome the World cup and the Olympic games to this country in future.

Mr. Prescott: Yes, I very much agree with my hon. Friend, who has made that point often. The planning and development of the national stadium and of the roads and transport that serve it will have considerable implications for London. The development of Wembley stadium is a good example of how accountable strategic planning in London will benefit his constituency.

Mr. Crispin Blunt (Reigate): Is the Deputy Prime Minister aware that the borough of Reigate and Banstead and the constituency of Reigate lie within the Surrey county council area, but are cut in half by the boundary between the Metropolitan police and Surrey police areas? In the interests of accountability, and so that local people are aware of which police force is theirs, will he support the position of all political parties in the borough of Reigate and Banstead and change the boundaries of the Metropolitan police area to those of the Greater London area?

Mr. Prescott: We have no proposals at the moment to change those boundaries, but we recognise that democratic accountability in London applies to people outside the Greater London area. We shall be seeking an agreement about representation on the police authority between authorities that are outside the Greater London area but within the Metropolitan police area.

Mr. William Thompson (West Tyrone): I welcome developments in London, especially the election of a mayor for the city and the increase in democracy in the London area, but will the Secretary of State contrast and compare that with the lack of local government democracy in Northern Ireland? Will he use his influence as Deputy Prime Minister to persuade the Secretary of State for Northern Ireland to restore proper, accountable local government in Northern Ireland so that we, as equal citizens of the United Kingdom, can enjoy the same privileges there as Londoners will have in London?

Mr. Prescott: The House listens with concern to the hon. Gentleman's comments. The current discussions, which are led by the Prime Minister and the Secretary of State for Northern Ireland, are geared to achieving a normal situation in Northern Ireland, which is an essential prerequisite to proper democratic accountability.

Mr. Michael Fabricant (Lichfield): The Deputy Prime Minister talked about respect for people and for Parliament. Given that much of what he has said appeared on the internet this morning on the BBC's website and others, will he undertake to show less contempt for the Greater London authority than he has apparently shown for Parliament?

Mr. Prescott: Everyone is concerned when documents are leaked. I gave the right hon. Member for Sutton Coldfield (Sir N. Fowler) a White Paper a short time before I made my statement—before the time that is considered usual—and that was all that I was involved in. It is proper for such a document to be considered by the Opposition.

I understand the hon. Gentleman's point. I deplore the fact that the information appeared on websites and in the *Evening Standard*. I played no part in that, and should like to have prevented it. What has happened is most frustrating, because I strongly believe in reporting to the House at the earliest occasion, and shall always try to do

so. I am sorry about what has happened and offer my apologies, but I cannot guarantee that it will not happen again. It is demeaning to the House that the statement was reported in the paper before it was made to the House. I shall continue to do whatever I can to stop that.

Points of Order

4.18 pm

Mr. John Bercow (Buckingham): On a point of order, Madam Speaker. It has been brought to my attention that the hon. Members for Milton Keynes, North-East (Mr. White) and for Milton Keynes, South-West (Dr. Starkey) have urged residents of Milton Keynes to canvass for the Labour party and have sent them invitations in franked House of Commons envelopes to attend a social event, which has apparently been organised by the Labour party, to discuss local elections with Members of Parliament from the region.

You will be aware, Madam Speaker, that I provided you with some documentation on the subject and said that I would raise it as a point of order because I seek your advice and guidance on it. It seems to me that what has transpired is a scandalous abuse of taxpayers' money for a party political purpose in which the two hon. Members are engaged. I think that the Serjeant at Arms' office has had something to say about the matter, but I should be grateful for your ruling.

Madam Speaker: Let me tell the hon. Gentleman and, indeed, the House that if any hon. Member thinks that others are abusing the use of stationery in that way, the matter should not be raised in the House. Our procedure is to go directly to the Serjeant at Arms who will resolve the matter. The two hon. Members concerned are here. I will not allow a debate on the point of order, but they have been challenged and it is their right to be heard.

Mr. Brian White (Milton Keynes, North-East): Further to that point of order, Madam Speaker. It is true that my staff sent invitations to party members and supporters. The vast majority of them were sent in Labour party envelopes. Unfortunately, when they were finished, a member of my staff used some House of Commons envelopes by mistake. When I heard about that, I went to the Serjeant at Arms on Tuesday and offered to reimburse the House for the misuse of those envelopes. I apologised at that time and I apologise now. It was a genuine error.

However, the comments by the hon. Member for Buckingham (Mr. Bercow) will not stop me standing up for the people of Milton Keynes and campaigning on their behalf.

Madam Speaker: Thank you, Mr. White. That resolves the problem.

Mrs. Maria Fyfe (Glasgow, Maryhill): On a point of order, Madam Speaker. I am sorry that the hon. Member for North Essex (Mr. Jenkin) is no longer in his place. Earlier this afternoon, the hon. Gentleman accused the Lord Provost of Glasgow of corruption. At no time was that person charged with corruption and it is disgraceful conduct for any hon. Member to accuse an elected member of a local authority of that, because it besmirches the local authority. I know that hon. Members are free to say things in the House that they dare not say outside, for fear of being sued, but the hon. Gentleman's conduct was deplorable, and it ought to be discouraged.

Madam Speaker: I am not responsible for what hon. Members say in the House. I have always urged that when hon. Members use the privileges of the House what they say should be tempered by responsibility. I heard the comments and I heard the Prime Minister's response. I think that he dealt with it very well.

Local Exchange Trading Schemes

4.22 pm

Mrs. Linda Gilroy (Plymouth, Sutton): I beg to move,

That leave be given to bring in a Bill to amend social security regulations with respect to local exchange trading schemes; and for connected purposes.

I am grateful for this opportunity to bring to the attention of the House what has been described as the most significant new community development tool of the decade. The scale of this country's voluntary sector is immense. It involves 23 million people—more than the number of people who operate in the economy's formal labour markets. People seek to be stakeholders in myriad ways, combining individual purpose and collective responsibility through a mix of voluntary, community and business activity.

In our manifesto we said that an independent and creative voluntary sector that was committed to voluntary activity as an expression of citizenship was central to our vision of a stakeholder society. One of the most imaginative and popular innovations to emerge from the voluntary sector is the local exchange trading scheme movement, or LETS as it is becoming commonly known. LETS are community-based exchange networks that inspire local people of whatever means to pool their skills, imagination, time and resources to create a supportive community of self-help and mutual aid. They do it through a system of community credits, valuing what is given or received in terms of local units of exchange.

Community credits, which are known in their various forms as local or community currencies, time dollars, service credits or service hours, have captured the public imagination and fascinated the media. Each local exchange trading scheme adopts a local name for its unit of exchange: from ideals in Bristol to readies in Reading, from groats in Stirling to exes in Exeter. The names of the units often have strong local connotations. In my constituency, they are called plums after the plum tree from which some people say Plymouth gets its name.

Most LETS involve only up to several hundred members. They bridge the gaps between voluntarism, the market and public sector provision. Like a well-known beer, LETS have the capacity to reach the parts that neither the state nor the formal market economy can reach.

By creating an intermediate, grass-roots social market with their own intermediate social currency, such schemes empower people who are socially excluded to feel that they can make a difference to their lives and to their communities in 101 different ways. They are the essence of social inclusion, valuing people as responsible contributors: as producers rather than passive recipients. They empower people to create their own means of obtaining a hand up rather than a handout.

Exchanges through LETS reflect people's abilities and express their needs. Women often form a majority of members. The most common services involve child care, preventive and remedial health and care services, home produce, arts and crafts, do-it-yourself repairs, gardening, shared transport, personal education and the development of skills through mentoring and peer group support. Exchange of health care services represents 20 per cent. of all exchanges, and in many areas general practitioners refer patients to LETS.

The growth of co-operative projects, including food co-ops and tool banks, and the involvement of local voluntary agencies is expanding. There are multicultural projects. About 25 LETS have been established specifically for mental health user groups and for people with disabilities.

LETS renew the social fabric of communities, creating a framework in which everyone's contribution is valued. They enable people to tackle for themselves poverty, community breakdown and social isolation. It is for those reasons that LETS have been hailed by community development professionals as

"the most significant new community development tool of the decade".

Some of the most far-reaching studies on social exclusion have identified that poverty reduction is by no means solely a matter of income. Fewer chances to hear of work because of reduced social networks, deterioration of skills, lack of ability to acquire new skills—or, having acquired them, to use them—and low self-esteem are all addressed by LETS.

LETS offer a social network that includes people from diverse backgrounds, within which exchange takes place. They offer skills development through those exchanges. They offer recognition of worth and value from receiving credits, which demonstrate that what has been done is of value to someone else in the community. People often receive a huge boost to their confidence when they receive LETS credits for their service.

The wide-ranging appeal of LETS arises most fundamentally from that general longing that many people have in today's world for a return to a real sense of community. More than 1,000 LETS have appeared throughout western Europe, with 450 in local communities throughout the United Kingdom covering most towns, cities and rural areas. Most follow the British self-help community development model of LETS that was pioneered by the national voluntary agency LETSLINK UK, which has just been awarded national lottery charity funding to maintain its support of groups nationwide.

LETS are recognised in key policy recommendations in reports of the Commission on Social Justice and the Commission on Environmental Health. The Department of the Environment, Transport and the Regions, the Local Government Association and the Local Government Management Board also recommend that LETS should be nurtured as

"core rather than fringe activities."

More than 100 local authorities and a growing number of health authorities have embraced LETS and are investing in them as an important new anti-poverty, health promotion and community development tool.

Hon. Members may be asking themselves why, given such friends and recognition, LETS need a Bill to promote their interests. There is a growing fear among LETS members whose income derives from benefit—as well as among groups that support and encourage their development—that the DSS may apply inappropriate earnings rules to LETS, treating the credits as though they were money.

Many of the most disadvantaged, who have the most to gain from participating in LETS, depend on incapacity or disability benefits, lone parent benefit or jobseeker's allowance. The possibility that, in gaining credits with very limited purchasing power, they may as a result of local DSS discretion lose the basic cash benefits that are essential for their living expenses has for some time been deterring a large number of people from joining LETS.

That fear has been heightened by a recent DSS circular underlining the possibility that LETS may result in housing benefit deductions. We must take note of the early warning signs that people on benefit who are already members may withdraw from LETS in large numbers if the housing benefit circular is not quickly amended. I know that my right hon. Friend the Minister for Welfare Reform is considering the issue, and I am hopeful that the immediate threat can be dealt with through the simple means of straightforward administrative clarification.

The most cursory examination of LETS will reveal that, in terms of what it will buy, the local credit is patently not the same as money. At face value, the unit may be loosely related to the pound, but it bears no comparison in spending terms and cannot be exchanged for sterling.

LETS operate on a relatively small scale. Unlike the formal market, they do not supply day-to-day goods and services on a regular basis—99.5 per cent. of exchanges are between individuals and the remaining 0.5 per cent. offer only non-regular goods and services for a percentage of LETS. At least 30 independent surveys of LETS bear that out, including two conducted by the Rowntree Trust, and call for amendments involving a blanket disregard of LETS in the DSS regulations.

The recognition of LETS-type community credits has already prompted clarification of the benefits rules in the USA, Australia, New Zealand, Holland and Ireland, where Governments are now proactively supporting their development and promoting them for the unemployed through jobcentres. In America, time dollars are not only exempt from benefit clawbacks: they are guaranteed by the US Government as an intermediate form of supplementary pension entitlement. Over the past two years, the active participation of unemployed people in a time-dollar scheme has been even further enshrined as one condition, for those still seeking work, of entitlement to remain on benefit.

The Commission on Social Justice, a report for the Rowntree trust and leading think tanks, including DEMOS and the Institute for Public Policy and Research, have recognised the potential of LETS for tackling social exclusion and creating a new infrastructure of community support and have been advocating clarification of the benefits rules. My Bill would bring LETS back into the main stream, and I commend it to the House.

Question put and agreed to.

Bill ordered to be brought in by Mrs. Linda Gilroy, Mr. David Drew, Mr. David Lepper, Mr. Paul Goggins, Mr. Andrew Love, Ms Patricia Hewitt, Mrs. Joan Humble, Mrs. Louise Ellman, Mr. Andrew Miller, Mr. Mike Hancock, Mr. Cynog Dafis and Maria Eagle.

Local Exchange Trading Schemes

Mrs. Linda Gilroy accordingly presented a Bill to amend social security regulations with respect to local exchange trading schemes; and for connected purposes: And the same was read the First time; and ordered to be read a Second time on Friday 24 April, and to be printed [Bill 159].

GOVERNMENT OF WALES BILL (PROGRAMME)

Motion made, and Question put forthwith, pursuant to Order [15 January],

That paragraph 2 of the Order [15th January] be amended by inserting at the end '; and on the first allotted day paragraph (1) of Standing Order No. 15 (Exempted business) shall apply to proceedings on the Bill for two hours after Ten o'clock.'—[*Mr. Jon Owen Jones.*]

Question agreed to.

GOVERNMENT OF WALES BILL (PROGRAMME)

Motion made, and Question put forthwith, pursuant to Standing Order No. 82 (Business Committee),

That the further Report [24th March] from the Business Committee be now considered.—[*Mr. Jon Owen Jones.*]

Question agreed to.

Motion made, and Question put forthwith, pursuant to Standing Order No. 82 (Business Committee),

That this House agrees with the Committee in its Resolution.—[*Mr. Jon Owen Jones.*]

The House divided: Ayes 277, Noes 136.

Division No. 230] **[4.34 pm**

AYES

Ainsworth, Robert *(Cov'try NE)*
Allan, Richard
Allen, Graham
Anderson, Janet *(Rossendale)*
Armstrong, Ms Hilary
Baker, Norman
Ballard, Mrs Jackie
Barnes, Harry
Battle, John
Bayley, Hugh
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Beith, Rt Hon A J
Bell, Stuart *(Middlesbrough)*
Benn, Rt Hon Tony
Benton, Joe
Best, Harold
Betts, Clive
Blackman, Liz
Blair, Rt Hon Tony
Blears, Ms Hazel
Blizzard, Bob
Borrow, David
Bradley, Peter *(The Wrekin)*
Brake, Tom
Brand, Dr Peter
Brinton, Mrs Helen
Brown, Rt Hon Nick *(Newcastle E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Buck, Ms Karen
Burgon, Colin
Burnett, John
Butler, Mrs Christine
Campbell, Alan *(Tynemouth)*
Campbell-Savours, Dale
Canavan, Dennis
Cann, Jamie
Casale, Roger
Caton, Martin
Chaytor, David
Chisholm, Malcolm
Clapham, Michael
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Cohen, Harry
Coleman, Iain
Colman, Tony
Cook, Frank *(Stockton N)*
Cooper, Yvette
Corbett, Robin
Corston, Ms Jean
Crausby, David
Cryer, John *(Hornchurch)*
Cummings, John
Cunliffe, Lawrence
Cunningham, Jim *(Cov'try S)*
Dafis, Cynog
Dalyell, Tam
Darling, Rt Hon Alistair
Davey, Edward *(Kingston)*
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Rt Hon Ron *(Caerphilly)*
Dean, Mrs Janet
Denham, John
Dobbin, Jim
Dobson, Rt Hon Frank
Donohoe, Brian H
Doran, Frank
Drew, David
Drown, Ms Julia
Dunwoody, Mrs Gwyneth
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Fearn, Ronnie
Fitzpatrick, Jim
Flint, Caroline
Foster, Rt Hon Derek
Foster, Michael J *(Worcester)*
Gapes, Mike
Gardiner, Barry
George, Andrew *(St Ives)*
Gibson, Dr Ian
Gilroy, Mrs Linda
Godman, Norman A
Goggins, Paul
Golding, Mrs Llin
Griffiths, Jane *(Reading E)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Gunnell, John
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hanson, David
Harris, Dr Evan
Heal, Mrs Sylvia
Healey, John
Heath, David *(Somerton & Frome)*
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hewitt, Ms Patricia
Hill, Keith
Hinchliffe, David
Hodge, Ms Margaret
Home Robertson, John
Hoon, Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Jackson, Helen *(Hillsborough)*
Jamieson, David
Johnson, Alan *(Hull W & Hessle)*
Jones, Barry *(Alyn & Deeside)*
Jones, Helen *(Warrington N)*
Jones, Ieuan Wyn *(Ynys Môn)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Jon Owen *(Cardiff C)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Jones, Nigel *(Cheltenham)*
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keetch, Paul
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Kidney, David
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kirkwood, Archy
Kumar, Dr Ashok
Ladyman, Dr Stephen
Lepper, David
Levitt, Tom
Lewis, Ivan *(Bury S)*
Linton, Martin
Livingstone, Ken
Lock, David
Love, Andrew
McAvoy, Thomas
McCabe, Steve
McDonagh, Siobhain
McDonnell, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
Mackinnon, Rt Hon Robert
McNulty, Tony
Mactaggart, Fiona
Mahon, Mrs Alice
Marek, Dr John
Marsden, Paul *(Shrewsbury)*
Marshall, Jim *(Leicester S)*
Martlew, Eric
Maxton, John
Meale, Alan
Michael, Alun
Michie, Bill *(Sheff'd Heeley)*
Milburn, Alan
Miller, Andrew
Moffatt, Laura
Moonie, Dr Lewis
Morgan, Ms Julie *(Cardiff N)*
Morgan, Rhodri *(Cardiff W)*
Mountford, Kali
Mudie, George
Mullin, Chris
Murphy, Jim *(Eastwood)*
Norris, Dan
Oaten, Mark
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
Olner, Bill
Öpik, Lembit
Organ, Mrs Diana
Palmer, Dr Nick
Pearson, Ian
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pope, Greg
Pound, Stephen
Prentice, Ms Bridget *(Lewisham E)*
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quin, Ms Joyce
Quinn, Lawrie
Radice, Giles
Rammell, Bill
Reed, Andrew *(Loughborough)*
Rendel, David
Robinson, Geoffrey *(Cov'try NW)*
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Ruddock, Ms Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Sanders, Adrian
Savidge, Malcolm
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Smith, Angela *(Basildon)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Southworth, Ms Helen
Spellar, John
Squire, Ms Rachel
Steinberg, Gerry

Stevenson, George
Stoate, Dr Howard
Stott, Roger
Straw, Rt Hon Jack
Stringer, Graham
Stunell, Andrew
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Taylor, Matthew *(Truro)*
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Tonge, Dr Jenny
Touhig, Don
Trickett, Jon
Turner, Dr Desmond *(Kemptown)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Walley, Ms Joan
Wareing, Robert N
Watts, David
Webb, Steve
White, Brian
Wicks, Malcolm
Wigley, Rt Hon Dafydd
Williams, Rt Hon Alan *(Swansea W)*
Williams, Mrs Betty *(Conwy)*
Willis, Phil
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Woolas, Phil
Wray, James
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Ayes:
Mr. John McFall and
Mr. Jim Dowd.

NOES

Ainsworth, Peter *(E Surrey)*
Amess, David
Ancram, Rt Hon Michael
Arbuthnot, James
Atkinson, David *(Bour'mth E)*
Atkinson, Peter *(Hexham)*
Beggs, Roy
Beresford, Sir Paul
Blunt, Crispin
Body, Sir Richard
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Brady, Graham
Brazier, Julian
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Cash, William
Clappison, James
Clark, Rt Hon Alan *(Kensington)*
Clark, Dr Michael *(Rayleigh)*
Clifton-Brown, Geoffrey
Collins, Tim
Colvin, Michael
Cormack, Sir Patrick
Cran, James
Curry, Rt Hon David
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice)*
Day, Stephen
Donaldson, Jeffrey
Dorrell, Rt Hon Stephen
Duncan, Alan
Duncan Smith, Iain
Evans, Nigel
Faber, David
Fabricant, Michael
Fallon, Michael
Flight, Howard
Forsythe, Clifford
Forth, Rt Hon Eric
Fowler, Rt Hon Sir Norman
Fox, Dr Liam
Fraser, Christopher
Gibb, Nick
Gill, Christopher
Gillan, Mrs Cheryl
Goodlad, Rt Hon Sir Alastair
Gorman, Mrs Teresa
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Hague, Rt Hon William
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hayes, John
Heathcoat-Amory, Rt Hon David
Horam, John
Howard, Rt Hon Michael
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Jack, Rt Hon Michael
Jenkin, Bernard
Johnson Smith, Rt Hon Sir Geoffrey
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lilley, Rt Hon Peter
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Luff, Peter
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
McIntosh, Miss Anne
MacKay, Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
Madel, Sir David
Malins, Humfrey
Maples, John
Mates, Michael
Maude, Rt Hon Francis
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Moss, Malcolm
Norman, Archie
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Redwood, Rt Hon John
Robathan, Andrew
Robertson, Laurence *(Tewk'b'ry)*
Roe, Mrs Marion *(Broxbourne)*
Ross, William *(E Lond'y)*
Rowe, Andrew *(Faversham)*
Ruffley, David
St Aubyn, Nick
Sayeed, Jonathan
Shephard, Rt Hon Mrs Gillian
Simpson, Keith *(Mid-Norfolk)*
Smyth, Rev Martin *(Belfast S)*
Soames, Nicholas
Spelman, Mrs Caroline
Spicer, Sir Michael
Spring, Richard
Streeter, Gary
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Sir Teddy
Townend, John
Tredinnick, David
Trend, Michael
Trimble, Rt Hon David
Tyrie, Andrew
Viggers, Peter
Walter, Robert
Wardle, Charles
Waterson, Nigel
Wells, Bowen
Whitney, Sir Raymond
Whittingdale, John
Willetts, David
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Young, Rt Hon Sir George

Tellers for the Noes:
Mr. Oliver Heald and
Mr. John M. Taylor.

Question accordingly agreed to.

Orders of the Day
Government of Wales Bill

[1ST ALLOTTED DAY]
As amended (in the Committee), considered.

4.45 pm

Mr. Michael Ancram (Devizes): On a point of order, Mr. Deputy Speaker. Hon. Members will be aware that, in the regional lists set out in clause 4, the Bill provides for elections for a registered political party, defined in that clause as

"a party registered under any enactment providing for the registration of political parties."

Hon. Members will also be aware that a Bill for the registration of political parties will shortly be introduced and that it will govern not only this Bill but the Scotland Bill, the European Parliamentary Elections Bill and—if the statement that we have just heard about the White Paper is correct—the London Bill.

We are to debate a clause and an amendment—amendment No. 183—about an aspect of registration on which the registration of political parties Bill could have a crucial effect, either in remedying a fundamental flaw that we have identified and raised earlier, or in failing to remedy it. To make any sense of today's debate, which is crucial to the integrity of the Bill that we are considering, it is necessary to have detailed sight of the forthcoming legislation.

I have already asked for that formally. On 2 March, I said:

"So central is the question of registration to the proper working of the electoral roll system that it is unconscionable that the legislation could complete its passage through this place without full sight of, and discussion about, the statutory criteria by which registration will operate . . . I make that point very seriously at this stage in the hope that the right hon. Gentleman will take steps to ensure that, when we return to the Bill on Report on the Floor of the House in due course, we shall be fully apprised of the details of the forthcoming legislation".

The Under-Secretary of State for Wales, the hon. Member for Bridgend (Mr. Griffiths), led me to believe that he had some sympathy with my view, although he qualified what he said. He said:

"I am not in a position to give a guarantee about when the details on registration will emerge."

He could, however,

"assure Opposition Members that we want to see whether it will deal with these issues."—[*Official Report*, 2 March 1998; Vol. 307, c. 803-5.]

The hon. Gentleman also accepted that the matter was crucial and central.

The point is that we have not had sight of the legislation. I have made inquiries of the Table Office and the Library, but I have been told that it is not ready even in draft. It is not possible for the House to see it, although—as the Government have acknowledged—whether the fundamental flaw that I have mentioned would be remediable is central. Surely the House has a right to information that would allow it to understand the implications of a vital element of legislation such as this Bill before it completes its passage.

I do not believe that today's debate on the proposed electoral process should take place until hon. Members have had a chance to give proper consideration to the details—even if only in draft—of the registration of political parties Bill. Without a sight of it, we will be asked to complete our consideration of this Bill in the dark. At the very least, we need to debate this extraordinary situation, which has been caused by the Government's failure to provide crucial information.

I therefore ask whether you, Mr. Deputy Speaker, will accept a motion, That further consideration of the Bill be now adjourned.

Mr. Deputy Speaker (Sir Alan Haselhurst): I have listened with care to what the right hon. Gentleman has said. I appreciate the notice he gave of his concerns and his arguments, but I have to tell him that I am not prepared to accept such a motion. However, I understand that amendment No. 183, to which he referred—which is tabled in his name and those of his hon. Friends—is broadly connected with the matter that he raised. I would be prepared to permit a separate Division on that amendment. However, I must tell the right hon. Gentleman that, in terms of the programme motion, I will not be able to do that if the amendment cannot be moved before 11 o'clock.

Mr. Ancram: Further to the point of order, Mr. Deputy Speaker. I am grateful for your ruling. I shall take on board what you said about amendment No. 183.

On another point of order, Mr. Deputy Speaker. As you will be aware, we are proceeding in this business on the basis of a uniquely agreed programme, which was agreed among all the parties at the beginning of the Committee stage and which settled on a given number of days for Committee and Report.

As you will understand, such an agreement is based on the time that Opposition parties believe they need to do justice to important legislation being taken on the Floor of the House. In this case, it was agreed that there would be seven days for the Committee stage—now completed—and two days for Report and Third Reading.

If, on Report, the Government bring forward substantial new clauses and amendments in the knowledge that they will take precedence over any other business—thereby reducing the time available to the Opposition parties to discuss matters that they wish to discuss—should there not be a duty on the Government to allow extra time, as provided for under the original business agreement?

As the protector of Back-Bench rights in this House, Mr. Deputy Speaker, I hope that you will understand my concern that, unless this is resolved as a matter of principle, future agreements of this sort could be defeated by Governments effectively hijacking Report stages, in the way that the Government have sought partially to do on this occasion.

Mr. Edward Leigh (Gainsborough): Further to the point of order, Mr. Deputy Speaker. This is a most serious matter. I for one have long advocated the timetabling of very important Bills such as this. This is the second occasion on which we have encountered problems during devolution debates. A few weeks ago, a very important debate on the West Lothian question was seriously curtailed because the Government chose to make a very long statement—as, indeed, they have done again today.

Another problem, which my right hon. Friend the Member for Devizes (Mr. Ancram) has not mentioned, is that, because the many amendments before us were tabled

so late on Monday, it has been impossible for us to table amendments to those amendments. That is surely a very serious matter. The House is being held in contempt by the Government not allowing a proper debate on these important matters.

Mr. Deputy Speaker: The Chair cannot rule on agreements made between the usual channels. If an agreement is made but then becomes unsatisfactory to one or other of the parties, that matter must be pursued through the usual channels once again. The responsibility of the Business Committee was to consider the matter, and it did so in the way laid down. Now, the House has approved the Business Committee's motion, so we are encased in that motion for our consideration of the rest of the Bill.

I am sure that everyone recognises that we are on a learning process on programmed Bills. Satisfactory progress in the way the Select Committee on the Modernisation of the House of Commons wants obviously relies on good will between all the parties, through the usual channels, and ensuring that adequate time is made available so that all parts of a Bill receive the scrutiny that is thought right for each of those parts—if this practice is to be applied more widely in future.

Sir Patrick Cormack (South Staffordshire): On a point of order, Mr. Deputy Speaker. We are all grateful to you for those wise words, but you are the Chairman of the Business Committee. Although I fully appreciate that what you can and cannot do there is carefully circumscribed—and, as you rightly said, the House has approved the motion—we are most anxious that programming should work.

We have tried to show that in every way—but today the programme has been turned into a guillotine. We find that utterly unacceptable and we cannot guarantee that, on future controversial Bills, we shall want to co-operate as we have sought to do on the Bills in question if adequate flexibility and injury time are not allowed.

Mr. Deputy Speaker: Again, I must tell the hon. Gentleman that we are on a learning curve with such matters. I am sure that, so long as there is sufficient good will across the House, if the situations that have arisen in respect of Bills that have been programmed so far appear to one or more parties to be unsatisfactory, that will be examined. That would be in the spirit of the report of the Select Committee on Modernisation of the House of Commons.

The Committee was anxious that the House should accept the idea, and an attempt has been made to use the programming system for two very complex and important Bills, which may for that reason have been more likely to throw up difficulties. I hope, however, that we can overcome those difficulties, so that what is seen as a useful initiative can still be employed in future.

Mr. Ancram: Further to the point of order raised by my hon. Friend the Member for Gainsborough (Mr. Leigh), Mr. Deputy Speaker. I do not want to take up any more of the House's time, but what my hon. Friend said relates in particular to Government new clause 31, which was, I understand, tabled late on Monday. It was starred yesterday, and we sought to amend it but, obviously, our amendment is starred today and is therefore not eligible to be considered for selection.

I raise that matter because what you have just said reminded me that, on 26 February, the Home Secretary and the shadow Home Secretary had a short interchange on the European Parliamentary Elections Bill—their words are recorded at column 546 and I shall not bother the House by quoting them in full—in which they both made it clear that they felt it right for amendments and new clauses to be tabled in sufficient time for amendments to them to be tabled by Opposition parties. That has not been the case in this instance, and I hope that you can tell us that the process outlined between the Home Secretary and the shadow Home Secretary should form the basis of good manners for such proceedings in future.

Mr. Deputy Speaker: I hope that we will all learn from the experience that we now have of the Bills that have been programmed. The Business Committee has tried to foresee the difficulties and ensure that adequate time is available, but sometimes, of necessity, contingencies arise. Important Government statements may have to be made or late amendments may be tabled, and those may cut across the perfectly well-intentioned views of the participants in the Business Committee. Perhaps we will learn from that and try to ensure more flexibility in future; I hope that that aim will be pursued through the usual channels.

The Secretary of State for Wales (Mr. Ron Davies): Thank you, Mr. Deputy Speaker. I wonder whether you would allow me to make one or two brief observations in response to the points raised—

Mr. Deputy Speaker: Order. What the right hon. Gentleman says must be expressed as a point of order. If he wishes to raise a point of order or a further point of order, he may, but this is not an opportunity for a general statement.

Mr. Davies: I understand that, Mr. Deputy Speaker, and was about to ask whether you would allow me to make one or two points arising from the observations made by right hon. and hon. Members and from your replies. Therefore, I want to do that as a point of order.

Can you confirm that the Opposition had every opportunity to discuss with the Government the terms of the time made available? Can you also confirm that the Government made available all the time requested by the Opposition to facilitate the debate that was required?

Perhaps you would further confirm, Mr. Deputy Speaker, that the first three hours of today's debate will be on a subject initially raised by the Opposition, on which the Government agreed in Committee to table amendments on Report to fulfil the Opposition's request—

Mr. Deputy Speaker: Order. The Secretary of State is engaging in argument rather than making a point of order. He must know that the Chair cannot confirm those things. The Chair is not a party to discussions among the usual channels and cannot know what is agreed. The Chair will understand only what is produced in terms of resolutions and discussions in the Business Committee.

[Mr. Deputy Speaker]

New clause 20

ASSEMBLY FIRST SECRETARY AND ASSEMBLY SECRETARIES

'.—(1) The Assembly shall elect one of the Assembly members to be Assembly First Secretary or Prif Ysgrifennydd y Cynulliad.

(2) The Assembly First Secretary shall appoint Assembly Secretaries, or Ysgrifenyddion y Cynulliad, from among the Assembly members (and may at any time remove a person from office as an Assembly Secretary).

(3) The standing orders must specify the maximum number of Assembly Secretaries that may be appointed.'.—*[Mr. Ron Davies.]*

Brought up, and read the First time.

4.59 pm

Mr. Ron Davies: I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker: With this, it will be convenient to discuss the following: Amendment (c) to the proposed clause, in line 5, after 'Secretary,' insert

'subject to the approval of the Subject Committee of which that Assembly Secretary is a member.'.

Amendment (a) to the proposed clause, in line 5, at end insert—

'(2A) The Assembly First Secretary shall appoint—

(a) one Assembly Secretary as the Financial Secretary; and

(b) one Assembly Secretary as the Business Manager.

(2B) The Assembly First Secretary shall not appoint the same Assembly Secretary as Financial Secretary and Business Manager.'.

Amendment (d) to the proposed clause, in line 5, at end insert—

'(2A) Any appointment under subsection (2) above shall not have effect unless it is confirmed by a decision of the Assembly as a whole.'.

Amendment (b) to the proposed clause, in line 6, leave out from (3) to end of line 7 and insert—

'There shall be no more than eight Assembly Secretaries in addition to the Assembly First Secretary.'.

Government new clause 21—*Executive committee*—

'.—(1) There shall be a committee of the Assembly whose members shall be—

(a) the Assembly First Secretary, who shall chair it, and

(b) the Assembly Secretaries.

(2) The committee shall be known by such title as the standing orders may provide (but is referred to in this Act as the executive committee).

(3) The Assembly First Secretary shall allocate accountability in the fields in which the Assembly has functions to members of the executive committee so that, in the case of each of those fields, accountability in the field is allocated either to one of the Assembly Secretaries or to him.

(4) The Assembly First Secretary need not make an allocation under subsection (3) to every member of the executive committee; but the number of Assembly Secretaries to whom no such allocation is made shall not exceed such number as may be specified in, or determined in accordance with, the standing orders.

(5) For the purposes of this section and section (*Subject committees*) "accountability", in relation to a member of the executive committee and a field, means that he is the member of the executive committee accountable to the Assembly (in accordance with standing orders under subsection (7)) for the exercise of the Assembly's functions in that field, except the exercise of functions by the executive committee (or by the Assembly itself).

(6) The Assembly First Secretary is accountable to the Assembly (in accordance with standing orders under subsection (7)) for the exercise of functions by the executive committee.

(7) The standing orders must include provision for allowing Assembly members to question (orally or in writing, as Assembly members prefer)—

(a) each member of the executive committee about the exercise of the Assembly's functions in the field or fields in which he is accountable, except the exercise of functions by the executive committee (or by the Assembly itself), and

(b) the Assembly First Secretary about the exercise of functions by the executive committee.

(8) In this section—

(a) references to the exercise of functions by the executive committee include the exercise of functions by a sub-committee of that committee or by members of the Assembly's staff in pursuance of a delegation to the Assembly's staff by either that committee or such a sub-committee, and

(b) references to the exercise of functions by the Assembly itself include the exercise of functions by members of the Assembly's staff in pursuance of a delegation to the Assembly's staff by the Assembly itself.'.

Amendment (a) to the proposed clause, in line 4, after 'known', insert

'as the Assembly Cabinet or'.

Amendment (c) to the proposed clause, in line 7, leave out 'executive committee' and insert 'Assembly Cabinet'.

Amendment (d) to the proposed clause, in line 10, leave out from '(4)' to end of line 13 and insert—

'The Assembly First Secretary shall make an allocation under subsection (3) to every Assembly Secretary except that no such allocation shall be made to the Financial Secretary or the Business Manager.'.

Amendment (e) to the proposed clause, in line 11, leave out 'executive committee' and insert 'Assembly Cabinet'.

Amendment (f) to the proposed clause, in line 15, leave out 'executive committee' and insert 'Assembly Cabinet'.

Amendment (g) to the proposed clause, in line 16, leave out 'executive committee' and insert 'Assembly Cabinet'.

Amendment (h) to the proposed clause, in line 18, leave out 'executive committee' and insert 'Assembly Cabinet'.

Amendment (i) to the proposed clause, in line 22, leave out 'executive committee' and insert 'Assembly Cabinet'.

Amendment (j) to the proposed clause, in line 25, leave out 'executive committee' and insert 'Assembly Cabinet'.

Amendment (k) to the proposed clause, in line 27, leave out 'executive committee' and insert 'Assembly Cabinet'.

Amendment (l) to the proposed clause, in line 29, leave out 'executive committee' and insert 'Assembly Cabinet'.

Amendment (m) to the proposed clause, in line 32, leave out 'executive committee' and insert 'Assembly Cabinet'.

Government new clause 22—*Subject committees*—

'.—(1) The Assembly shall establish committees with responsibilities in the fields in which the Assembly has functions.

(2) The committees established under this section shall be known by such titles as the standing orders may provide (but are referred to in this Act as subject committees).

(3) There shall be the same number of—

(a) subject committees, and

(b) members of the executive committee to whom the Assembly First Secretary allocates accountability in any of the fields in which the Assembly has functions.

(4) The division between the subject committees of the fields in which those committees have responsibilities and the division between members of the executive committee of the fields in which accountability is allocated to members of that committee shall be the same; and the member of the executive committee who has accountability in the field or fields in which a subject committee has responsibilities shall be a member of that subject committee.

(5) The Assembly shall elect a number of Assembly members to be a panel from which the members who are to chair the subject committees are to be selected; and the members of the panel shall be elected so as to secure that, as far as is practicable, the balance of the parties in the Assembly is reflected in the membership of the panel.

(6) The number of members of the panel at any time shall be equal to the number of subject committees at that time; and each member of the panel shall be selected to chair one (but not more than one) subject committee.

(7) A subject committee shall have such number of members (in addition to the person who is a member of the committee by virtue of subsection (4) and the member who chairs it) as the standing orders may provide.

(8) Those other members shall be elected by the Assembly from among the Assembly members so as to secure that, as far as is practicable, the balance of the parties in the Assembly is reflected in the membership of the committee (including the person who is a member by virtue of subsection (4) and the member who chairs it).'.

Amendment (a) to the proposed clause, in line 3, after 'known', insert 'as Select Committees or'.

Amendment (c) to the proposed clause, in line 7, leave out 'subject' and insert 'select'.

Amendment (d) to the proposed clause, in line 11, leave out 'subject' and insert 'select'.

Amendment (e) to the proposed clause, in line 15, leave out 'subject' and insert 'select'.

Amendment (f) to the proposed clause, in line 16, leave out 'subject' and insert 'select'.

Amendment (g) to the proposed clause, in line 18, leave out 'subject' and insert 'select'.

Amendment (h) to the proposed clause, in line 22, leave out 'subject' and insert 'select'.

Amendment (i) to the proposed clause, in line 23, leave out 'subject' and insert 'select'.

Amendment (j) to the proposed clause, in line 24, leave out 'subject' and insert 'select'.

Government new clause 23—*Delegation of functions*—

'.—(1) The Assembly may delegate functions of the Assembly (to such extent as the Assembly may determine) to—

(a) any committee of the Assembly, or

(b) the Assembly First Secretary.

(2) Any committee of the Assembly, apart from the Audit Committee, may delegate functions of the committee (to such extent as the committee may determine) to a sub-committee of the committee.

(3) In addition—

(a) the executive committee may delegate functions of the executive committee (to such extent as the executive committee may determine) to the Assembly First Secretary or an Assembly Secretary, and

(b) a subject committee may delegate functions of the subject committee (to such extent as the subject committee may determine) to the member of the executive committee who is a member of the subject committee by virtue of section (*Subject committees*)(4).

(4) A sub-committee of the executive committee may delegate functions of the sub-committee (to such extent as the sub-committee may determine) to the Assembly First Secretary or an Assembly Secretary; and a sub-committee of a subject committee may delegate functions of the sub-committee (to such extent as the sub-committee may determine) to the member of the executive committee who is a member of the subject committee by virtue of section (*Subject committees*)(4).

(5) The Assembly First Secretary may delegate functions of his (to such extent as he may determine) to an Assembly Secretary.

(6) In delegating a function under any provision of this section the Assembly, a committee of the Assembly or a sub-committee of such a committee may limit or prohibit its further delegation under this section or section (*Exercise of functions by Assembly staff*) (or both).

(7) Where a function has been delegated to the Assembly, this section applies to the function subject to the terms of the delegation to the Assembly.

(8) The delegation of a function under this section shall not prevent the exercise of the function by the body or person by whom the delegation is made.'.

Government new clause 24—*Exercise of functions by Assembly staff*—

'.—(1) Each of the following—

(a) the Assembly,

(b) any committee of the Assembly, apart from the Audit Committee,

(c) any sub-committee of a committee of the Assembly,

(d) the Assembly First Secretary, and

(e) any Assembly Secretary,

may delegate functions to the Assembly's staff.

(2) Where a function is delegated to the Assembly's staff it is for the Permanent Secretary to the Assembly to make arrangements as to which member or members of the Assembly's staff is or are to exercise the function; and in this subsection "the Permanent Secretary to the Assembly" means the person appointed in accordance with section 35(1) and (3) to be the head of the Assembly's staff (whether or not that person is known by the title of Permanent Secretary to the Assembly).

(3) Where a function has been delegated to the Assembly, this section applies to the function subject to the terms of the delegation to the Assembly.

(4) The delegation of a function under this section shall not prevent the exercise of the function by the body or person by whom the delegation is made.'.

Amendment (a) to the proposed clause, in line 7, after 'may' insert 'not'.

Amendment (b) to the proposed clause, in line 7, at end insert 'other than administrative duties.'.

Amendment (c) to the proposed clause, in line 8, leave out 'function' and insert 'duty under subsection (1)'.

Amendment (d) to the proposed clause, in line 10, leave out 'function' and insert 'duty'.

Amendment (e) to the proposed clause, in line 14, leave out 'function' and insert 'duty under subsection (1)'.

Amendment (f) to the proposed clause, in line 15, leave out 'function' and insert 'duty'.

Amendment (g) to the proposed clause, in line 16, leave out 'function' and insert 'duty under subsection (1)'.

Amendment (h) to the proposed clause, in line 17, leave out 'function' and insert 'duty'.

Government new clause 25—*Categories of staff*—

'.—(1) There shall be three categories among the staff of the Assembly.

(2) The categories shall be—

(a) staff who assist members of the Assembly of all registered political parties in performing their functions in the Assembly and its committees, who shall be known as the parliamentary staff,

(b) staff who assist members of the Assembly of one registered political party only, who shall be known as the political staff, and

(c) staff who perform executive functions on behalf of the Assembly or its committees, who shall be known as the executive staff.

(3) The Assembly shall make provision in respect of—

(a) the numbers of staff in each category,

(b) the transfer of staff from one category to another, and

(c) the designation of functions referred to in subsection (2).

(4) Nothing in this section shall prevent executive staff from providing services for other categories of staff where it appears appropriate to the Assembly First Secretary and the presiding officer of the Assembly.'.

New clause 29—*Codes of practice*—

'The Minister for the Civil Service shall consult the Assembly on any codes of practice or procedure relating to or applicable to staff appointed by the Assembly who serve in Her Majesty's Home Civil Service.'.

New clause 32—*Assembly corporate body*—

'—(1) There shall be a body corporate to be known as "The Welsh Assembly Corporate Body" (referred to in this Act as the corporation) to perform the statutory functions conferred on the corporation and any functions conferred on the corporation by resolution of the Parliament.

(2) The members of the corporation shall be—

(a) the Presiding Officer; and

(b) four members of the Assembly appointed in accordance with standing orders.

(3) The corporation shall provide the Assembly or ensure that the Assembly is provided, with the property, staff and services required for the Assembly's purposes.

(4) The Assembly may give special or general directions to the corporation for the purpose of or in connection with the exercise of the corporation's functions.

(5) Proceedings by or against the Assembly shall be instituted by or (as the case may be) against the corporation on behalf of the Assembly.

(6) Any property or liabilities acquired or incurred in relation to matters within the general responsibility of the corporation to which (apart from this subsection) the Assembly would be entitled or subject shall be treated for all purposes as property or (as the case may be) liabilities of the corporation.

(7) Any expenses of the corporation shall be payable out of the Consolidated Fund.

(8) Any sums received by the corporation shall be paid into that Fund.

(9) Schedule (*Welsh Assembly Corporate Body*) (which makes further provision about the corporation) shall have effect.'.

New clause 33—*Clerk of the Assembly*—

'.—(1) There shall be a Clerk of the Assembly.

(2) The Clerk shall be appointed by the Assembly Corporate Body (established under section (*Assembly Corporate Body*).

(3) The Clerk's functions may be exercised by any Assistant Clerk if the office of Clerk is vacant or the Clerk is for any reason unable to act.

(4) The Clerk may authorise any Assistant Clerk or other member of the staff of the Parliament to exercise functions on his behalf.'.

Amendment No. 250, in clause 1, page 1, leave out line 11.

Government amendments Nos. 122 and 123.

Amendment No. 231, in clause 35, page 21, line 20, after

'(2), insert—

'Subject to paragraphs (2A) and (2B) below,'.

Amendment No. 232, in page 21, line 21, at end insert—

'(2A) The Assembly may appoint staff to be called Officers of the Assembly who shall be not more than ten in number and who shall not be in the service of Her Majesty's Home Civil Service.

(2B) Officers of the Assembly shall be paid out of monies received by the Assembly from the Secretary of State.'.

Government amendment No. 83.

Amendment No. 233, in page 21, line 34, after 'staff', insert

'but not including officers of the Assembly.'.

Government amendments Nos. 124 to 130, 164, 131 to 136, 139, 88, 141, 150 to 152, 142 and 143.

Amendment No. 198, in clause 149, page 69, line 38, at end insert

'"executive committee" means the Assembly Cabinet,'.

Amendment No. 199, in page 69, line 40, leave out ', and' and insert

'"subject committee" means a Select Committee of the Assembly, and'.

Government amendments Nos. 144 to 149.

New schedule 1—ASSEMBLY CORPORATE BODY—

Membership

1. A person appointed under section (Assembly Corporate Body) (2)(b) shall hold office until another member of the Assembly is appointed in his place, unless he previously resigns or ceases to be a member of the Assembly otherwise than by virtue of a dissolution.

Property

2.—(1) The corporation may hold property.

(2) Subordinate legislation may provide—

(a) for the transfer to the corporation of any property to which this sub–paragraph applies, or

(b) for the corporation to have such rights or interests in relation to any property to which this sub–paragraph applies as the person making the legislation considers appropriate (whether in connection with a transfer or otherwise).

(3) Sub–paragraph (2) applies to any property belonging to a Minister of the Crown which appears to the person making the subordinate legislation to be property which is or may be required wholly or partly for the purposes of the corporation's functions.

(4) Subordinate legislation under sub–paragraph (2) in relation to any property may provide for the transfer to the corporation of any liabilities relating to the property to which a Minister of the Crown is subject and which subsist immediately before the subordinate legislation comes into force.

Staff

3.—(1) The corporation shall appoint assistant clerks and may appoint other staff.

(2) The Clerk and other persons appointed by the corporation are referred to in this Act as the parliamentary staff of the Assembly.

(3) It is for the corporation to determine the terms and conditions of appointment of the parliamentary staff of the Assembly, including arrangements for the payment of pensions, gratuities or allowances to, or in respect of, any person who has ceased to be a member of the staff.

(4) Accordingly the corporation may—

(a) make contributions or payments towards provision for such pensions, gratuities or allowances,

(b) establish and administer one or more pension schemes.

Powers

4.—(1) Subject to sub–paragraph (3), the corporation may do anything which appears to it to be necessary or expedient for the purpose of or in connection with the discharge of its functions.

(2) That includes, in particular—

(a) entering into contracts,

(b) investing sums not immediately required in relation to the discharge of its functions, and

(c) accepting gifts.

(3) The corporation may borrow sums in sterling by way of overdraft or otherwise for the purpose of meeting a temporary excess of expenditure over sums otherwise available to meet that expenditure.

(4) The corporation may borrow money only under sub–paragraph (3) and may borrow under that sub–paragraph only in accordance with the special or general approval of the Assembly.

Delegation

5. The corporation may delegate any of its functions to the Presiding Officer or the Clerk.

Proceedings and business

6.—(1) The validity of any proceedings of the corporation shall not be affected by any vacancy among the members, or by any defect in the appointment, or qualification for membership, of any member.

(2) The corporation may determine its own procedure.

(3) The Presiding Officer shall preside at meetings of the corporation, but the corporation may appoint another of its members to preside if the office of Presiding Officer is vacant or the Presiding Officer is for any reason unable to act.

Crown status

7.—(1) Her Majesty may by Order in Council provide for the corporation to be treated to any extent as a Crown body for the purposes of any enactment.

(2) In particular, the Order may for the purposes of any enactment provide—

(a) for employment under the corporation to be treated as employment under the corporation as a Crown body,

(b) for land held, used or managed by the corporation, or operations carried out by or on behalf of the corporation, to be treated (as the case may be) as land held, used or managed, or operations carried out by or on behalf of, the corporation as a Crown body.

(3) For the purpose of this paragraph, "Crown body" means a body which is the servant or agent of the Crown, and includes a government department.

Mr. Davies: If accepted, the new clauses would replace clauses 52, 55, 56, 57 and 58. I know that the right hon. Member for Devizes (Mr. Ancram) is concerned about the Opposition's ability to scrutinise the whole Bill in the absence of precise details on the Bill on registration of political parties. Perhaps it would assist him if I told him that my right hon. Friend the Home Secretary has invited him and the shadow Home Secretary to discuss the Bill.

I can confirm the assurances given in Committee, that we accept the validity of some of the right hon. Gentleman's arguments. I share his concerns, and I certainly want to make sure that the registration Bill, when it is eventually introduced, takes account of the points he has raised.

Mr. Ancram: I am grateful to the Secretary of State, and I hear what he says, but the process in the House is not between the two Front Benches: it is for all hon. Members to take part in debates on legislation. When crucial areas require detail—of the kind to which I have alluded and that he has acknowledged—and that detail is not available, that is a serious matter for the whole House. That is what I am asking him to cure.

Mr. Davies: The flaw in the right hon. Gentleman's argument lies in the fact that the House accepted the European Parliamentary Elections Bill, which contains a reference to registration, and Conservative Members did not raise the question of the registration of political parties Bill at that time.

Mr. Bernard Jenkin (North Essex): We did.

Mr. Davies: In which case, the House has accepted the precedent that we can proceed to deal with such matters without the registration Bill before us.

Mr. Jenkin *rose—*

Mr. Davies: I will not give way, because I suspect that you, Mr. Deputy Speaker, would rule me out of order if I did not proceed to deal with the amendments.

Mr. Jenkin *rose—*

Mr. Davies: If the hon. Gentleman can ensure that any intervention is in order, of course I will give way.

Mr. Jenkin: I am sure that it is in order, because otherwise you would soon rule it out of order, Mr. Deputy Speaker.

Under this Bill, and in the Scotland Bill, people will cast two votes. Under the European Parliamentary Elections Bill, they will cast only one, so the double-ticket voting does not apply, and that is where the problem with registration is especially germane to this Bill and to the Scotland Bill in a way in which it is not so germane to the European Parliamentary Elections Bill.

That is why it is inadequate to proceed on the basis on which the Secretary of State has forced us to proceed by the sheer numbers—

Mr. Deputy Speaker: Order. That is not necessarily germane to the amendments now under discussion.

Mr. Tam Dalyell (Linlithgow): On a point of order, Mr. Deputy Speaker. I have listened in bewilderment for the past 10 minutes. In the light of what has happened, could you possibly raise with Madam Speaker exactly what the position of the rest of us is in all this? The House as a whole has some rights in these matters.

Mr. Deputy Speaker: The hon. Gentleman knows—I do not want to repeat myself too much—that the procedures that have been employed for the consideration of this and other Bills have been on the basis of recommendations from the Select Committee on Modernisation of the House of Commons. Those recommendations have been accepted in terms of the composition of the Business Committee.

[Mr. Deputy Speaker]

I am well aware, as is Madam Speaker, of the concern that all Back-Bench and party interests should be represented. The hon. Gentleman would be well advised to make representations to the Modernisation Committee if he feels that the procedures that it has recommended so far are defective in the sense he suggests.

Mr. Davies: The purpose of the amendments is to enable the assembly more easily to establish a Cabinet-style process of decision making. They come forward, as the right hon. Gentleman will recall, in response to arguments advanced by Opposition Members, including the right hon. Member for Devizes and the leaders of other Opposition parties, and in the light of advice from my national assembly advisory group.

The House will understand from the motion before us that we have some three hours available to discuss these relatively non-controversial amendments. The Government have generously provided another two hours injury time this evening because we have had a statement. So we are debating non-controversial amendments tabled to comply with the legitimate request from the Opposition. We provided three hours to discuss them and a further two hours of injury-time debate from 10 pm to midnight this evening.

Therefore, I hardly think that the right hon. Member for Devizes—*[Interruption.]* He is waving two fingers at me. I think that he is suggesting that we had two statements, but it is now slightly after 5 o'clock. The debate was due to start at 3.30 pm. The debate on the guillotine continued for something approaching half an hour. The right hon. Gentleman must accept that the Government have been more than generous.

Sir Teddy Taylor (Rochford and Southend, East): I—

Mr. Deputy Speaker: Order. We are straying again into more general matters related to the procedure for dealing with the Bill. We should be using the time available to deal strictly with this group of amendments. I take it that the Secretary of State had given way to the hon. Member for Rochford and Southend, East (Sir T. Taylor).

Sir Teddy Taylor: Will the important change in the structure to a Cabinet-type structure have implications for the only amendments that I and my colleagues have tabled? They relate to the Official Secrets Act 1911 in clause 79.

Mr. Ron Davies: I understand the right hon. Gentleman's concerns. I do not wish to pre-empt the later debate, but I have listened carefully to the case that he and other hon. Members have made on the provisions contained in the Bill relating to the Official Secrets Act. The Under-Secretary of State for Wales, my hon. Friend the Member for Neath (Mr. Hain) will have some news that the right hon. Gentleman will find welcome when we come to the matter. We have listened carefully to what has been said.

Dr. John Marek (Wrexham): Will my right hon. Friend give way?

Mr. Davies: I am anxious to proceed with the amendments rather than to have an extended debate at this point on the Official Secrets Act. On the understanding that my hon. Friend will use all his ingenuity to ensure that his intervention is in order, I of course give way to him.

Dr. Marek: I do not have to use any ingenuity, because my intervention is precisely on the amendments. As there will be Cabinet government for the national assembly, and every servant of the assembly will be a member of Her Majesty's home civil service, there is now a need for the assembly to appoint staff who are independent and owe their loyalty to the assembly rather than to the Government, as the Clerks of the House and the Comptroller and Auditor General owe to this House. Amendments Nos. 231, 232 and 233 would make that possible, and there is a case for considering them carefully.

Mr. Davies: As my hon. Friend says, such amendments have been tabled, and I understand that they have been selected. No doubt he will want to speak to them later. It would be inappropriate for me to address those amendments now.

My hon. Friend has suggested that we are about to prescribe a Cabinet-style system for the assembly. We are not. We are making it easier for the assembly to have Cabinet-style government if that is what it wants. It is my expectation that the assembly will establish a Cabinet-style system from the outset.

Sir Raymond Powell (Ogmore): As this is an important step to take, can my right hon. Friend tell me why the matter was not referred to in the paper that we published before the referendum, and why it was not discussed in the debate on the referendum? It is an important issue.

Mr. Davies: My hon. Friend is right. It is an important matter. It was debated extensively in the referendum campaign, and reference was made to it in the White Paper. My hon. Friend will recall having discussed the matter before the general election and subsequently.

We discussed at what point on the continuum between the local government committee system and the more centralised Cabinet system the assembly should be located. It has always been the case that there is a judgment to be made as to where on that continuum the assembly should operate. We are now facilitating the opportunity for the assembly, if it so wishes, to ensure that its internal architecture is placed somewhere along the continuum closer to the Cabinet style than the local government committee style. That is what we debated at great length. It is something that my national assembly advisory group considered and recommended to me, and which was put to me by representatives of all political parties in the House. We have debated it, and I am genuinely trying to reflect the consensus that has developed around it.

I deal first with new clause 23. The assembly's functions will generally be exercisable by those to whom it delegates those functions. New clause 23 sets out the possible delegations—to Committees, which can include the Executive Committee, or to the First Secretary, and then to the Assembly Secretaries. The pattern of delegation of functions will determine the assembly's

decision-making style. If functions were predominantly to be delegated to subject Committees, a local government style of decision making would operate. However, if functions are predominantly delegated to the First Secretary and to the Executive Committee, something more akin to the Cabinet style will emerge.

As I said, my advisory committee has recommended a Cabinet style of decision making. I have accepted that advice, and the guidance that I shall give to the Standing Orders Commissioners will reflect that. The assembly's initial Standing Orders will incorporate a substantial delegation of functions to the Executive Committee and to the First Secretary. The assembly will therefore begin life with a delegation of functions consistent with a Cabinet model of operation. It would, however, be open to the assembly subsequently, if it wished, to change those Standing Orders and instead delegate functions to subject Committees, but that would be possible only with a two-thirds vote in favour of such a move.

New clauses 20 and 21 make new provision for the Executive Committee. The First Secretary is to appoint Assembly Secretaries, subject to a limit on numbers, to be prescribed in Standing Orders. I will seek advice from the advisory group on the maximum number of appointees, and I will listen to the comments that the right hon. Member for Devizes will doubtless make later this evening when he moves an amendment relating to the maximum number of Assembly Secretaries.

The Assembly Secretaries will be members of the Executive Committee, and the First Secretary will allocate portfolios among them, although not necessarily to all. There is provision for a limited number of non-portfolio Assembly Secretaries. Individual Assembly Secretaries will account to the assembly for their performance of functions which the assembly has delegated. New clause 21 makes provision for the questioning of Assembly Secretaries for that purpose.

The combination of an extensive delegation of functions to the Executive Committee and the First Secretary, and the appointment by the First Secretary of Assembly Secretaries and the allocation of portfolios among them, provide for the creation of a strong political centre for the assembly and meet the case made by Opposition parties.

Individuals will be clearly responsible and accountable for the assembly's decisions in particular areas of its work. That reflects the points made in the House, and by my advisory group, for a process of Executive decision making. This has been the subject of intense debate in Wales, and certainly the subject of strong representations to me and my colleagues in the Welsh Office by, among others, the CBI in Wales.

I have always made it clear that the Government's wish is to draw the best from both the Cabinet and local government models. The local government system allows for wide participation in the policy process. That is reflected in new clause 22, which makes new provision for subject Committees.

Under new clause 22, each Assembly Secretary with functional responsibilities will be a member of a subject Committee with responsibilities in the same area. The role of the all-party subject Committees will extend well beyond that of scrutiny of the Executive on the Westminster model. Thus, they could examine draft subordinate legislation, review policy outcomes and propose policy initiatives, monitor the performance of public bodies in their spheres, and make recommendations feeding into the assembly's resource allocation process.

The Committees will work in partnership with the Assembly Secretaries, and will have a distinctive and important role to play in the assembly's policy process.

Mr. Dalyell: On the subject of resource allocations, in the Scottish context it is becoming clearer week by week that the proposals are vastly more expensive than anyone had imagined. What are the estimated costs of the changes in Wales? Are they all to be borne by the Welsh allocation, or do they come out of the UK allocation?

Mr. Davies: If my hon. Friend studies the Bill, he will see that the financial memorandum, which was discussed on Second Reading, makes clear the Government's estimates. On his substantive point, I confirm that any costs incurred as a result of the running of the assembly will, of course, be met out of the existing Welsh block.

I was talking about the role of the Committees in the assembly's policy process. It is a role that I believe can be achieved effectively only if, as we have provided, the Assembly Secretaries are members of the Committees and are actively involved with their work, rather than being external to them as in the classic Scrutiny Committee manner, which we see in the Select Committees in this place.

Mr. Nigel Evans (Ribble Valley): My question follows on from that asked by the hon. Member for Linlithgow (Mr. Dalyell). Is it correct that the change to the Cabinet-style structure should not mean expenditure additional to that proposed in the first Bill?

Mr. Davies: I am not sure what the hon. Gentleman is suggesting. Does he have a more precise question as to where he thinks additional expenditure could arise? If so, I shall try to answer him.

Mr. Evans: It is a quite clear question, as the Prime Minister might say. Will the new structure be more expensive than the first structure that the Secretary of State announced? Is it a more expensive system of local government for Wales?

5.15 pm

Mr. Davies: I know that the hon. Gentleman has difficulty with some of the concepts involved, but it is not a local government system. We are proposing a new form of arrangement in Wales, which is based on the principle of devolution. If the hon. Gentleman considers carefully the case that he has submitted to me, and which I have broadly accepted, he will understand that there is nothing inherent in the proposals that could possibly affect the costs of the assembly. I have repeatedly said that the costs of running the assembly will be met out of the Welsh block.

Mr. Lembit Öpik (Montgomeryshire): My understanding is that we are discussing a strategic set of amendments and new clauses which will shape how the assembly runs. Does the Secretary of State agree that

[Mr. Lembit Öpik]

moving from the original proposals to the current ones involves what will ultimately be only marginal changes in costs?

Mr. Davies: I am sure that the hon. Gentleman is right. The essence of the decision we had to take—a debate in which all parties involved themselves—was whether, in constructing the assembly, to opt for a form of decision making that was as inclusive as possible, or whether to put a premium on a decision-making process which was accountable and capable of making rapid decisions.

Mr. Dominic Grieve (Beaconsfield) *rose—*

Mr. Davies: I should be grateful if the hon. Gentleman could contain his enthusiasm. I am trying to deal with an intervention by the hon. Member for Montgomeryshire (Mr. Öpik). Once I have done so, I shall certainly try to accommodate the hon. Gentleman.

One has to decide whether to construct an assembly that is as inclusive as possible and which seeks to produce a consensus, or whether to come up with something that is less than transparent. It is my understanding, based on the strong recommendations made to me by all political parties in Wales, that the assembly should have the capacity—I stress the word "capacity"; we are not prescribing or mandating it—to go for a Cabinet style, which would ensure the accountability of individual decision makers, and that it should have the capacity to make rapid decisions.

Mr. Grieve: The right hon. Gentleman must understand the thrust of the various questions, as they are perfectly straightforward. Clearly the costs will be met from the block grant, but I take it from what the Secretary of State has said that no one in the Welsh Office has suggested to him or his colleagues that the new system that is being devised will in reality be rather more expensive and take more money out of the block grant than the old. Is that so? It is the only question to which an answer is being sought, but I am bound to say that the Secretary of State did not provide one. Has anyone costed the new system?

Mr. Davies: I have already given the answer in reply to the hon. Member for Ribble Valley (Mr. Evans), although I acknowledge that the hon. Member for Beaconsfield (Mr. Grieve) has asked a rather more explicit question. I said that there was nothing inherent in the proposals that would lead to an increased cost.

Mr. Dafydd Wigley (Caernarfon): Will the right hon. Gentleman give way?

Mr. Davies: Yes—I suspect that I shall not be moving on for some time yet.

Mr. Wigley: I agree. My question relates not to the matter of cost, but to the relationship between the Assembly Secretary and the Committee itself. Given that a form of Cabinet system is being set up, am I right in interpreting that to mean that the Assembly Secretary would not be bound by a decision of the Committee; that he would be a member of the Committee and, if the Committee voted in a way that overruled his policy, that vote would not change his policy; and that only if the assembly as a whole changed the policy of the Executive as a whole would the Executive have to change their policy? Is that interpretation correct?

Mr. Davies: I understand the reason why the right hon. Gentleman raises that question; unfortunately, I cannot give him a precise answer, because it will depend in part on the Standing Orders eventually adopted by the assembly, which will in part reflect the way in practice develops in the assembly, which practice will be influenced by the existence or absence of political control within the assembly. Let us assume that one party has overall control of the assembly, although that might not be a prospect that the right hon. Gentleman views with great relish—

Mr. Wigley: Oh, but I do.

Mr. Davies: The right hon. Gentleman will not be surprised to learn that I am perfectly relaxed about that prospect, too, although we might differ on which party that should be.

Let us assume for the purpose of argument that the assembly has one-party majority control. In those circumstances, one can reasonably assume that the subject Committees themselves would have one-party majority control, and that therefore there would be a majority on the Committee that was broadly supportive of the Assembly Secretary. If that was the case, or if there was a coalition, or in any other circumstances, the Assembly Secretary would have to carry the subject Committee with him or her.

If he or she failed to do so on a matter of—*[Interruption.]* I am addressing the right hon. Member for Caernarfon (Mr. Wigley), and I hope that the hon. Member for Stone (Mr. Cash) will have some regard for that. If the subject Committee found itself in conflict on a matter of principle with the Assembly Secretary who was a member of that Committee, there would a situation which presumably the First Secretary or the assembly itself would want to address, either by changing policy or by changing the Assembly Secretary. *[Interruption.]*

Mr. Deputy Speaker: Order. The hon. Member for Stone (Mr. Cash) has joined the proceedings, and I am sure that we are pleased to see him, but we are not doing anything other in the Chamber than debating the Government of Wales Bill.

Mr. Davies: Thank you, Mr. Deputy Speaker. Perhaps I can now get back to the point that I was making some time ago, which is the way in which the Assembly Secretaries will sit on subject Committees.

Mr. Oliver Letwin (West Dorset): I am sorry to detain the Secretary of State longer, but I want to follow up the line of questioning raised by the right hon. Member for Caernarfon (Mr. Wigley). Will the Secretary of State carry his clarification just one step further?

If the subject Committee in question had already delegated functions to the Assembly Secretary, even if the Assembly Secretary was sitting on the subject Committee, and the subject Committee came to a conclusion contrary

to the policy established under that delegated authority by the Assembly Secretary, presumably that decision would be matter of academic interest only. Is that correct?

Mr. Davies: Yes, it is certainly a matter of academic interest.

What we are doing is providing for a strong political centre to emerge in the assembly. We are also making effective provision for all parties in the assembly to make their own distinctive contributions to its work through the subject Committees.

Finally, I refer to new clause 24. It was explained during Committee stage that we needed to make specific provision in the Bill for delegation of functions to staff, as it was not clear that the Carltona principle would apply in the context of the Assembly. New clause 24 simply makes it clear that any such delegation to staff will operate in accordance with the established principle that it is for the permanent secretary of the Department to manage departmental staff, and that he or she will decide which of the staff are actually to discharge any functions so delegated. New clause 24 therefore provides a worthwhile reinforcement of the position of assembly staff as civil servants, free from political interference.

New clauses 20 to 24 are important amendments that will have a major and beneficial effect on the business style of the Assembly and I commend them to the House.

Mr. Ancram: May I start, perhaps rather surprisingly in view of my earlier remarks, by welcoming the new clauses tabled by the Secretary of State? I do so because they are an attempt to meet some of the concerns expressed by Opposition Members earlier in the debate. I call them an attempt, because I am not yet certain that he has delivered what we were asking for.

Some of us tabled amendments earlier to create a Cabinet structure, because we believe that a Cabinet structure creates a clear line of accountability in a way that is not possible under a Committee structure. We believe also that it gives the electorate a clearer view of what they are actually electing than is possible under a Committee structure.

To summarise our arguments, we believe also that a Committee structure is more prone to being run by officials than is a Cabinet structure. When we heard last week that the Secretary of State was tabling new clauses in order to achieve a Cabinet structure, we welcomed that. I did so publicly and I do so again today, but only in so far as the right hon. Gentleman has gone.

I am little concerned that one of the concerns I expressed in an earlier debate has not been met. When we last debated this issue, I said:

"I am surprised that the Government seem to have set about creating what I can only describe as a constitutional mule—it is neither one thing nor the other, neither local government nor the type of cabinet structure to which we are accustomed."—[*Official Report*, 2 February 1998; Vol. 305, c. 750.]

The Secretary of State appears to have achieved the removal of that total ambiguity, but he has created two choices, so that we are still not certain whether what we end up with will be a Cabinet structure, or one based on the Committee structure that was originally in the Bill.

The right hon. Gentleman said that the amendments do not prescribe, but allow the assembly to decide. He went on to say, which I found even more puzzling, that it would not be a question of a clear decision being taken on whether there would be either a Cabinet structure or a Committee structure, but that it would depend on the decisions of the assembly as to whether there would be predominantly a Cabinet structure or predominantly a Committee structure.

Only after those various decisions on what functions to delegate in which directions had been taken would we be able to say, "That is a Cabinet structure," or, "That is a Committee structure." We are certainly not able to say at this distance, in the words of the former President Bush, that, if it quacks like a duck and walks like a duck, it is likely to be a duck. In this case, it is going to be allowed to quack and bark at the same time, so we will not know whether the structure is a duck or a dog until the assembly has taken those decisions.

Mr. Ron Davies: If it quacks and barks, it will obviously be the product of a Ministry of Agriculture experimental farm.

The answer to the right hon. Gentleman's question is that the Standing Orders under which the assembly will meet initially will prescribe a Cabinet system; however, it will subsequently be open to the assembly, if the two-thirds majority requirement is met, to change its method of operation. I hope that the right hon. Gentleman will accept that is not unreasonable to allow the assembly to review and modernise its own internal procedures.

Mr. Ancram: I am grateful for that explanation, but it is precisely because the provision appears to be the product of an experimental farm that I am questioning it a little more closely. I am not sure that the product of an experimental farm is what the right hon. Gentleman intended in terms of devolution for Wales.

Perhaps the Secretary of State can enlighten me, or tell me whether I am wrong, but my understanding of new clause 23 is that it allows the assembly to delegate functions in a number of different directions, and it is on the basis of how those functions are delegated and in terms of the primary legislation allowing the assembly to so delegate, not on the basis of the Standing Orders by means of which they may be delegated, that the decision will be taken whether there will be a Cabinet structure or a Committee structure.

That appears to be what new clause 23 provides, so it leaves the whole question still to be resolved. What is does not do is create the clear position that we sought of a Cabinet structure of the sort that we find, for example, within the Scotland Bill.

It is worth reminding the House that "The Blackwell Encyclopaedia of Political Science" defines a Cabinet as

"A form of government in which a group of ministers, usually drawn from the majority party or parties of a parliament, combine to make collective decisions about the country's Policies . . . Two points are central to the concept. First, the decisions of a cabinet are meant to be collective, not those of a single person; ministers are bound by the doctrine of collective responsibility publicly to support all the decisions taken by cabinet. Second, the cabinet acts as a political link between the executive and the parliament because ministers are answerable to the parliament."

If I read that right, one either has a Cabinet structure or one does not. One cannot have a series of functions being moved in different directions, which do not clearly meet those two points which are described as being central, and say, "On the balance of probabilities, this is

[Mr. Ancram]

a Cabinet." However, that seems to be what new clause 23 would achieve. I should like to hear the Minister's response on the ambiguity and doubt that could be created.

Mr. Dalyell: Will the right hon. Gentleman clear up some of his own ambiguity and doubt? When he made these proposals to the Government, did he have any clear idea, for example, to whom the civil servants would be responsible? Are they to be responsible to the Welsh Cabinet structure, or to the home civil service? What was his view on that?

5.30 pm

Mr. Ancram: The hon. Gentleman knows that we asked that question in connection with the structure of the Scottish Parliament. It does not arise from new clause 23, however. We are now considering whether the civil service in Wales will be responsible to the assembly as a whole, as was the case under the original legislation, or whether it will now be responsible to a Cabinet.

In fact, that makes may point rather well, because, if I read new clause 23 aright, we may end up with it being responsible for some functions to the assembly as a whole, and for other functions to members of what would be, effectively, a Cabinet. That lack of clarity, which the hon. Gentleman rightly points out is inherent anyway in the Bill, is exacerbated by the new clause. I wish to hear a response from the Secretary of State on that.

Mr. Ron Davies: The right hon. Gentleman knows that there is no lack of clarity there. The assembly is a corporate body, and the functions that will be transferred will be transferred to it as a corporate body. It is then for the assembly to decide how it wishes those functions to be exercised.

Mr. Ancram: Intentionally or not, the right hon. Gentleman is again missing my point. I am saying that, if the assembly follows the route of new clause 23, and of what I understood him to say in his speech, it will not be a question of deciding whether there is a Cabinet; it will be a question of giving some functions to the Executive Committee, which would be along the lines of a Cabinet, and giving others to the subject Committees of the assembly, forming a Committee structure.

I say in all seriousness to the Secretary of State that that could be the undoing of the way the assembly works in future unless there is some more clarity on it.

Mr. Davies: I have made it clear to the right hon. Gentleman several times that I intend that the Standing Orders under the which the assembly meets for the first time will provide for a Cabinet system. It will be open, however, to the assembly, if it subsequently wishes, to revert to a different system. Nevertheless, I intend that, when the assembly meets for the first time, it will meet with a Cabinet system; that will be provided for in the standing orders.

Mr. Ancram: In that case, I ask the right hon. Gentleman another question. In new clause 23, which will be part of primary legislation, not the Standing Orders, does that mean that new clause 23(1)(a), which says:

"The Assembly may delegate functions of the Assembly . . . to any committee of the Assembly",

will be operable only if the Standing Orders have been changed by a two-thirds majority at that time? Is he saying that that provision, which will be in primary legislation, is already qualified and pre-empted by non-primary legislative decisions that he will have taken in relation to the original standing orders? That places a very serious question mark over the meaning of the new clause. Either it is there to provide powers, or it is not.

Mr. Davies: New clause 23 is perfectly clear, and new clause subsection (1)(a) provides for the assembly to delegate its functions to any Committee of the assembly if it so wishes. That provision will be allowed for in the Standing Orders.

Mr. Ancram: In that case, this argument goes round and round. My original suggestion that we might have a bit of this and a bit of that and not know whether it was a duck or a dog is likely to come true. I say to the right hon. Gentleman in all seriousness, because I believe he is moving in the right direction, that he has left things dangerously open. I am afraid that it creates another area of uncertainty.

I do not want to be unduly unkind to him, but we are becoming used to the non-decisions of this Secretary of State. Will it be Swansea or Cardiff? Will it be Pier head or Bute square? Will it be a Cabinet or a Committee? We do not know. If the people of Wales are to have confidence in the devolution proposals, they should have a clearer idea of the answers to all those questions.

Mr. Öpik: Will the right hon. Gentleman acknowledge that his anxieties would seem groundless if we were discussing the setting up of a new business? The more progressive management consultants would adopt the approach that the Government are taking, and allow the organisation to define its reporting structures. The Conservatives are advocating adherence to much more traditional, more rigid systems of government, more associated with old Westminster than with new Cardiff.

Mr. Ancram: I hope that the right hon. Gentleman can relieve us both of our concerns, because I understand that, if the assembly is to operate as a business in this regard, it will first need a two-thirds majority to overcome the Standing Orders that he has said will direct it in a particular—what the hon. Member for Montgomeryshire (Mr. Öpik) would call "old-fashioned"—way. We need to know the answers to those questions. That is one reason—I shall not trespass on this, Mr. Deputy Speaker—why I was worried that we did not have enough time in which to discuss this group of amendments. These are not minor or straightforward—

Mr. Ron Davies: The right hon. Gentleman is going round and round.

Mr. Ancram: I am going round and round because the new clause is circular, and it will take us round and round in circles.

Mr. Tim Collins (Westmorland and Lonsdale): Does my right hon. Friend agree that there is a further

confusion, which illustrates this point, inherent in new clause 22, on the system of subject Committees? For the past two decades, Cabinet government in this House has been balanced by accountability to cross-party Select Committees, usually acting unanimously. The subject Committees can hardly operate in that way if the person whom they are scrutinising is sitting on that Committee, asking questions with them and scrutinising the same evidence as them. Is that not another example of a quacking dog?

Mr. Ancram: I am grateful to my hon. Friend for that example. He is absolutely right. He will notice that the amendments that we have tabled to new clause 22—amendments (a) to (j)—seek to meet that objection by renaming the subject Committees "Select Committees", so that they will operate as a Committee should operate under a Cabinet structure, like the Select Committees of the House. We are trying to bring clarity to what we consider to be a move in the right direction, which is not achieving what it set out to achieve.

Having made those points, on which I hope that we shall receive clarification from the Secretary of State because they are important, I shall briefly explain the amendments in the names of myself and my hon. Friends.

Our amendment (a) to new clause 20 would require the First Secretary to appoint one person as Financial Secretary and another as Business Manager. Our amendment (d) to new clause 21 would provide that neither be given responsibility for a specific field of policy. That is another constructive attempt to make more sense of the Cabinet structure, because we believe that, if a Cabinet is to work, there should be Ministers in the Cabinet who are not departmental Ministers but can look after the financial side. We know that a large sum of money—about £7 billion—is likely to be within the purview of the assembly. We believe that one Minister should be responsible for that.

We believe that there should be a Business Manager—a post along the lines of the Leader of the House—to ensure that business is properly pursued. That will make clear sense in the Cabinet structure, which is why we favour a Cabinet structure.

Amendment (b) to new clause 20 would prevent the First Secretary from appointing more than eight other Secretaries, including those two. The Secretary of State said that he looked forward to hearing me explain why we chose that number. There is no magic formula. There are 60 Members of the assembly. It seems to us that six departmental Ministers—a tenth of them—is generous.

Ministers currently on the Treasury Bench are carrying out all the functions that the six Secretaries plus the First Secretary will carry out. If the Secretary of State is in the place of the First Secretary at the moment, there are two hard-worked Ministers sitting next to him on the Front Bench whose work will now be undertaken by three Ministers each. That seems to be quite generous.

Although we know the skill and hard-working capabilities of the hon. Members for Neath (Mr. Hain) and for Bridgend (Mr. Griffiths), we believe that three other Welsh men or women should be able to undertake the work that they currently undertake. Therefore, it seems to us that the number six is about correct.

I have referred already to amendments (a) and (c) to (j) to Government new clause 22. They are designed genuinely to make sense of the Cabinet structure by having the Committees as Select Committees—

Mr. Robert Syms (Poole): What happens to the rest of the Welsh Office structure upon the appointments that we are discussing? It is implicit in the Bill that there will be a Secretary of State. Will there be junior Ministers supporting the Secretary of State, as well as the structure within the assembly?

Mr. Ancram: It is my understanding that, unless they apply for P45s fairly soon, they will find themselves without work once the Bill has passed through Parliament. We are told that the Secretary of State will continue in office. We have not been told that personally; we await the end of what might be called the right hon. Gentleman's coy period, when he will tell us whether he will stand for the assembly or remain with us in the House.

I find it difficult to believe one story I read—that the right hon. Gentleman would try to do both things. That would make nonsense of devolution. The right hon. Gentleman would be bound by the collective responsibility of the Cabinet in Westminster, which he would have to apply to the collective responsibility of the assembly's Cabinet. I think that we would all agree that that would be constitutional nonsense.

I fear that the role of Secretary of State will be severely downgraded by the nature of devolution. We have discussed that previously, and I am sure that the issue will be raised again in another place when these matters are further discussed.

Amendments (a) and (c) to (m) to Government new clause 21, and amendment No. 198 to clause 149, are designed simply to rename the Executive Committee the assembly Cabinet. I believe in calling a duck a duck or a dog a dog. When the Secretary of State makes up his mind—that is, if he does so in the direction that I hope he will—the amendments will make total sense. I therefore hope that he will be prepared to accept them.

Dr. Marek: I shall make a quick intervention or, perhaps, a short speech. I did not intend to do so but earlier I asked my right hon. Friend the Secretary of State about the amendments that I have tabled on the responsibilities and loyalty of the civil service. I would not say that he brushed off my intervention, but he said that I could make my own points. I now propose to do so.

On those matters, I have considerable sympathy with the Opposition Front Bench. It would seem that they have not been thought through very carefully. For me, the problem is deciding where civil servants owe their loyalty. We know that civil servants, including permanent secretaries, meet all the time. They probably meet regularly once a week. The head of the National Assembly of Wales civil service will continue, I am sure, to meet heads of the civil service in the different Departments in Westminster. I am sure also that he or she will continue to do so once a week.

Furthermore, if there are problems within the civil service—I do not know the code in detail but there are procedures whereby problems are raised at a higher and higher level—at the end of the day, the person who carries

[Dr. Marek]

the can is the secretary to the Cabinet, the head of the home civil service. That is the head of the Cabinet here for the Westminster Government, not for the assembly.

I happen to believe that, if a body has servants, those servants should owe loyalty to that body. Under a system of Committee government, that could have worked. The home civil service could have staffed the entire assembly. However, when we move to a Cabinet form of government, surely there must be servants whose primary duty is not to the Executive Committee or to the Westminster Government. There must be servants of the assembly whose loyalty is to non-executive members of that assembly, in much the same way as we have Clerks of Select Committees. We have also Clerks to the House of Commons. Until a few years ago, the Comptroller and Auditor General was a Government employee, but the previous Administration rightly changed the nature of that employment so that the Comptroller and Auditor General is paid for out of House of Commons voted money and owes his or her loyalty—in this instance, his—to the House.

I do not think that we can set up a system where a Back-Bench Member of the assembly will have no servants of that assembly to whom he or she can turn. It is an important issue, and I do not think that the Government have thought it through. There should be officers of the assembly and my amendments—no doubt they are imperfect, and there is no need for my right hon. Friend the Secretary of State to say that that is the position, if he comments upon those matters before the guillotine comes down at 7.30 pm—Nos. 231 to 233 illustrate the point. I hope that they will be taken up in another place if Members there see that there is merit in them.

Codes of practice are dealt with in new clause 29, which I tabled. It must be right that further consideration is given to codes of practice. Let us suppose that there is a difference of opinion between the national assembly and its Executive, the Executive Committee and the Cabinet in Westminster. How will that issue be resolved if the loyalty and codes of practice of civil servants—Her Majesty's home civil service—rest ultimately with the head of that civil service, who is Secretary to the Cabinet and the senior civil servant here in Westminster, whose loyalty is to the Westminster Government?

5.45 pm

I do not think that the issue has been thought through. My right hon. Friend the Secretary of State may try to brush it away or under the carpet. I am not being rude to him, but I ask him to consider the matter. It is an important matter that needs to be clarified. It is important that officers of the national assembly should be servants of the national assembly in just the same way as the Clerks and officers of the House of Commons are servants of Westminster Back-Bench Members.

I do not want to speak for a long time because I appreciate that this will be a short debate. I have said what I wanted to say and I do not intend to amplify my remarks. As I have said, we are discussing an important matter.

Mr. Öpik: Throughout the many days of consideration of the Bill, we have complained that Ministers and the Government generally have not listened to various of our suggestions. Now, it has come as something of a surprise and a delight that the Government have made such a substantial effort to try to take on board points made by the Opposition. Slowly but surely, the Secretary of State is beginning to recognise the enormous value of the Liberal Democrats as the constitutional gurus in this place. I applaud that unequivocally.

Mr. Wigley: The hon. Gentleman's modesty knows no bounds.

Mr. Öpik: Indeed. Our constitutional prowess is second only to our humility.

My colleagues and I welcome the general thrust of the block of amendments that is before us. It has been interesting to listen to the concerns that have been raised by other hon. Members, which have been mainly about the confusion between whether it is a Cabinet structure or a Committee structure. As I tried to say earlier in a brief intervention, I do not see that this is a problem.

In modern management systems analysis, it has become clear that some of the best organisations, in ascertaining for themselves how they operate—slightly intuitive, slightly trial and error—come to the conclusion that, if they trust the individuals who are running those systems and consider them to be responsible and bright, they can trust them also to define what would be the best system for them to operate.

In that context, we must make the assumption that the good people of Wales will elect 60 responsible individuals who will be capable of making the right decisions. It is an exciting experiment, not a dangerous one, to allow the Welsh assembly to define its processes to such a degree.

Mr. John Hayes (South Holland and The Deepings): As a constitutional guru, how would the hon. Gentleman answer the charge that, despite what he said about talented and bright individuals, the purpose of a constitution is to put in place institutions, conventions and rules that will control the excesses of individuals? A constitutional guru would surely recognise that. Perhaps he will point to a serious organisation, a state or a system of government where the constitution does not put in place such safeguards.

Mr. Öpik: I shall happily ask one of my colleagues to put together a seminar, at no cost, to the official Opposition so that we might discuss those matters at greater depth. However, to answer the hon. Gentleman's question briefly, as I try always to answer direct questions, the purpose of having a constitution is not to regulate every detail of process but to facilitate an outcome or result. We all want the assembly to work, but that does not mean that we must define in minute detail exactly how it will choose to structure itself any more than a company manager would need to define in detail how all staff members choose to operate in order to deliver a result.

Mr. Hayes: I am extremely grateful to the hon. Gentleman for giving way twice. He has replied to my first question by referring to businesses. I do not know whether he has a background in business or industry, but I spent a long time in that sector. Companies do not have constitutions, because they are not subject to the pressures

that I described. Business institutions do not have to have public safeguards in the way that the hon. Gentleman suggests. That is a totally inappropriate analogy.

Mr. Öpik: The hon. Gentleman and I can agree to differ. As ever, I find myself mentioning Procter and Gamble. As far as I know, that company has no intention of governing Wales or any other part of the world. Nevertheless, it must achieve specific outcomes. It must secure a profit for its shareholders and, in the same way, the Welsh assembly must secure a profit for its stakeholders who, in this case, are the people of Wales.

We are dealing very much in analogies. It is perfectly correct for hon. Members to question the legitimacy of making a comparison between business and politics. However, I suggest that, if we are to be progressive and to take the best of Westminster and leave behind the worst elements—

Mr. Hayes: We do not want to leave Westminster.

Mr. Öpik: I am sure that the people of Wales welcome the hon. Gentleman's decision. If we are to look at politics in a different way—

Mr. Evans: Does the hon. Gentleman intend to stand for the assembly?

Mr. Öpik: That is a rather puerile intervention. I have said many times that I have no intention of standing for the assembly because my work at Westminster is not yet completed.

I believe that my analogy of business and politics is quite robust. Those who seek to find fault with taking the best from modern business structures contradict the basic ethos of the Welsh assembly. The assembly's goal is to govern the United Kingdom differently and to be courageous enough to believe that there is perhaps a more effective form of government than the somewhat tired processes that occasionally find us moribund in this Chamber at 6 am. As far as I am concerned, the analogy of the quacking dog is not necessarily a bad one. However, I define the Welsh assembly as a barking eagle: it should soar above Wales and survey the problems while retaining the capacity to defend Welsh territory against those who may not be so supportive of its endeavours.

In summarising my first point, I implore those who seek to detract from the hybrid nature of a Cabinet-cum-Committee structure to think bigger. Let us see how it goes, and let us be grateful that the new structure proposed in this block of amendments will allow the assembly to make course corrections as it discovers what works and what does not.

There is one caveat: the relationship between the Assembly Secretaries and the subject Committees must be very effective. That is the most important element of the relationships in all the assembly structures. We favour allowing the Assembly Secretaries to have clear roles in terms of not just conveying messages to the Committees but being advocates for the Committees by conveying information to the Cabinet. If that works, we shall be on to a very good thing.

Dr. Marek: I agree entirely that the national assembly should be able to see its way forward. However, it is written in primary legislation that every civil servant must be a member of the home civil service. Therefore, the assembly will not be able to feel its way in that area if anything goes wrong.

Mr. Öpik: I listened to the hon. Gentleman's contribution and I think that he has raised a genuine concern. I look forward to hearing the Secretary of State's response, as—without labouring the point—I think that all hon. Members share that concern.

Mr. Wigley: Taking up that thread, the hon. Gentleman may recall that the legislation that came before the House in the 1970s—which became the Wales Act 1978 and was defeated in a referendum—proposed an integrated public service in Wales. The Government have moved away from that position. It might be interesting to know the logic behind that decision, as the proposal would have created an embryo civil service in Wales that was answerable to Wales.

Mr. Öpik: That is a very lucid expansion of the point raised earlier by the hon. Member for Wrexham (Dr. Marek). It would be helpful to hear the Secretary of State's view on the matter, and I hope that he will return to it in his summation.

I shall briefly summarise the aims of the Liberal Democrat amendments. They would make several important changes with regard to limiting the delegation of functions. We do not wish to see a huge number of political functions delegated to non-elected members. We believe that only administrative duties should be delegated to assembly staff. We recognise that there is another view on the matter, but we believe that the new clause is too broad. There should be more restrictions on the functions that may be transferred.

The other point of our amendments is to create three categories of staff: parliamentary, political and executive. In essence, those distinctions would be useful in preventing staff members from being pressured to perform inappropriate functions not related to their roles. That aim ties in with our other amendments.

I shall deal now with the amendments tabled by others. Allowing the assembly to confirm decisions to appoint Assembly Secretaries is an interesting concept, and I look forward to hearing the argument in defence of that position. I believe that that proposal would be too prescriptive and would fly in the face of the course that I advocated earlier in allowing the first assembly to follow etiquette in that area.

New clause 21 allows for Secretaries without Portfolio. I can understand the rationale behind that proposal, but that phrase makes the hairs on the back of my neck stand on end. I sincerely hope that, if a Secretary without Portfolio were appointed, we should not see the construction of a Swansea dome as compensation for not siting the assembly in that city. Incidentally, if such a dome were built, I hope that the Lord Chancellor would not be responsible for its interior decoration.

New clause 22 sensibly provides for a clearly defined Cabinet structure. The relationship between Committees and Cabinet may be complex, but the Cabinet will be quite easy to set up. I cannot imagine that the assembly will wrangle over that point.

[Mr. Öpik]

My final point responds to earlier comments made in the debate. I was concerned to hear the Secretary of State say that, if one party has an overall majority, that majority must be replicated across the Committees. That does not follow the principle of inclusivity, which we have discussed so much in the context of the assembly.

Mr. Ted Rowlands (Merthyr Tydfil and Rhymney): The hon. Gentleman is a keen advocate of the Cabinet system, but the Cabinet is not inclusive, either.

Mr. Öpik: There is no reason to believe that the Cabinet should necessarily comprise only one party. If we are serious about taking advantage of proportional representation and its manifestations, we should recognise that this is an opportunity to get the best from the various parties—new and old—that are likely to be represented in the first assembly. I encourage the Secretary of State to provide an assurance that he will at least consider allowing the First Secretary the latitude to give significant responsibilities to minority parties.

Mr. Grieve: That may be an expression of hope, and surely that is all that it can be. Representation and such matters will be decided by the assembly. Conservative Members strongly suspect that the inclusivity and the holistics about which we have heard a great deal may be rather more absent than present. I understand what the hon. Gentleman says, but there is not much point in Conservative Members going on about representation in the assembly, because the proof of the pudding will be in the eating.

6 pm

Mr. Öpik: There may be some point in Conservative Members going on about representation. The Welsh people are magnanimous, and we have agreed to a proportional representation system that might allow Conservative Members back into Welsh politics. We expect no thanks for that, but we expect maturity from any Conservatives who are elected to the assembly. Members of the assembly from all parties must act responsibly and co-operatively if the assembly is to be a progressive development from the Westminster Parliament.

Still, the hon. Member for Beaconsfield (Mr. Grieve) may be right, and our hopes may be dashed by the first assembly. If it seeks to impose one-party-rule attitudes, my hon. Friend the Member for Brecon and Radnorshire (Mr. Livsey) will have been deceived.

Mr. Evans: Where is the hon. Gentleman?

Mr. Öpik: My hon. Friend is in his constituency swapping views about this very debate, and will join us shortly. Had we not had a privatised rail network, he would have been here already.

The hon. Member for Beaconsfield was right to make the crucial point about representation, which hangs on the question of whether the ruling party, should there be one, will have the maturity and self-confidence to allow other parties to hold significant responsibilities. We must wait and see.

We had a tactical debate about the additional cost of a Cabinet structure. Surely we can all agree to the small on-cost, or perhaps even the small on-saving, of a Cabinet structure, if it is the strategically correct government structure. A Cabinet structure will not have a major effect on the cost of running the assembly. I hope that we shall not descend to whingeing about prices when we should be planning the future decision-making body for an entire nation.

My last point concerns positive thinking. It is always easy to condemn a structure that is not yet operating, but it is better to ask how a body can be made to work. As long as we are reasonably confident that we are within 10 per cent. of the right structure, we must believe that the rest will be achieved by responsible assembly Members who will have great enthusiasm and an enormous interest in making the first assembly work.

The Cabinet-Committee structure, which has been advocated by the three Opposition parties, will provide an excellent opportunity to see how high is up. Britain should look beyond the old structures inhabited by Westminster Members of Parliament to new structures that will allow Wales to spread its wings and prove that it can be a world player with a truly up-to-date democratic system.

Mr. Rowlands: I must tell the hon. Member for Montgomeryshire (Mr. Öpik) that I have not managed to call my nation or my constituency a company in 30 years in Parliament. I do not believe in using that term in such a way, and I do not believe in the values associated with it. The management-speak that poured from the hon. Gentleman is not appropriate to arguments about how we shall be governed under the new arrangements in the Welsh assembly.

Over the past 20 years, too many of our services have been gripped by management-speak. Some people believe that it can be crudely applied to the concept of service. That is a worthy concept, which is worth standing up and fighting for. It is a privilege to represent people. Management-speak books do not contain such words, but I hope that we find them in politics and in the Welsh assembly.

Mr. Öpik: I am sorry to intervene after making a lengthy contribution, but does the hon. Gentleman recognise that the words "integrity" and "service" are at the core of almost every successful multinational organisation?

Mr. Rowlands: Many features of multinational corporations are unlikely to exemplify those virtues. No, the hon. Gentleman's assumption is not right.

I shall address most of my remarks to amendment (c), but shall first speak to new clause 20. The Bill and I are not destined to get on. I vigorously defended the original clause on behalf of my right hon. Friend the Secretary of State, only to find that the persuasive qualities of the Conservatives, the Liberal Democrats and the nationalists—clearly not those of Labour Members—brought about a change.

I am grappling with the changes, and am trying to understand and appreciate them. The alteration of the wording caused me a bit of a problem. Will there be a Cabinet-style approach, which was mentioned in a press release; a Cabinet-style process of decision making, to use

my right hon. Friend's words; or a Cabinet system, which was mentioned in debate? The Opposition amendments propose a straightforward Cabinet. We have had a great deal of time to think in the past 12 or 14 hours, especially in the small hours.

I am at sea on those issues, so I went not to management-speak, but to Walter Bagehot's classic definition of the constitution. He said:

"A cabinet is a combining committee—a hyphen which joins, a buckle which fastens the legislative part of the state to the Executive part of the state."

If that is a valid description of a Cabinet, I cannot for the life of me see why the Opposition are pressing so vigorously for a Cabinet structure in the Welsh assembly, especially as they do not support a formal legislative function. The definition is old-fashioned and beautifully written; it also has an authentic feel. If the assembly is not to be a legislative body, why try vigorously to implant or impose on that new democratic institution a Cabinet structure of the sort that would be provided by the Opposition amendments? New clause 20 also moves some way towards such a structure.

Mr. Letwin: The hon. Gentleman says that the assembly will not be a legislative body. Did I hear him correctly? Will not the assembly be legislative, albeit through passing secondary legislation?

Mr. Rowlands: The assembly will have a subordinate legislative function, but we should not get sidetracked because the issue has been debated at considerable length.

Throughout the debates and throughout the referendum campaign, the point was sturdily made that we are not constructing a Welsh assembly with the power to pass primary legislation of the kind and character to which Bagehot referred when talking of the legislative state.

We fail to remind ourselves of what the Welsh assembly is supposed to do. Its fundamental function is to allocate a block grant of £7 billion—a large sum of money—according to what it decides are the priorities and needs of the Welsh people. Distribution of expenditure does not necessarily have to be decided under a Cabinet system. The nature of the Welsh assembly's fundamental function means that secret, closed Cabinet decision-making is unnecessary. The whole idea of devolution and the setting up of a Welsh assembly was to introduce openness and to have all the options up and running, not closed down, one by one, by Cabinet Ministers and Executive Committees that would filter decision making. I thought that the idea of the new politics of devolution was to move away from that process, but there is a hankering to return to the old-style Westminster system of Cabinet decision making.

Mr. Hayes: The hon. Gentleman's speech is compelling and lucid. He says that the Cabinet binds the Executive and the legislature. He has made it clear that the assembly will have a legislative role, albeit a reduced one, and that the Executive will also have a role. Without the structure that Cabinet provides, how would he link those two roles?

Mr. Rowlands: The buckle that joins the assembly to Westminster and Whitehall has nothing to do with the internal decision-making process in the assembly. That link is supposed to be through the Secretary of State and concordats. If we manage to debate the concordats, I hope that that will be brought out. Sadly, we shall not debate the role of the Secretary of State. The hon. Gentleman's point is irrelevant in this context, because there are other instruments for the function that he describes. Whether they can do it is another matter.

I did not want the assembly to have an old-fashioned local government structure. Equally, I do not want an old-fashioned Cabinet structure. I do not know whether the new clauses have created a hybrid or a hydra, but it seems that a third way is being sought. It has been found for economic policy and it is now to be in constitutional policy. Unfortunately, at the moment it is a rather convoluted and confused way to decide where we are going.

Nowhere in the White Paper or in the first draft of the Bill is there a reference to a permanent secretary. Why has one suddenly emerged in new clause 24? Oddly enough, the new clause states:

"(whether or not that person is known by the title of Permanent Secretary to the Assembly)."

Has the term been introduced to try to give the assembly the smack of old Westminster to satisfy those who have been pressing for a Welsh Government?

Above all, I question the Minister's reason for the change. In the press release and, I think, in his opening speech, he said:

"People want decision-making arrangements which provide for identified individuals to be clearly accountable to the public for particular decisions."

The new structure is supposed to provide that. Cabinet-style Government is much more collective in its decision-making process, and a permanent secretary who derives his authority from the role that he may claim in a subject committee is likely to have a perfectly identical profile. I cannot envisage many wallflowers in Welsh politics. I am not sure what the Minister meant or why he thinks that his alternative system will make people more identifiable. They will be identifiable when the First Secretary hires or fires them. That will raise their profiles.

6.15 pm

Why are we slavishly trying to return to tight, collective decision making? When one person is given the right to hire and fire, sooner or later a collective system of government will emerge. Instead of following a career in the assembly and in working with the Committees, people will follow the patronage system with which we are familiar. I have been a beneficiary of that, and understand it as well as anybody. There will be a plethora of Secretaries, the equivalent of Ministers, and there will be shadow Secretaries. When that happens, the new assembly will have returned to the world of personal patronage. I thought that devolution was more and better than that.

Mr. Grieve: I sympathise with much of what the hon. Gentleman says. He spoke about a hybrid or hydra. Has not the Secretary of State engaged in hype? The assembly will be toothless in relation to its officials. We face a dilemma. The early system seemed to offer no government for Wales, but the system that has been adopted could be criticised for not being much different

[Mr. Grieve]

from the Westminster one, which would allow the assembly to control officials. Without that, there is no control.

Mr. Rowlands: I do not think that it is hype. It has more substance, I would not spend time making my case. It is a significant and important change. It shifts the nature and balance of the assembly's chemistry, and its politics will be altered by the changes. That is clear from an examination of the first secretary's role. He will have power to hire and fire. In the press release and in other statements, the Minister was at pains to explain that the Assembly Secretaries will have an important role in the Committees and that that will in no way lead to a downgrading of the Committees.

It is stated that each Assembly Secretary will have to work in partnership with the all-party subject Committee of which he or she is the leader. If one of a Secretary's major functions is to relate to an all-party subject Committee, surely our amendment (c) should apply. If the First Secretary seeks to sack that person, the Committee on which he sits should be asked to approve the dismissal. We should at least slightly temper what is otherwise a good old-fashioned return to a full-scale system of patronage in the hands of the First Secretary, who will rapidly become the Prime Minister or Premier. I understand the difficulties of finding the third way, but we must develop institutional structures that will reflect what we hope will be the new politics of devolution and not the old-fashioned politics to which so many of the clauses and Opposition amendments would like to return.

Mr. Wigley: I am glad of the opportunity to follow the hon. Member for Merthyr Tydfil and Rhymney (Mr. Rowlands). He described the Westminster Cabinet system, which is the type of system that generally operates in most central Governments, comparing it with the local government system and speaking about old-style local government. As he knows, I was a councillor on just such an old-style authority in Merthyr Tydfil. Anyone who says that that was an open, inclusive system of government is talking through their hat. Those in opposition—and, I suspect, sometimes Labour members of that authority—were kept in the dark most of the time about what was going on.

Therefore, I do not think that the argument is between local government and central Government-type systems. The argument is how we achieve the most effective system from the proposals that are before the House, which will, I hope, serve Wales well.

As the hon. Member for Merthyr Tydfil and Rhymney has said, I approach the subject from the view that we should take more power from Westminster and have a central Government-type system in Wales, so I welcome the Government's move. Not only have we been pressing for it, but, in strategic terms, it is important: it gives better coherence.

I accept that getting quick decisions is a managerial consideration, but we must consider what sometimes happens in local government and the delays in decision making even in new local government, which can be astronomical, hampering leaders' ability to take decisions. The proposal will facilitate quicker decision taking. Provided that there is proper answerability, this system can be made to work.

I intervened earlier on the question of answerability. What is the relationship between the Secretary and the Committee on which he or she serves as a member? I do not think that we have properly thought that through. Perhaps that was the Government's intention—to leave flexibility for the assembly itself to think it through—but the Committee needs at least some initial guidelines, so that both the commission that is working at present and the assembly know the framework within which the Committee will initially work.

I am a little at a loss to know how exactly the Secretary will relate to the Committee. He or she may be a member of the Committee and sit on it. It may behave similarly to a Select Committee, before which a Minister appears from time to time to answer for the policies being pursued. To start with, Select Committee members sit around in private to discuss the questioning of the Minister—who will say what the main points to be followed are. That will be difficult in the Welsh assembly if the Minister is a member of the Committee that will do the cross-questioning.

Will the Committee draw up the strategy and priorities within that Department's remit? If so, will the Minister be obliged to argue that case from the bottom up, as it were, in what will effectively be the Cabinet—the Executive Committee—or will he impose the policies from the centre down and have only to answer before the Committee? If that is the case, it is difficult to see that the Secretary will genuinely be a member of the Committee. He or she will come to the Committee—and certainly relate to it—but will not necessarily answer to it and be a member of a body that has developed the policy.

There is the question of the Committee's sanction against the Secretary. If the Committee feels that the priorities which it has determined, and which it believes the Secretary has been espousing and advocating within Cabinet, have not been genuinely put forward—perhaps the Secretary has deliberately not followed the Committee's line—does the Committee have the sanction of removing the Secretary?

I understand that one could argue that that should be a matter for the entire House. I should like to take up the point on which the Secretary of State intervened. Although the governing party may have an overall majority in the assembly—and although that majority will be reflected in the membership of the working Committees—that does not mean that every member of a Committee does not have his or her own opinion. The balance of feeling within a Committee may be different from the balance of feeling in the Cabinet and assembly as a whole.

The Committee may therefore want to follow a different line from that being pursued by the Cabinet. It may concentrate on one issue and not relate it to the other issues that the Cabinet or Executive Committee has to consider in parallel, not least in terms of resources. I am not sure whether we have fully understood the balance between answerability and being inter pares—advocating what the Committee wants in the Executive Committee.

There is the question of the balance within the Committees themselves. I accept that the balance in the Committees can be only that within the assembly; it could not be anything else. That is as good as anything that we, as a minority party, could want, although we, like other parties, aspire to being a majority party some time in the Welsh assembly.

The Chairs of the Committees could be powerful people, as those who chair Select Committees sometimes are: one thinks of the tremendous work of Committees such as the Public Accounts Committee. A Chair can be almost as powerful as a Minister—at least in terms of scrutiny, he or she is powerful. There will be an interesting relationship between the Chair and the Secretary, but they may not be of the same party; presumably, there will be a sharing of the Chairs. If they are not of the same party, do problems arise in terms of proper answerability and the working relationship that is necessary to allow quick and effective decision making? There could be a conflict between the two.

I welcome the new clauses. More work will need to be done on them. As we are on Report, this is clearly a matter for another place. I would much rather that it had happened here, but questions still need to be answered before we can say what amendments need to be tabled. I hope that, in his winding-up speech, the Secretary of State will deal with some of them.

Mr. Denzil Davies (Llanelli): I was saddened, although not critical of the fact, that, in the face of the weight of the establishment forces in Wales ranged against him—the advisory committee, which is taken from the great and the good in Wales, the Conservative party, the nationalist party and the Liberal Democrats—the Secretary of State has moved away from what was in the Bill originally. Various people criticised what was in the Bill, saying that it contained a local government model, as if that were wholly bad.

In fact, it was not a local government model. I thought that the draftsman, or whoever instructed the draftsman, drew up an elegant model in the Bill, which lay somewhere between the local government model and a type of Cabinet system. I thought that it was well done, but my right hon. Friend has no doubt been pressurised. Whether he is actually happy with the direction in which he is moving, I do not know, but he certainly has moved.

I took a note of what my right hon. Friend said at the beginning of his speech. He said that it was a "Cabinet-style process of decision-making." By the time he had concluded, it was going to be a Cabinet. Indeed, he made it clear that, once the procedures were drawn up, it would be a Cabinet.

Let us make no bones about it: it will be a Cabinet and it will meet in secret. Ministers of the Cabinet, whether they have portfolios or not, will have red boxes or perhaps red and green boxes—I am not sure what the appropriate colour might be for this inclusivity or hybridity. They will have motor cars. Just as years ago the National Union of Mineworkers sometimes mirrored the coal owners and the coal owners sometimes mirrored the NUM, so the Welsh assembly will mirror Westminster in almost every form.

We are to have at least one permanent secretary. I am sure that there will be more than one. There will be a second permanent secretary. Indeed, when I was at the Treasury, there were four second permanent secretaries and, beneath them, there were deputy permanent secretaries. no doubt there will be deputy permanent secretaries and second permanent secretaries and they will each talk to the next layer up. We will have the whole system.

The hon. Member for Montgomeryshire (Mr. Öpik) told us about multinational companies and his great experience of them. When it came to money, he was very cavalier—far more cavalier than a treasurer of a multinational company would be—and said that the Cabinet-type system might cost a little more. Of course it will, but we must remember that that money comes out of the budget; it comes out of money for hospitals and schools, so he had no right to be cavalier about it. It is not additional money that can come from somewhere else, wherever it can be found. So a Westminster structure will cost more money. I am sorry that my right hon. Friend has succumbed to pressure to take that route.

We are talking partly about secrecy. Those of us who have been round the course before—in 1978-79—felt that one reason for having a Welsh assembly was that the Welsh budget or allocation of money to Wales could never be debated on the Floor of the House as time did not allow for it. It was debated within the Welsh Office by civil servants and Ministers and, in most cases, proper decisions were reached. I make no criticism of that. However, there was no open debate of the allocation of funds to Wales; it was all done behind closed doors. Once we have moved to the black cars, the red boxes, the permanent secretaries, the Cabinets, the Premiers, the Chief Ministers and the First Secretaries, we will replicate exactly the same procedure.

6.30 pm

Matters related to the allocation of funds will not be discussed in public because of commercial confidentiality or because there will be too many pressures. So it will all be decided by Ministers, with or without portfolio, sitting in Cardiff or wherever, making decisions behind closed doors.

Mr. Letwin: As always, the right hon. Gentleman is making a most interesting speech. Does he agree that the result to which he is alluding will arise because the concomitant of Cabinet Government—procedures for debating money Bills, budgets and so on—is not proposed for the Welsh assembly? So we have only half the package.

Mr. Davies: Yes, but I am addressing my remarks to what we have—Executive devolution. Although I appreciate that there may be secondary legislation, the basic intention was to establish a body that would distribute the money that the Treasury allocates to the Welsh Office—mainly in secret. I make no criticism of Ministers, as that is the process. The money is then distributed to various sectors. The rate support grant is decided partly in public and allocated to housing and education. That is the nature of the beast. My hope was that at least that debate would take place in the open. I hope that I am wrong and that that will still happen, but I suspect that it will not once the right hon. Member for Caernarfon (Mr. Wigley) has his trappings of power.

Indeed—who knows?—Perhaps the Ministers without portfolio will become Privy Councillors. Perhaps they will all be kissing hands and generally acquiring all the trappings of Westminster power. However, once that is set in motion, the nature of Government being what it is, everything will be decided in secret.

All the other members of the assembly will be sitting around without very much to do. Like Government Back Benchers, they will be expected to approve the third way

[Mr. Davies]

or whatever. We are here to facilitate—to make sure that, once the third way has been decided on, it will be carried out.

Mr. Ron Davies: My right hon. Friend could have fooled me.

Mr. Davies: My right hon. Friend is amused. He should not take me too far on this issue, as he knows that we all subscribe 100 per cent. to the third way, despite the fact that occasionally we like to please ourselves and debate a few of the commas and full stops. Basically, we are all here to ensure that the third way proceeds easily.

Most members of the assembly will be there to do the bidding of the Chief Minister, the First Secretary, the permanent secretaries and all the trappings of Westminster Government that, sadly, we are now transplanting or adding to the Welsh assembly.

I am sorry that the hon. Member for Montgomeryshire, who likes to appear as a moderniser, is in the vanguard with the traditionalists. He wants a Westminster model, as do the Welsh nationalists. I understand the purpose of the nationalists. They want to create the trappings of a state. It is a state that does not raise enough money to keep itself going, but we shall discuss that in other debates.

I am sorry that my right hon. Friend has succumbed, but even a man of his iron will sometimes has to bend and, on this occasion, I am afraid that my right hon. Friend is bending.

Mr. Leigh: I very much agree with what the right hon. Member for Llanelli (Mr. Davies) has just said. The longer the debate proceeds, the more worried people should become. The Secretary of State's opening speech was very short. The proposal has appeared somewhat late in the day. I understand the reason for it—to create a clear sense of responsibility. I can see where it is coming from.

Mr. Ron Davies: It is coming from the Opposition Front Bench.

Mr. Leigh: Yes, but I am also entitled to speak for myself. That may be a strange concept to the Labour party, but I am not put up against the wall by my right hon. Friend the Member for Devizes (Mr. Ancram) and told what to say.

We have had a loose discussion about the Cabinet style of Government. However, it is a term of art that has developed over many centuries. It originally grew out of the King's Privy Council. The Cabinet was a fundamentally secretive body, a function of Executive government because it had to be. It was concerned with the King's business and issues of war and peace. However, I thought that in the Welsh assembly we sought to create something very different. That is why I echo the words of the right hon. Member for Llanelli who spoke from the Back Benches, not the Front Bench.

I am concerned that, sadly, in our own Chamber, because the Executive is drawn out of the legislature, people's primary ambition is to join the Executive. Therefore, more often than not, they will follow the party line on pretty well every occasion. The process has developed to a sophisticated degree.

When the Americans were trying to organise their new constitution, they wisely decided that the Executive should be entirely separate from the legislature. Therefore, Congressmen are entirely independent. I am concerned that we are now replicating in the Welsh assembly the worst aspects of what happens in the House.

Mr. Letwin: I am following my hon. Friend's line of logic. Does he not agree that something much worse is being done? The very safeguards that we have in the House—my hon. Friend may regard them as too slight, but they exist none the less—in the form of positive debate of legislation and money Bills are precisely what is not being offered by the Secretary of State in respect of the Welsh assembly.

Mr. Leigh: I entirely agree with my hon. Friend. Therefore, the concentration of power in the Welsh Assembly may be much more serious than what has developed in the Westminster Parliament in the past 200 years. Anyone who approaches the matter with any seriousness should be extremely worried about that.

Let us consider what is likely to happen. Let us assume for the sake of argument that the Labour party becomes the governing party in the assembly and has an overall majority. Let us assume that the current Secretary of State becomes the First Secretary. He would have enormous power, so it is not surprising that he is considering carefully whether to take up that position. He would appoint his own Cabinet. Members of the Cabinet will not be separated from the Parliament or the legislature as they are here. They will not have to persuade the Parliament from a separate point of view; they will be embedded in its structure and sit on the Committees.

Surely any self-respecting member of the majority party in the assembly will want to be a Secretary or a Minister and want to join the First Secretary's team. The First Secretary will appoint the Secretaries and they will be embedded into the Committee structure. Where will be the honest, open debate? As the right hon. Member for Llanelli said, speaking from the Back Benches, the assembly will develop a culture of secrecy and rule by a single party.

The right hon. Member for Caernarfon (Mr. Wigley) said that, when he was on Merthyr Tydfil council, he felt that there was some secrecy on that body. I quite understand. Most of us were involved in local government before being elected to Parliament. The advantage of local government is that, because it is an administrative body, councillors sit on committees and elect a chairman. There is more sense of audience—member—participation in local government committees than there is in our governmental structures in this place, where ordinary Back Benchers exercise very little power.

What worries me, therefore, is that we are embedding in the new assembly—we hoped that it would develop a third way—all the worst aspects of our centralised government structures. We should think twice before setting off down that road.

Mr. Rhodri Morgan (Cardiff, West): Several speeches this evening have highlighted the fact that there is now a problem with the legislation. We need to resolve it or to gain an undertaking that it will be resolved in another place. The problem is that, in moving away from

the proposals of the referendum and the White Paper—at the request of the three Opposition parties and on the advice of the advisory committee—the Secretary of State has opted for a Cabinet-oriented system of government as his preferred choice. He has said, subject to the legislation proceeding in the Government's desired manner, that the Welsh Assembly will open using a Cabinet-style model—but that it will not have to follow that model. It can, in fact, revert to the original proposals in the first draft of the Bill as it reached the House a few months ago. That model was a Committee-style model, subject to two-thirds majorities and so on.

The problem with commencing with a Cabinet-style model but allowing the assembly to opt for a Committee-style model later is that other consequential changes will need to be made to the Bill to make it consistent from day one. Had the Secretary of State done things the other way round, there would have been fewer problems. Starting with a Committee-style model would not necessitate so many consequential changes.

The real problem is that the Secretary of State has expressed a preference for a Cabinet-style model from day one, but without the consequential changes. If we start by making a distinction between Front and Back Benchers, certain consequences will flow from that. Indeed, they lie behind my new clause 32 and new schedule 1. As my hon. Friend the Member for Wrexham (Dr. Marek) has pointed out, an assembly separate from the Executive will need a Clerk and a separate staff to protect the interests of Back Benchers and to give them advice on drafting amendments and obtaining information not supplied by the Government or the civil service. That is the reasoning behind new clause 33, which has the same purpose as the amendments tabled by my hon. Friend the Member for Wrexham.

Amendment no. 250 would amend clause 1 of the Bill, to drop the expression

"The Assembly shall be a body corporate".

No such reference is to be found in the Bill setting up the Scottish Parliament, which is referred to simply as the Scottish Parliament. The Welsh assembly, however, is referred to as a body corporate. That is fine if we follow the Committee model but not if we follow the Cabinet model, which would give rise to a distinction between the Executive, run by the Cabinet, and the legislature—the quasi-parliamentary body which is to challenge, and occasionally change, what Front Benchers want to do. That is the whole point of Back Benchers, after all.

We do not need the expression "a body corporate", any more than the Scottish Bill needs it. The Scotland Bill does not define the legal status of the Scottish Parliament. In a sense, all parliaments are sui generis, so it is pointless defining their legal status. If the Executive and the legislature are to be separated, there is no need to call the legislature a body corporate. I would argue that the expression should be omitted from the Bill.

Mr. Letwin: The hon. Gentleman makes his points with great force. Does he agree that there is at least one further issue of equal magnitude: the question of clause 66, which would permit the so-called Cabinet to arrogate to itself the power to legislate, leaving the assembly only the ability to pray a negative resolution? So on the first day of meeting, the assembly could delegate all powers of legislation to the Cabinet and never reconvene, provided that it never prayed a negative resolution.

6.45 pm

Mr. Morgan: I am grateful for that intervention. I cannot say that I had intended to cover the subject later in my speech, because I had not. Indeed, I had not spotted the significance that the hon. Gentleman discerns in the clause.

Then there is the problem, if we adopt a Cabinet model, of the Official Secrets Act 1989, referred to in clause 79, which I suspect we will discuss later. It appears that it would be deemed to apply only to Front Benchers—the Executive Committee—and would thus need to be amended. We shall discuss that later, too, I suspect.

Then we need to consider the departmental staff—the people who do the conventional civil service work. If BSE continues to be a problem, a vet from the state veterinary service in Scotland who visits a sick cow will be employed by the Scottish Office Agriculture, Environment and Fisheries Department, under the Scottish Parliament. In England, a cow suspected of having BSE will be visited by a vet employed by the Ministry of Agriculture, Fisheries and Food. In Wales, however, a sick cow will be visited by a Welsh assembly vet, not a vet from the Agriculture Department, because civil servants carrying out usual departmental work will belong not to Departments but to the Welsh assembly. Here, too, consequential changes are called for.

We need to think seriously about two further changes, although they may seem optional. The first concerns the vote of confidence procedure that can trigger elections. We need to debate—I am not convinced of it myself—whether fixed-term elections can be sustained with a Cabinet system. What happens if the First Secretary or the Cabinet loses the confidence of the assembly? Could they stagger on for another four years after losing the confidence of the assembly, perhaps by replacing the First Secretary and the members of the Executive Committee? Would there be a right to ask for a dissolution, in the same way as the Scottish Parliament could?

Finally, under a Cabinet system, would each party be required to elect its leader in advance of the elections? We know of the problems that the Tory party is experiencing in its consideration of the various voting systems—

Mr. Ancram *indicated dissent.*

Mr. Morgan: I am not making a party political point; I am simply saying that the Conservative party is considering the one member, one vote, system of electing its leader.

Will that need to be done in Wales as well by changing the Welsh Labour party rules, as the Scottish Labour party did some 10 days ago when it said that the putative Scottish First Minister will need to be given a democratic mandate in the party political sense? If we are to adopt the Cabinet model, we must think about changing the rules in the Welsh Labour party. We could then have a Prime Minister designate, selected by one member, one vote.

The alternative approach is to use the local government model, whereby the leader of the assembly is selected the day after the election from the 20 or so—or however many is required to have a majority—of the 35 Members elected. The minimum number of votes with which one could win a majority in the Welsh assembly is 31. If someone is voted for by 31 Members of the Assembly,

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as Labour might hope to achieve, 16 will constitute a majority. If a person can get 16 votes on the day after the election, he or she will be the First Secretary of the Welsh Assembly. Although those 16 people will have been voted in by the people of Wales, theirs will not constitute a big democratic mandate as compared with that of the British Prime Minister or the Scottish First Minister.

That may not be a matter for this House, but it is a matter for all the parties represented in this House which will contest the election. They are concerned with the quality of the democratic mandate that flows from having a Cabinet system.

The points that I have made follow the same line as those made by the vast majority of Labour Members who have spoken. If we adopt a Cabinet system, at least initially, we need to follow through the changes logically so that we have a consistent package. If we do not—many Labour Members think that we should not—that is fine, because we will not need to make those consequential changes until we opt for a Cabinet model. However, if we adopt the Cabinet model first, we need to make the consequential changes that go with that so that we have a coherent whole. If we do it the other way around, there will be less of a problem, provided that permission is included in the Bill.

I am inclined to think that we should not have gone down this road, in spite of the pressing and blandishments of all three Opposition parties and of the advisory committee. It is far too easy to make the fundamental mistake of choosing a Westminster solution to a Welsh problem and Welsh political circumstances. We have not yet reached the stage where we need to opt for the kind of recommendations that have been made by all three Opposition parties because they are far too liable to "Westminsterise" the new Welsh democratic creation which we have spent so much time and trouble trying to get right.

Mr. Syms: I agree with a great deal of what the hon. Member for Cardiff, West (Mr. Morgan) said. We are almost always on opposite sides of the argument in this Chamber, but he made some good points. I agree that the Bill must be logical.

However, I support the changes proposed by the Government because, as my right hon. Friend the Member for Devizes (Mr. Ancram) said, a Cabinet system would be better because it recognises what will inevitably happen: after an election, the party with a majority will hold a meeting to elect who it wants to run the Committees. The proposed change makes that more explicit than it would be if we adopted the local government model.

The whole tenor of the Bill is that a further tier of government is required in Wales, so it is right to recognise it in this form. A Cabinet system would clearly delineate who is running the assembly and who is on the Opposition side. Earlier in the debate, an hon. Member said that we would have shadow Secretaries next. In many respects, that could be a good thing. I believe that an Administration, an Opposition and some debate are what democratic structures are about.

We have heard a great deal about inclusivity and the new politics, but once we get an assembly I suspect that it will be politics as we have always known them, with parties competing, arguing, debating and putting forward their points. The key point about a Cabinet system is that it allows a party to stand on a platform before the electorate. At the end of an election, if that party commands a majority within the assembly, it will have the mechanisms to carry out its mandate. That provides some accountability, which the more general and diffuse local government model does not provide.

I support my right hon. Friend's amendment to limit the number of Assembly Secretaries to eight. Under the Bill as it stands, their number could be unlimited. The idea of a non-portfolio Secretary is interesting. I am surprised that 20 Members will be elected on the alternative member system without constituencies and they could have non-jobs and be Ministers, although, thinking about it more carefully, a "non-portfolio Secretary" sounds like a Chief Whip. In this new politics, I am sure that Whips will run the political structure. Patronage is part of the system and clearly goes with the alternative member system. After all, parties will appoint placemen on those lists.

The hon. Member for Wrexham (Dr. Marek) made a good point about the home civil service. Civil servants will sometimes have divided loyalties, particularly when they represent this country in European institutions. That reveals a more difficult problem—the question of political appointees. If Cabinet members feel that they do not have the whole-hearted loyalty of home civil servants, they may fill that vacuum by making more political appointments. Nothing in the Bill stops them doing that.

Most political parties would think that it is perfectly sensible to have political advisers, but it is probably inevitable that, if we have a First Secretary, we shall have a First Secretary's policy unit, press secretary and other appointments. The Government should think a little more about that. If they do not make it clear to whom people are responsible, the vacuum may be filled by political appointees from a political party, who may start to play a larger role within the assembly's political affairs than would be the case in the British political system.

Despite criticism by hon. Members on both sides of the Chamber, the British system has few political appointees or special advisers to Prime Ministers or Ministers. Most advisers are career civil servants, which is how it should be. If the assembly is not in control of its own civil servants because they form part of the home civil service, it will be tempted to make political appointments.

The hon. Member for Cardiff, West spoke about votes of confidence, which would become an important concept. There would no doubt be a vote of confidence in the First Secretary, but the fact that there are fixed four-year terms would be a problem. Elections are not always a problem, but they can solve problems if there is a logjam in a legislative assembly.

Mr. Letwin: Will my hon. Friend expand the point which the hon. Member for Cardiff, West (Mr. Morgan) did not quite make, and my hon. Friend has not quite made? Will he go on to say that, in this case, a strange situation could arise in respect of the Committee that had delegated authority to the Secretary in the first place? If its political position altered, for example by movement

across the Floor of one person, the Committee could reabsorb and de-delegate the power, thereby causing a crisis not just of confidence but of legislative authority.

Mr. Syms: My hon. Friend raises a good point. The issue of hon. Members leaving parties brings us back to the point made by my right hon. Friend the Member for Devizes about the registration of political parties. That forms part of the Bill—or the cake—that we have not seen, and is relevant to the way in which political parties operate.

The ability to dissolve is an important part of the political process. A vote of confidence may sometimes be moved and carried, and the party concerned may be unable to assemble sufficient forces to produce an alternative to run the assembly; chaos would ensue. The assembly will dispose of a good deal of money, and will provide important services for the people of Wales. We therefore need to be clear about what will happen under the new arrangements.

That brings us to the question of concordats, in their broadest sense. Will a concordat be concluded with a First Secretary—in effect, the Cabinet—and, if that First Secretary is removed, will the concordat become null and void? Or can the system involving the First Secretary and the Cabinet change, while the concordat remains for the four-year period that may have been agreed with the assembly? That is a grey area, and I think that we should hear a bit more about how the system will work.

Surely it is sensible for an administration involving a First Secretary, Assembly Secretaries and a Cabinet system to agree a concordat with the United Kingdom Government. If that administration were removed, perhaps the terms of the concordat should also go, and should not be inherited by any successor body.

7 pm

Many parts of the Bill may well need tidying up because of proposed changes, but I broadly welcome the change to a Cabinet system. It will make the assembly more accountable, and, as I said at the outset, it will provide a platform, in that the manifesto presented to the electorate will have to be pushed through an assembly explicitly rather than behind closed doors.

In local government, there is a pretence that there is a committee system in which everyone has a say, but, having served in local government for many years, I know that, in practice, the most important decisions are made in group meetings rather than in debates in the chamber. I served on authorities that the Liberal Democrats ran for many years, and theirs was not the most inclusive, democratic, open way of doing things. They had group meetings and drummed measures through, very much like everyone else.

I welcome the changes overall, but there are certain problems. We must look at the question of concordats, and at votes of confidence and how First Secretaries are removed. There is also the question of civil servants' loyalty. My sympathies are not particularly with the assembly, but, if it is to exist, it is logical for it to employ—directly or otherwise—a certain number of civil servants, even in senior posts, rather than people being seconded or working for the home civil service.

Mr. Gareth Thomas (Clwyd, West): I firmly believe that the Government have no reason to be apologetic or defensive about new clauses 20 to 24. Their commitment to the new clauses reflects their willingness to listen to everyone who is genuinely committed to the idea of a successful assembly—and a successful assembly, which will deliver in terms of the expectations that have arisen in Wales, will need a strong executive wing.

The Bill does not refer to a Cabinet as such; it refers to an Executive Committee. I cannot see for the life of me what all the fuss is about. In a thoughtful speech, the hon. Member for Poole (Mr. Syms) pointed out that, in local government, decisions are normally made behind the scenes, by the ruling group. I agree, and I speak as one who served in local government before becoming a Member of Parliament.

The new clauses and amendments would introduce three important changes that would make the assembly more effective. First, they would make executive decision making more accountable, and would increase the focus—and, for that matter, political control—that can be brought to bear on civil servants. That is essential. Secondly, they would increase the efficiency and speed of decision making. That, too, is essential.

One of the criticisms of the local government system in its purest form was that it was unwieldy, and incapable of responding speedily when quick decisions were required. Is it not significant that the present Administration are embarking on a reform of local government? After all, it is generally felt that the Committee system tends to be too slow, and that it lacks transparency.

The third important aspect of the proposed changes is that the assembly's status would be enhanced. We must be careful not to ascribe too many of the trappings of power to the assembly, because this Parliament is sovereign; but, in my view, it is essential for the public to see who is responsible for each area of responsibility. There is a tension between the roles of Back Benchers and executive Assembly Secretaries. I saw force in what was said by my hon. Friend the Member for Cardiff, West (Mr. Morgan) and others, including my right hon. Friend the Member for Llanelli (Mr. Davies). We cannot allow the assembly to adopt the worst practices of Westminster, where the power of the Executive has at times been far too great. There must be a balance between the scrutinising work of Back Benchers and the role of those with executive functions.

The Bill proposes the establishment of a council in partnership with local government, a voting system, the establishment of various advisory bodies and various other measures which, I am sure, will result from greater input into the work of drawing up Standing Orders. There will have to be a proper and fair balance between the Executive and Back Benchers. There will have to be steps to safeguard the role of Back Benchers and allow them to perform independently, but I welcome the new clauses. They give the assembly the tools that it needs to complete an important job.

Mr. Owen Paterson (North Shropshire): I want to pick up the business analogy made by my temporary hon. Friend the Member for Montgomeryshire (Mr. Öpik), which I found completely bizarre. No one else has suggested that we are making a major constitutional change along the lines of a change made by business. For one thing, the prospectus on the basis of which we set out

[Mr. Owen Paterson]

back in the summer had the support of only 25 per cent. of the population. I know that Labour Members do not like that, but it is something to think about. They might also remember that management consultants like the hon. Member for Montgomeryshire will go for downsizing and clearness of decision making. I am afraid that that is being lost in the whole devolution process.

Overheads and over-management are a subject on which management consultants like the hon. Gentleman concentrate. Once devolution has happened, all Ministers will be without jobs. More important, however, is the fact that the new clauses go halfway towards improving what was set out in the original Bill. There is no doubt—as my hon. Friend the Member for Poole (Mr. Syms) said so eloquently—that there are serious doubts about the attempt to turn the assembly into a local government-style institution.

We have gone halfway; the problem is that the semi-Cabinet proposed by the new clauses and amendment is almost autonomous. It constitutes yet another layer. We have a Secretary of State, we will have a mini-Cabinet, and we will have the assembly. Once power has been devolved to the mini-Cabinet, I see no mechanism whereby the assembly can claw it back and make the Cabinet accountable. I should be grateful if the Secretary of State would answer that point.

We are going all the way to devolving power to the assembly. We are told that the problem of the democratic deficit will be resolved, and that all will be green in the new Wales. I fear, however, that we shall hand power to a small group of people in the assembly, after which we shall be trapped. I see no mechanism in the new clauses and amendments, or in the Bill, whereby the power can be returned. All that Opposition Members are trying to achieve will be lost.

I agree with the right hon. Member for Llanelli (Mr. Davies) that we have gone halfway from a semi-local government system to a Cabinet system, but not all the way. I ask Labour Members not to keep knocking the Cabinet system. It has evolved over many centuries, and it works well. What are their criticisms of such a system, when it is set up properly? They are right to criticise the new clauses and amendments, because they do not go far enough. The Cabinet will not be accountable to the assembly.

Mr. Letwin: Does my hon. Friend agree that, despite the fact that hon. Members have started from different positions in respect of what they would prefer, it has been remarkable that, to all intents and purposes, there has been a cross-party tripartite agreement between almost all the Secretary of State's Back Benchers—with one notable exception—the leader of Plaid Cymru and the Conservative party, that, if the new clauses are to be accepted, there also need to be some checks? The one party that takes a different view is the Liberal Democrat party, which is left stranded on an island with the Secretary of State.

Mr. Paterson: The Liberal Democrats are basically giving management advice. They are concerned about transport systems and the railway. I agree with my hon. Friend that there is now virtual cross-party unanimity that the matter should be looked at again, possibly in another place. Of course, given the way that the Secretary of State has been behaving this week, perhaps he will bounce us with yet more amendments tomorrow. I do not think that the new clauses and amendments in this group will work. The right hon. Gentleman is on the right track, but, when he replies to the debate, I want him to give me a quick answer on how the mini-Cabinet will be accountable back to the assembly, and whether he has any further plans in this regard.

Ms Julie Morgan: I want to speak to amendment (d), in my name. Most of the points that I wanted to make have already been made. My main purpose in tabling the amendment was to draw attention to the dangers of concentrating too much power in the hands of one person, by allowing the First Secretary to appoint the Secretaries who will be members of the Executive Committee without reference to the rest of the assembly.

During the devolution campaign, we campaigned on open government and transparency in decision making. There is a danger that the public could perceive power to have shifted to a selected group chosen by the First Secretary, rather than being vested in the assembly. It is the system that operates in Westminster, but that system has built up over many centuries. It is not what we want slavishly to follow in the Welsh assembly. We are starting with a blank sheet, so we should have something unique to Wales, not something that apes another system.

I strongly believe that there should be as little patronage as possible, because we all know that patronage often leads to the abuse of patronage. We have seen that in the development of the quango state in Wales over the past 18 years. The power to hire and fire should not be uncontrolled. There must be constraints so that the Executive—the quasi-Cabinet—will not be dependent on and built around just one person. Allowing the assembly to endorse the Secretaries—the members of the Executive Committee—would ensure that a concentration of power would not be given to one person. He or she should not be allowed to choose those members. There may be a danger that too much power will be concentrated in the Executive, which may result in Back-Bench Members of the Assembly being dependent on the good will of the First Secretary and the Secretaries, which would be unsatisfactory.

It is important that the Committees are involved in policy making, and I welcome the discretion that the assembly is being given. We want as inclusive a system as possible. There is an issue surrounding Cabinet systems operating in secret. There should be as little divide as possible between the Secretaries and the Members. Only 60 Members make a small group to operate a Cabinet system.

It is important how the system will appear to the outside world. We are trying to develop a new model, and having a partnership council with local government, business and the voluntary sector will help the assembly to be open and accountable. However, many voluntary organisations are uneasy about the delegation of considerable power to the Secretaries over the heads of the Committees. It is important that the Committees and the Secretaries work together in an effective way.

As has been said, it is possible that some members of the Executive may not be linked to the subject Committees. In that case, it is even more important that

they are endorsed and accepted by the whole assembly. Obviously, the Assembly Secretaries will have some delegated authority, but accountability to their respective Committees should be built in. I welcome the fact that the assembly will be given the discretion to work that out.

There may be some suspicion about the move to a Cabinet system because, in some ways, that runs counter to the spirit of accountable democracy. Having a democratic layer, such as that suggested in my amendment, would be more in the spirit of the new politics that we hope to achieve in Wales.

7.15 pm

Mr. Evans: I am grateful for this opportunity to speak so soon after my last piece of spellbinding oratory at 6.15 this morning, when I had the Adjournment debate. One piece of advice that I will give the Secretary of State is that, if the assembly decides to have Adjournment debates, they should start the day, not end it. *[Interruption.]* It is another piece of constructive advice from the Conservative party. That is how we want to continue.

We welcome the Government new clauses. We were not trying to be destructive in our attempt to get more time to debate all the new clauses and amendments. However, we are not being given that opportunity, so we will try to improve the Bill as much as we can in the two days at our disposal, before it goes to the other place.

We feel that the Secretary of State has listened to us. *[Interruption.]* Perhaps only a little bit, but that is a start—late in the day though it may be. We are debating changes that we and other political parties have been seeking and on which the right hon. Gentleman's advisory group gave him guidance. There is a lot of popular support for the changes, although we have heard some reservations expressed in the Chamber today. The fact that there has been such unanimity across the parties is sufficient reason for us to question some of the consequences of the new clauses, which involve major changes.

Mr. Grieve: I appreciate my hon. Friend's point, but is it not a most depressing state of affairs? However suspicious we Conservatives may be of the whole proposal for Welsh devolution, at least it has been possible for us to share, albeit in a mild way and with some cynicism, the Utopianism of some of the proposals. Yet we are now being asked to consider amendments that will reverse all that and, in its place, we are being asked to accept something that will be far worse.

Mr. Evans: I am grateful for my hon. Friend's remarks. The debate has shown that there will be a great deal of theorising about what will constitute the workings of the assembly. As the right hon. Member for Llanelli (Mr. Davies) said earlier, the assembly will start to devise its own trappings and systems, for good or for ill. It will start to mirror Westminster or somewhere else—but I suspect Westminster.

I was reading in the business section of *The Western Mail* the view that one of the plagues of Westminster is the lobby system—yet a new lobbying group is being launched in Wales, led by Leighton Andrews and Andrew Davies, who are known to the Secretary of State. The newspaper quotes Leighton Andrews as saying:

"There are some good generalist PR companies in Wales but they neither have the contacts nor the experience of the new Welsh political situation to be able to advise on public affairs."

We are already seeing in Wales something that many people in Westminster deride. They think that the lobby groups have too much power. A group is starting up in Wales before the first brick of the assembly is laid.

Mr. Denzil Davies: It will be more worth while to lobby the Welsh assembly, because the people being lobbied will have money to distribute.

Mr. Evans: I am sure that that has not been lost on Leighton Andrews and Andrew Davies. I suspect that it is one of the reasons why they have not only set themselves up but managed to secure positive coverage on the front page of the *Western Mail* business section.

We asked about the financial aspects of the changes, and I rather regretted the fact that the hon. Member for Montgomeryshire (Mr. Öpik) said that it did not really matter whether the figure was a couple of per cent. below or a couple of per cent. above. We are talking large sums of money, and we want to seek good value for the people of Wales in the setting up of the assembly, as well as in its running costs, to ensure that money is not being diverted away from front-line services and lost in bureaucracy. We want to get all that as right as we can.

I know that the Secretary of State will want to answer some of the questions asked by my right hon. Friend the Member for Devizes (Mr. Ancram) about how the new Cabinet-style system will work. The analogy with a barking duck or a quacking dog was used, and we should like to know exactly what the system will be like, although we acknowledge the fact that it will evolve.

My hon. Friend the Member for Poole (Mr. Syms) mentioned a Whip system. I am sure that, although that is not on the face of the Bill, such a system will come about, and that persuasion and patronage will be exercised by the Whips.

We have tabled several amendments about the number of Assembly Secretaries. As the assembly will consist of only 60 Members, we think that eight Secretaries is the right number. With the First Secretary, that will mean that, with 60 Members, there will be nine Secretaries altogether. I hope that the Secretary of State will look favourably on that idea, although we accept that the assembly will be able to make changes if a two-thirds majority can be secured.

Before I finish, I must ask the Secretary of State one or two questions. One is about the relationship between the First Secretary, the Assembly Secretaries and the assembly itself. Will the right hon. Gentleman say more about that, and also about the relationship between those three and the Secretary of State—unless, of course, the Secretary of State and the First Secretary will be the same person.

The right hon. Gentleman need not worry; I shall not ask whether he will stand for the assembly. I understand that, after the way in which he performed over the siting of the assembly, he has not made up his mind.

Mr. Leigh: Will my hon. Friend give way?

Mr. Evans: No, I cannot, because I must bring my speech to an end.

[Mr. Evans]

Will the Secretary of State say something about our amendments on the relationships involving the Select Committees, and tell us whether we can go down the route suggested? I have served on three Select Committees since becoming a Member of Parliament, and they are powerful bodies. We want to ensure that the parallel organisations in Wales grow up, serve the assembly well and become a powerful influence for good.

Will the Secretary of State accept the fact that our suggestions, both now and in the past, have been right for the assembly, but also that there are great reservations about the changes that he has made? We want to be clear about what will happen when the assembly adopts the changes—although we know that they may not represent the final format, and that the assembly may want to make its own improvements.

The Secretary of State has started to listen, and he still has another day and a half to accept some of our amendments.

Mr. Ron Davies: If I had to listen to many more speeches like that, I could be persuaded not to spend my time listening. However, I welcome the strong support that has been shown for our proposals by the right hon. Member for Devizes (Mr. Ancram) and by the Plaid Cymru and Liberal Democrat spokesmen.

I shall make clear at the outset a point that I tried to develop in the opening part of the debate: we are not talking about a choice between either a local government system or a Cabinet system, but about a new political institution that must be built by drawing the best from both local government and central Government practices. We shall have the best of a Cabinet system and a Westminster system, as well as the best of a local government system.

I believe that the new political institution that we are creating will be able to establish the principles of inclusivity and collective decision making, while maintaining clear lines of accountability and effective decision making. That is what we are trying to achieve, and I have no doubt that our amendments will achieve it.

Many separate and sometimes conflicting amendments have been tabled, and I shall try to deal with as many as I can during the limited time left to me. Three separate sets of amendments were tabled to new clause 20. Amendment (c) would make the First Secretary's appointments of individual Assembly Secretaries subject to the approval of the subject Committees of which they will become members.

Amendment (d) would make each appointment of an Assembly Secretary subject to ratification by the assembly as a whole. Amendments (a) and (b) would remove the ability of the First Secretary to appoint a limited number of non-portfolio members of the Executive Committee, and require him or her to appoint a financial secretary and a business manager. They would also place on the face of the Bill a limit of eight on the maximum number of Assembly Secretaries whom the First Secretary could appoint.

I understand the motivation behind amendments (c) and (d). I am not, however, persuaded to accept them. The concern is that, under the Government's amendments, there would be excessive powers of patronage for the First Secretary in respect of appointments to the Executive Committee. However, I remind the House, especially my hon. Friend the Member for Cardiff, West (Mr. Morgan), that the First Secretary's power is not unconstrained. The assembly elects the First Secretary, and it will always be open to it to replace the First Secretary with another appointee if it is clear that the First Secretary's proposed appointments or other actions are inappropriate.

Amendment (c) may reveal a concern that it will not be easy for a subject Committee to work with a particular individual who has been appointed as the Assembly Secretary for that policy area. I understand that argument, but I do not accept it. It will be incumbent on the First Secretary to make appointments which will command general respect in the assembly, and it will be incumbent on those appointed to work with their subject committees in a constructive and positive way. That will form an important part of the accountability pressures to which they will be subject. That point was raised by the right hon. Member for Caernarfon (Mr. Wigley).

Clearly, if an individual Assembly Secretary's working relationship with his or her subject committee breaks down, that would be likely to constitute good grounds for replacing that Secretary with someone more capable of establishing a proper partnership with the Committee. The precise nature of the relationship between the Assembly Secretary and the subject Committee will have to develop as the assembly is elected and its internal procedures develop.

The Government are not persuaded that it would be sensible to accept amendments (a) and (b). In fact, we are surprised at the proposal that the First Secretary should be put under a legal duty to make two specific appointments, of a financial secretary and a business manager, when those roles are not defined, which makes the amendments defective. I accept that there may be a case for such appointments—but it is hardly consistent with the concept of a Cabinet system that the First Secretary's choice of offices to be filled should be constrained in that way as a matter of law. We are not persuaded by that idea.

The amendments tabled to new clauses 21 and 22 are concerned with the names of the Executive Committee and the subject Committees. As far as nomenclature is concerned, it will already be possible under the Government's proposals for the assembly to designate the Executive Committee as the assembly Cabinet, and call the subject Committees Select Committees, if it wishes to do so; those names can appear in Standing Orders. The more important point, however, is what the Committees will do and how they will operate, which I have already dealt with in introducing new clauses 20 to 24.

New clause 24 makes provision for the delegation of functions to the assembly's staff. It therefore extends to the assembly the application of the Carltona principle, in accordance with which it is legally permissible for a duly authorised civil servant in a central Government Department to act on behalf of his or her Minister in the performance of statutory functions. Decisions made by planning inspectors provide one example of functions being performed by officials on behalf of Ministers; another example is the confirmation of byelaws.

Amendments (a) to (h) to new clause 24 would prevent the assembly from delegating any "functions" to staff, but would limit delegation to "administrative duties"—a point that was made by the hon. Member for Montgomeryshire (Mr. Öpik).

Mr. Rowlands: Will my right hon. Friend give way?

Mr. Davies: I have too many points to reply to.

The Government believe that the assembly should be able to take advantage of the Carltona principle if it wishes, and new clause 24 as drafted permits that. The clause is purely facilitative—there is no requirement to delegate any function to staff—and its main purpose is to ensure that, if such delegation does take place, it is done in a manner compatible with the permanent secretary's overall responsibilities for the management of the staff.

New clause 25 proposes three categories of assembly staff—parliamentary staff, political staff and executive staff. All, it appears, would be civil servants. New clause 29 would require the Minister responsible for the civil service to consult the assembly on codes of practice and procedure applicable to assembly staff who are civil servants. Amendments Nos. 231 to 233 envisage the appointment of not more than 10 assembly officers, whose functions are not described in the amendments but who certainly would not be civil servants.

Finally, new clauses 32 and 33 and new schedule 1 envisage the creation of a Welsh Assembly Corporate Body with the powers to hold property, employ staff and enter into contracts. To make room for that, the assembly would be deprived by amendment No. 250 of its Corporate Body status and its legal status allowed to float in the void. Therefore, that makes the amendment unacceptable.

The amendments and new clauses have a common theme—the position of the assembly staff. Under the Bill, they are to be civil servants. That follows logically from the executive character of the assembly and the fact that it will perform its functions on behalf of the Crown.

The position of assembly staff, and the support which will be provided for Assembly Members, is being considered by my assembly advisory group. The statutory assembly's staff will be civil servants, operating to the highest standards of honesty, integrity and political impartiality which apply throughout the United Kingdom. They will have to be organised to support Assembly Members in the carrying out of their various and different roles. Most of the staff will work in support of the Assembly Secretaries—

It being half-past Seven o'clock, MR. DEPUTY SPEAKER, *pursuant to the Order [15 January] and the Resolution [this day], put forthwith the Question already proposed from the Chair.*

Clause read a Second time, and added to the Bill.

MR. DEPUTY SPEAKER *then proceeded to put forthwith the Questions necessary for the disposal of the business to be concluded at that hour.*

New clause 21

EXECUTIVE COMMITTEE

'.—(1) There shall be a committee of the Assembly whose members shall be—

(a) the Assembly First Secretary, who shall chair it, and

(b) the Assembly Secretaries.

(2) The committee shall be known by such title as the standing orders may provide (but is referred to in this Act as the executive committee).

(3) The Assembly First Secretary shall allocate accountability in the fields in which the Assembly has functions to members of the executive committee so that, in the case of each of those fields, accountability in the field is allocated either to one of the Assembly Secretaries or to him.

(4) The Assembly First Secretary need not make an allocation under subsection (3) to every member of the executive committee; but the number of Assembly Secretaries to whom no such allocation is made shall not exceed such number as may be specified in, or determined in accordance with, the standing orders.

(5) For the purposes of this section and section (*Subject committees*) "accountability", in relation to a member of the executive committee and a field, means that he is the member of the executive committee accountable to the Assembly (in accordance with standing orders under subsection (7)) for the exercise of the Assembly's functions in that field, except the exercise of functions by the executive committee (or by the Assembly itself).

(6) The Assembly First Secretary is accountable to the Assembly (in accordance with standing orders under subsection (7)) for the exercise of functions by the executive committee.

(7) The standing orders must include provision for allowing Assembly members to question (orally or in writing, as Assembly members prefer)—

(a) each member of the executive committee about the exercise of the Assembly's functions in the field or fields in which he is accountable, except the exercise of functions by the executive committee (or by the Assembly itself), and

(b) the Assembly First Secretary about the exercise of functions by the executive committee.

(8) In this section—

(a) references to the exercise of functions by the executive committee include the exercise of functions by a sub-committee of that committee or by members of the Assembly's staff in pursuance of a delegation to the Assembly's staff by either that committee or such a sub-committee, and

(b) references to the exercise of functions by the Assembly itself include the exercise of functions by members of the Assembly's staff in pursuance of a delegation to the Assembly's staff by the Assembly itself.'.—*[Mr. Jon Owen Jones.]*

Brought up, read the First and Second time, and added to the Bill.

New clause 22

SUBJECT COMMITTEES

'.—(1) The Assembly shall establish committees with responsibilities in the fields in which the Assembly has functions.

(2) The committees established under this section shall be known by such titles as the standing orders may provide (but are referred to in this Act as subject committees).

(3) There shall be the same number of—

(a) subject committees, and

(b) members of the executive committee to whom the Assembly First Secretary allocates accountability in any of the fields in which the Assembly has functions.

(4) The division between the subject committees of the fields in which those committees have responsibilities and the division between members of the executive committee of the fields in which accountability is allocated to members of that committee shall be

the same; and the member of the executive committee who has accountability in the field or fields in which a subject committee has responsibilities shall be a member of that subject committee.

(5) The Assembly shall elect a number of Assembly members to be a panel from which the members who are to chair the subject committees are to be selected; and the members of the panel shall be elected so as to secure that, as far as is practicable, the balance of the parties in the Assembly is reflected in the membership of the panel.

(6) The number of members of the panel at any time shall be equal to the number of subject committees at that time; and each member of the panel shall be selected to chair one (but not more than one) subject committee.

(7) A subject committee shall have such number of members (in addition to the person who is a member of the committee by virtue of subsection (4) and the member who chairs it) as the standing orders may provide.

(8) Those other members shall be elected by the Assembly from among the Assembly members so as to secure that, as far as is practicable, the balance of the parties in the Assembly is reflected in the membership of the committee (including the person who is a member by virtue of subsection (4) and the member who chairs it).'.—*[Mr. Jon Owen Jones.]*

Brought up, read the First and Second time, and added to the Bill.

New clause 23

DELEGATION OF FUNCTIONS

'.—(1) The Assembly may delegate functions of the Assembly (to such extent as the Assembly may determine) to—

(a) any committee of the Assembly, or

(b) the Assembly First Secretary.

(2) Any committee of the Assembly, apart from the Audit Committee, may delegate functions of the committee (to such extent as the committee may determine) to a sub-committee of the committee.

(3) In addition—

(a) the executive committee may delegate functions of the executive committee (to such extent as the executive committee may determine) to the Assembly First Secretary or an Assembly Secretary, and

(b) a subject committee may delegate functions of the subject committee (to such extent as the subject committee may determine) to the member of the executive committee who is a member of the subject committee by virtue of section (*Subject committees*)(4).

(4) A sub-committee of the executive committee may delegate functions of the sub-committee (to such extent as the sub-committee may determine) to the Assembly First Secretary or an Assembly Secretary; and a sub-committee of a subject committee may delegate functions of the sub-committee (to such extent as the sub-committee may determine) to the member of the executive committee who is a member of the subject committee by virtue of section (*Subject committees*)(4).

(5) The Assembly First Secretary may delegate functions of his (to such extent as he may determine) to an Assembly Secretary.

(6) In delegating a function under any provision of this section the Assembly, a committee of the Assembly or a sub-committee of such a committee may limit or prohibit its further delegation under this section or section (*Exercise of functions by Assembly staff*) (or both).

(7) Where a function has been delegated to the Assembly, this section applies to the function subject to the terms of the delegation to the Assembly.

(8) The delegation of a function under this section shall not prevent the exercise of the function by the body or person by whom the delegation is made.'.—*[Mr. Jon Owen Jones.]*

Brought up, read the First and Second time, and added to the Bill.

New clause 24

EXERCISE OF FUNCTIONS BY ASSEMBLY STAFF

'.—(1) Each of the following—

(a) the Assembly,

(b) any committee of the Assembly, apart from the Audit Committee,

(c) any sub-committee of a committee of the Assembly,

(d) the Assembly First Secretary, and

(e) any Assembly Secretary,

may delegate functions to the Assembly's staff.

(2) Where a function is delegated to the Assembly's staff it is for the Permanent Secretary to the Assembly to make arrangements as to which member of members of the Assembly's staff is or are to exercise the function; and in this subsection "the Permanent Secretary to the Assembly" means the person appointed in accordance with section 35(1) and (3) to be the head of the Assembly's staff (whether or not that person is known by the title of Permanent Secretary to the Assembly).

(3) Where a function has been delegated to the Assembly, this section applies to the function subject to the terms of the delegation to the Assembly.

(4) The delegation of a function under this section shall not prevent the exercise of the function by the body or person by whom the delegation is made.'.—*[Mr. Jon Owen Jones.]*

Brought up, read the First and Second time, and added to the Bill.

New clause 16

STATUS OF WELSH PUBLIC RECORDS

'.—(1) Welsh public records shall not be public records for the purposes of the Public Records Act 1958.

(2) But that Act shall have effect in relation to Welsh public records (as if they were public records for the purposes of that Act) until an order under section (*Transfer of responsibility*) imposes a duty to preserve them on the Assembly (or a member of the Assembly's staff); and this subsection applies to Welsh public records whether or not, apart from subsection (1), they would be public records for those purposes.'.—*[Mr. Ron Davies.]*

Brought up, and read the First time.

Mr. Ron Davies: I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker (Mr. Michael J. Martin): With this, it will be convenient to discuss the following: Government new clause 17—*Transfer of responsibility.*

Government new clause 18—*Meaning of "Welsh public records".*

Government Amendments Nos. 113 to 115, 118 and 99 to 102.

Mr. Davies: We said on Second Reading that we would bring forward amendments to make new provision for Welsh public records. I am pleased to present the new clauses and amendments now, and the House will wish me to explain their effect in a little detail.

There are three new clauses and a number of consequential amendments. The broad effect of the new clauses is as follows. First, we propose that there should be created a new category of Welsh public records. As the House may know, there is no separate record office

for Wales at present and most public records relating to Wales are held in the Public Record Office at Kew. That is very different from the position in Scotland and Northern Ireland, where national record offices hold records relating to those countries.

The proposal, therefore, is that, simultaneously with the establishment of the assembly, a new category of Welsh public record will be created and, in the fulness of time, responsibility for them will be transferred by order to the assembly.

I shall explain what records will fall within the new category—they are set out in new clause 18. The first will be those of the assembly itself. The Public Record Office does not, as a matter of principle, hold records of any elected bodies. It follows that, without the provision that we are making, there would not be proper provision for the assembly's records.

The second category will be records of the Welsh Office. That is particularly appropriate because the Department's records have now to become available under the 30-year rule.

Third will be the records of other bodies with responsibilities in Wales in areas in which the assembly has responsibilities—health bodies, a number of listed public bodies and the records of bodies that may, at a later date, be made subject to the new provisions by order.

The idea is to be able to extend, where that is considered appropriate, the category of Welsh public records to a wider range of non-departmental public bodies than the 1958 Act currently applies to, but that power would not be exercisable without the assembly formally resolving to request the Lord Chancellor to do so. In such circumstances, the assembly would want, first, to consult the affected bodies.

The new category of Welsh public records will have no operational significance unless and until my right hon. and learned Friend the Lord Chancellor, who has departmental responsibility for public records, makes a transfer of responsibility order under new clause 17.

The effect of such an order, which can be made only after consultation with the assembly, would be to transfer to the assembly responsibility for the preservation of Welsh public records covered by the order and responsibility for making them available for public inspection.

Mr. Rowlands: I warmly welcome my right hon. Friend's excellent decision. I have perhaps spent too much of my time at the Public Record Office at Kew searching among Welsh Office or Welsh documents of one kind or another, and the new clause will give students and research assistants much better access than was possible at Kew, with the additional cost that spending time there entailed.

The BD category at Kew applies to Welsh documents, some of which go back to 1945–46, with the old Board of Trade documents. Will they also be available for transfer, as opposed to those post-1964? They are extremely valuable and many reflect the evolution of Welsh administrative life before the establishment of the Welsh Office. I hope that my right hon. Friend will consider that.

Mr. Davies: As always I am grateful for my hon. Friend's vigorous and wholehearted support. I am only sorry that during the previous debate, when he expressed full and vigorous support for Government policy, we had to change the policy. On this occasion, I assure him that his support is welcome and it will ensure that my determination to proceed with the proposal as it stands is set even deeper in concrete. I hope to be able to give my hon. Friend a specific answer by the usual method before the end of the debate. If I cannot do that, I shall write to him. It may well be that the answer is yes. I am having some difficulty with the calligraphy.

A transfer of responsibility order will also contain provisions based on the Public Records Act 1958 on requirements for preservation, so there is no question that a lower standard of preservation of the records will follow from the making of such an order. Furthermore, such an order will designate a place within Wales to which Welsh public records may be transferred from the Public Record Office. No decision has yet been made about where that should be, and there will be no need to reach such a decision for some time yet. In due course, a study will be undertaken of the options. If my hon. Friend has any suggestions to make in that regard, I shall listen carefully.

Mr. Rowlands: I understand that at the moment most Welsh Office records are in the Embankment building—an old munitions building that is the least advisable building for such a purpose. I hope that my right hon. Friend does not go out to massive tendering of the kind that we had for the new assembly, and that we have a public record office in which Welsh records will fit.

Mr. Davies: I am sure that we shall have an opportunity to discuss the matter further, and I shall listen carefully to my hon. Friend's observations.

We have also had to amend clause 148 to ensure that it covers a transfer of responsibility order made by the Lord Chancellor, who is not a Secretary of State. That is the reasoning behind amendment No. 99.

I should make clear that all the clauses simply facilitate a process of, in effect, establishing a location in Wales for the preservation and public inspection of records relating to Wales. They do not require that to happen. The assembly will clearly need from the outset to preserve its records in accordance with the 1958 Act, but there is no reason necessarily to suppose that an early transfer of responsibility order will be made.

Mr. Grieve: I support the idea of Welsh records going to Wales, but how far back will they go? There will come a point when extricating English and Welsh records will be difficult. We might have to wait for a more detailed presentation, but there might be objections if certain hybrid records were transferred.

Mr. Davies: The matter can obviously be sensitive. The hon. Gentleman's point is fair and will be taken into consideration when we consider the nature of the records that will be held in Wales.

The new clauses will facilitate the provision of a record office rather than require it. The assembly will have to consider the options and the costs, in consultation with the Public Record Office and the Lord Chancellor, to see whether and when the powers should be exercised. Nevertheless, the new clauses represent a major step forward in identifying a discrete category of records

[Mr. Davies]

specifically relating to Welsh public administration. They hold out the prospect of such records being held and made available for public inspection in Wales.

Mr. Rowlands: I shall be brief. I intervened a couple of times in my right hon. Friend's speech because I feared that there would not be enough time for me to speak.

I should like to underline my support for and appreciation of the proposals. It may not have been the easiest of battles to obtain the powers in the new clauses. The Public Record Office is a jealous guardian of its powers and responsibilities and I imagine that the Lord Chancellor's Office is, too. If there has been a bit of an argument, I congratulate my right hon. Friend the Secretary of State on winning it. It is a significant one.

Welsh historical research has suffered considerably from the fact that records are held at Kew. It is an expensive business for a 22 or 23-year-old to come up to Kew and spend time at the Public Record Office to work through the available documents. Photocopying costs are enormous. I have the great fortune that I am here and can sneak out for an hour or two to do my research. A great deal of important research into Welsh public administration during the past 40 or 50 years has been made more difficult by the location of records at Kew.

I hope that the Lord Chancellor's office will take the most generous attitude to the matter. I understand the sensitivities that have been mentioned, but there are discrete categories of documents such as the BD documents. The BD documents do not belong to the Welsh Office because they belonged to the regional division of the Board of Trade after 1945, but that was the time of the birth of a distinctive Welsh administration. It was born out of the war. The records from the Board of Trade, the Ministry of Production and various Departments that survived the war and led to the regeneration of communities such as mine ought to come home.

I do not want to over-egg the matter, but the documents are the equivalent of our Elgin marbles. I welcome them home and I hope that they will find a fitting and proper home. I hope that, unlike what has happened on other aspects of our debates, we do not have a quarrel or squabble about where and in what way we shall have our records at home. I thank my right hon. Friend for winning whatever battle he has won to achieve this result.

Mr. Grieve: I endorse everything that the hon. Gentleman for Mertyr Tydfil and Rhymney (Mr. Rowlands) has said. The categories of documents about which he is concerned cause me no concern at all. I stand to be corrected by the Secretary of State, but it seems to me that the powers could extend to documents from many years before those to which the hon. Gentleman referred—from a time when Wales had not become a separate administrative unit. People studying that time rather than Wales's development as a separate administrative unit might wish to study those documents. That would cause problems, but if I understand correctly what the Secretary of State said, that is not the category of document about which he is concerned. I understand that it is not the sort of document about which the hon. Member for Merthyr Tydfil and Rhymney (Mr. Rowlands) is concerned, either. I simply raise a flag to say that we will come to a point at which we will come across sensitive documents.

Mr. Rowlands: I do not think that we should concede what the hon. Gentleman says. If documents from before 1536 and the Act of Union—I am not a mediaeval historian, so I do not know what the records look like—are available, why should they not be moved to Wales, except for the reason that we get into the amazing world of preservation? Let us concentrate on more recent documents that would be helpful in developing our contemporary Welsh history.

Mr. Grieve: On that, the hon. Gentleman and I can agree. I should only say that if we go back to the council of the marches we are dealing with matters that pertain to both sides of the border. I imagine that it is likely that there will be some objection from people dealing with records relating to Shropshire and Herefordshire if the documents are moved to a new depot in Wales. These are matters of some sensitivity, but I am prepared to accept that we should not labour them too much. I simply register the point that we have a common history and splitting archives is a complex matter.

It being a quarter to Eight o'clock, MR. DEPUTY SPEAKER, *pursuant to the Order [15 January] and the Resolution [this day], put forthwith the Question already proposed from the Chair.*

Clause read a Second time, and added to the Bill.

MR. DEPUTY SPEAKER *then proceeded to put forthwith the Questions necessary for the disposal of the business to be concluded at that hour.*

New clause 17

TRANSFER OF RESPONSIBILITY

'.—(1) The Lord Chancellor may by order make provision—

(a) imposing or conferring on the Assembly (or a member of the Assembly's staff) functions relating to Welsh public records (including, in particular, functions of preserving them and of making them available for inspection by the public), and

(b) imposing on persons responsible for Welsh public records duties relating to the selection of such records for permanent preservation, the safe-keeping of such records and their transfer to a place specified in, or appointed under, the order.

(2) An order under this section may (in particular)—

(a) make in relation to Welsh public records provision analogous to that made by the Public Records Act 1958 in relation to records which are public records for the purposes of that Act, and

(b) contain any appropriate consequential, incidental, supplementary or transitional provisions or savings (including provisions in the form of amendments or repeals of enactments).

(3) An order under this section—

(a) may make provision in relation to all Welsh public records or any description of Welsh public records (or all Welsh public records apart from those of a particular description), and

(b) may make different provision in relation to different descriptions of Welsh public records.

(4) An order under this section which imposes on the Assembly (or a member of the Assembly's staff) a duty to preserve Welsh public records, or Welsh public records of any description, must

include provision for the Lord Chancellor to make such arrangements as appear appropriate for the transfer of Welsh public records, or Welsh public records of that description, which are in—

(a) the Public Record Office, or

(b) a place of deposit appointed under the Public Records Act 1958,

to a place specified in, or appointed under, the order.

(5) No order shall be made under this section unless the Lord Chancellor has consulted the Assembly.'.—*[Mr. Dowd.]*

Brought up, read the First and Second time, and added to the Bill.

New clause 18

MEANING OF "WELSH PUBLIC RECORDS"

'.—(1) The following are Welsh public records—

(a) records of the Assembly,

(b) administrative and departmental records of the Auditor General for Wales,

(c) administrative and departmental records belonging to Her Majesty which are records of or held in any government department which is wholly or mainly concerned with Welsh affairs,

(d) administrative and departmental records belonging to Her Majesty which are records of any office, commission or other body or establishment under Her Majesty's Government which is wholly or mainly concerned with Welsh affairs in a field or fields in which the Assembly has functions,

(e) administrative and departmental records of the bodies and establishments specified in subsection (2) (but not records of health service hospitals in Wales which are of the descriptions excepted from being public records for the purposes of the Public Records Act 1958 in the case of health service hospitals in England), and

(f) any other description of records (other than records of any court or tribunal or held in any department of the Supreme Court) which is specified by order made by the Lord Chancellor.

(2) The bodies and establishments referred to in subsection (1)(e) are—

(a) the Countryside Council for Wales,

(b) the Curriculum and Assessment Authority for Wales,

(c) Family Practitioner Committees for localities in Wales,

(d) the Further Education Funding Council for Wales,

(e) the General Teaching Council for Wales,

(f) health service hospitals, within the meaning of the National Health Service Act 1977, in Wales,

(g) the Higher Education Funding Council for Wales,

(h) the Local Government Boundary Commission for Wales,

(i) National Health Service Authorities for districts or localities in Wales, or for areas in or consisting of Wales, including National Health Service trusts all of whose hospitals, establishments and facilities are situated in Wales,

(j) the Qualifications, Curriculum and Assessment Authority for Wales, and

(k) the Welsh Board of Health.

(3) An order under subsection (1)(f) may be made in relation to a description of records—

(a) which (immediately before the order is made) are public records for the purposes of the Public Records Act 1958, or

(b) which (at that time) are not public records for those purposes.

(4) No order under subsection (1)(f) may be made in relation to records within subsection (3)(a) unless the Lord Chancellor has consulted the Assembly; and no such order may be made in relation to records within subsection (3)(b) unless the Assembly has resolved that the Lord Chancellor be requested to make the order.

(5) In this section "records" includes not only written records but records conveying information by any other means whatsoever.'.—*[Mr. Dowd.]*

Brought up, read the First and Second time, and added to the Bill.

New clause 19

CONSULTATION WITH BUSINESS

'. The Assembly shall carry out such consultation with representatives of business as it considers appropriate having regard to the impact of the exercise by the Assembly of its functions on the interests of business.'.—*[Mr. Ron Davies.]*

Brought up, and read the First time.

Mr. Ron Davies: I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker: With this, it will be convenient to discuss amendment No. 204, in clause 64, page 31, line 33, leave out from 'consultation' to 'is' in line 34.

Mr. Davies: This new clause discharges the undertaking that the Under-Secretary of State for Wales, my hon. Friend the Member for Bridgend (Mr. Griffiths) gave to my hon. Friend the Member for Preseli Pembrokeshire (Ms Lawrence) on 2 March, when we debated her amendment about a scheme to sustain and promote business in Wales.

It is right that the Bill should require consultation between representatives of business and the assembly, but it should do so in a flexible way. Business will be affected by many aspects of the assembly's work, so a scheme or more rigid form of consultation would not have been practical or desirable in our view. The new clause leaves it to the assembly to judge which representatives of business it is appropriate to consult, the frequency of consultation and the matters about which there should be consultation.

Mr. Llew Smith (Blaenau Gwent): I have no objection to the assembly consulting business. We have to extend the process of consultation to every aspect of our lives. What worries me is that the assembly should consult not only the shareholders but people on the shop floor or on building sites who are not generally regarded as part of the business community. I should have liked the new clause to refer to the need to consult not only business but the trade unions—the very organisations that gave birth to the Labour party that allowed the Minister to be in the privileged position that he is in today. If the trade unions are not consulted, the assembly will be consulting some business people such as the firm in my community—

Mr. Deputy Speaker: Order. The hon. Gentleman has gone over the score.

Mr. Davies: I welcome my hon. Friend's unequivocal support for the Government's position. He will know that,

[Mr. Davies]

in keeping with best modern European practice, the term "business" is used to describe both sides of business. To give him the assurance he seeks, the expectation is that the assembly will be required to consult both employers and the trade union movement. I was going to come to that very point, but now that my hon. Friend has raised it with me, I can delete it from my introductory remarks.

Another important flexibility is that the assembly would be able to consult business representatives not only about the prospective exercise of functions but about measures that have already been adopted by the assembly and which have had an impact on business interests. For example, having operated a particular policy for a time, the assembly could choose to review with business or trade union representatives what effect it had had, and consult them on possible changes to the policy.

I welcome the support that the hon. Member for Brecon and Radnorshire (Mr. Livsey) and his colleagues have given to the Government's proposal by putting their names to new clause 19.

Amendment No. 204 would remove the explicit reference in clause 64 to consultation with representatives of business about regulatory appraisals. The Government cannot accept the amendment. If its purpose is to prevent consultation with representatives of business under clause 64, it will fail. The clause would still require the subordinate legislation procedures to include provision for "appropriate consultation", and the standing orders could include consultation with representatives of business as part of that.

If the amendment's purpose is to make the point that there is no need to include a specific reference to consultation with representatives of business in clause 64, given the general nature of the duty in new clause 19, I have to disagree with the right hon. Member for Caernarfon (Mr. Wigley).

The specific requirement for the subordinate legislation procedures to include provision for consultation with business representatives is not limited by the general duty in the new clause. We want it to be clear that the assembly cannot avoid consulting business representatives about regulatory appraisals under clause 64 by carrying out more general consultation under new clause 19.

I am sure that new clause 19 will be warmly welcomed by business in Wales as proof of our commitment to a positive partnership between the assembly and the business sector. I ask the House to agree that the new clause be added to the Bill.

Mr. Jenkin: I had hoped for a grudging acknowledgement of our contribution to the new clause—*[Interruption.]* The Secretary of State acknowledged a contribution from a Labour Member, but I seem to remember that we had a constructive debate about appliance cost assessments and the need for the Welsh assembly to produce them when legislating.

There were exchanges in Committee about whether it was necessary to include in the Bill a requirement for compliance cost assessments. The Minister replying at the time said that legislation always provided for them, so it was not necessary to mention them specifically in the Bill. However, plenty of legislation does not provide for them because they were not in vogue when that particular legislation was passed, although a reference to them would have been a useful addition. To some extent, consultation with business is a mild substitute for the requirement to carry out compliance cost assessments.

Mr. Ron Davies: I am sorry if I inadvertently offended the hon. Gentleman—had I done it deliberately, it would have been another matter. I mentioned my hon. Friend the Member for Preseli Pembrokeshire (Ms Lawrence) because it was her amendment that gave rise to the debate, but I fully acknowledge the support that came from all parts of the Chamber, including from those on the Opposition Front Bench, when we debated the matter.

Mr. Jenkin: It was extremely gracious of the Secretary of State to acknowledge that. Having said that, I shall now sour the atmosphere again with a few acidic remarks.

The problem with a new clause of this nature is that it is so general that, as we saw from the Secretary of State's exchanges with the hon. Member for Llanelli, it could be interpreted so widely.

Mr. Llew Smith: Blaenau Gwent.

Mr. Jenkin: I apologise to the hon. Gentleman.

Mr. Ron Davies: You had better apologise to my right hon. Friend the Member for Llanelli (Mr. Davies).

Mr. Jenkin: I am in a hole, but I shall not dig any deeper.

The Secretary of State serenaded the new clause and said that it was not "rigid", but that leaves a bit to be desired. Not only does it not specify the business representatives who should be consulted—every quarter of the House will have its own ideas about who those representatives should be, thus rendering the new clause almost meaningless—but the Secretary of State compounded the error by going on to talk about "both sides of business". In fact, the modern idea is that we do not divide business into sides. Employers and shareholders should be treated as a single unit, working harmoniously and co-operatively together for the benefit of the business, its customers and the community as a whole.

However, it would be churlish of us not to welcome the new clause. As I said, it is not a proper substitute for compliance cost assessments, which is what business really wants. Business wants a clear explanation of the costs and benefits of particular legislation and how it will impact on its affairs in particular, and on business in general.

It is too easy for legislators—we are setting up another body of legislators—to have good ideas which can prove hugely costly to the people on the ground who have to implement them. We are already living in an over-regulated society, and I fear that new clause 19 will not protect business from the tendency of legislators to over-regulate.

As for amendment No. 204 tabled by Plaid Cymru, I am at a loss to know why that party wishes to delete any obligation to consult businesses on the particular issue of subordinate legislation, because it seems that that is the very point at which an input from business should be most valuable. After all, it is business that ultimately generates

the wealth that will pay the taxes that will fund the activities of the Welsh assembly. If the assembly cannot even curtsey in the direction of business when it is legislating, there ain't much hope for the way the assembly is going to function for the benefit of Wales.

One would hope that such invocations would not be necessary if the assembly were doing its job properly. I wonder whether the new clause is really an expression of faith in the assembly, or an anticipation by the Secretary of State of the assembly's shortcomings.

Mr. Ieuan Wyn Jones (Ynys Môn): I am grateful to the Secretary of State and to the hon. Member for North Essex (Mr. Jenkin) for telling the House the purpose of amendment No. 204 before we had even spoken to it. I can now deal with their opposition to it, instead of putting my positive arguments.

Let me make it clear at the outset that it is not our intention specifically to remove the assembly's obligation to consult business. It is a probing amendment. Under clause 64, there is an obligation on the assembly to consult business but no one else. It refers to "appropriate consultation" being carried out, but what does that mean? Consultation with whom, and with what sorts of organisations? The only clarity in the clause is that business must be consulted; there is no obligation to consult anyone else.

The amendment aims to probe what sort of organisations it is expected that the assembly will consult. For example, will it consult voluntary organisations?

If the assembly is considering subordinate legislation that affects nursery education, would it have to consult, let us say, Mudiad Ysgolion Meithrin—the Pre-school Playgroups Association Wales—or not? One might read the Bill and say it might do so, "if appropriate", but the assembly might consider it not appropriate to do so. However, even on nursery education, it would have to consult business.

With the amendment, we are seeking clarity. Unfortunately, the Bill as it stands provides clarity in respect of one particular section of society, but not others. That is not to say, as the Secretary of State has stressed, that business would not be consulted; but we want to know what other organisations should be consulted. The danger in legislation is always that, if we begin to list, we either list the lot or we list nobody. That is why we tabled the amendment.

8 pm

The hon. Member for North Essex knows perfectly well that we support new clause 19 as drafted. I put it on record that there is no question of Plaid Cymru saying that business should not be consulted. However, let me make a point that even the hon. Gentleman did not make.

The Secretary of State has said that business in the modern sense includes both business organisations in the traditional sense and trade unions. We welcome that assurance, but I hope that business in Wales does not simply mean the CBI, either. We want an assurance that business in that sense means business in the widest sense.

The vast majority of employers in my constituency are self-employed people who run small businesses, and it has been announced in the past few weeks that an organisation that represents such businesses—the Federation of Small Businesses—is, in preparation for the setting up of the assembly, establishing a Welsh organisation; it is to be congratulated on that creditable action. Will the Secretary of State give an assurance that there will be an obligation under the terms of the new clause for the assembly to consult the Federation of Small Businesses?

Mr. Llew Smith: My right hon. Friend the Secretary of State has already stated that he is willing to include trade unions in his definition of business, but let us assume that the assembly takes some initiative in relation to the environment, and that it decides that it is necessary to consult business. Does the hon. Gentleman believe that the assembly should also be under an obligation to consult the local community, who may be affected by business or believe that their area has been polluted by business? They may feel that they have no voice if their role is not specified in the legislation.

Mr. Jones: I must confess that I strongly agree with those sentiments. The assembly should consult to the widest possible extent—hon. Members on both sides of the House would agree on that point. We are asking the Secretary of State, in a probing way, to give an assurance that, through clauses 64 and new clause 19, there will be an obligation on the assembly to consult. If he gives that assurance, we will be satisfied; otherwise, the questions marks will remain.

Mr. Denzil Davies: Perhaps to his surprise, I agree with much of what the hon. Member for Ynys Môn (Mr. Jones) says. I welcome the new clause as far as it goes, although I was surprised to hear my right hon. Friend the Secretary of State overturn 500 years of case law by suggesting that "business" included trade unions. I do not know whether the Lord Chancellor will want to have a word with him tomorrow about that legal interpretation, but we shall leave that point for now. I understand business to mean business, but there is nothing wrong with the new clause for that.

We tend to be rather romantic about the Welsh assembly, so by all means let us consult business. Business is important, because the main challenge facing the assembly will be to try to raise the level of gross domestic product in Wales, which has fallen dangerously low, especially in the western part of Wales, both north-west and south-west. Perhaps the challenge will not be to raise, but merely to sustain, the abysmally low level of GDP, given the pressures that may be exerted on the Welsh economy over the next few years.

However, the assembly is not about business—it is about doling out money. The assembly is about spending £7 billion, almost all of which will not go to business or anywhere near it. About £200 million gross will be the budget of the new-style Welsh Development Agency, but the net figure will probably be less, because the agency will have to find some of its budget from its internal organisation. Therefore, we are not talking about large sums of money.

The assembly is there to distribute money for social purposes, which has to be done—we need a health service and education—so the larger part of the work of the assembly will not be about business. The new clause is welcome for that reason, because it can make it clear to the assembly that business exists, and that business is as important as handing out money. What worries me is that the whole orientation of the Bill is not in that direction.

[Mr. Denzil Davies]

One of the clauses not debated—clause 112, which has already been mentioned—deals with voluntary organisations in Wales and enables the assembly to set up a scheme to assist voluntary organisations. Such organisations are defined extremely strangely as organisations that do not have to make a profit, but exist to

"benefit the whole or any part of Wales".

I cannot think of any definition wider, more diffuse or more dangerous in some ways than that. The whole thrust of the legislation is that money is to be spent on non-business matters and on organisations that will not create wealth. Trade unions and employees are part of the wealth-creating process.

I rose to speak in this debate because a constituent who has a master's in business administration wrote to me enclosing the Labour party's person specification for candidates for the assembly. I am sure that the hon. Member for Montgomeryshire (Mr. Öpik) will jump, because understands the magical language that includes such phrases. The person specification I was sent seeks, rightly, "Labour party experience". In another phrase that the hon. Gentleman will recognise, it also seeks "life experiences".

Mr. Öpik: Before the right hon. Gentleman proceeds, let me categorically state that I have not been moonlighting on behalf of the Labour party in any management consultancy context in respect of its selection procedures.

Mr. Davies: From what I know of management consultants, that is a great relief.

The person specification calls for "Other life experience". I am not quite sure how one is to read those words—whether the experience desired is of the other life or of another life outside the Labour party, although I suspect it is the latter. I am concerned because, during the referendum campaign, great emphasis was placed, quite rightly, on the fact that the assembly would be an assembly for business as well as for the rather old-fashioned councillors from south Wales; but when I read the person specification's suggestions of what constitutes other life experience, I saw no mention of business at all.

We note that

"Family and other caring responsibilities"

are considered to be other life experience for the purposes of sitting in the Welsh assembly. I suppose one could consider "work/professional" to mean business, but the suggestions go on to cover "educational" experience and "Voluntary sector experience", neither of which involves business—quite the opposite. Appearing next are "tenants groups", which are certainly not business; "youthwork", which might possibly be related to business; and

"community involvement, PTA, charity work",

which are not. Those are followed by "campaigning experience", whatever that may mean. Then there is

"Public service experience . . . local government, trade union".

My hon. Friend the Member for Blaenau Gwent (Mr. Smith) will be pleased to learn that the trade unions come under the heading of "Other life experience", but there is nothing about business. The category ends with "magistrate, school governorship", which again have nothing to do with business. No doubt the Liberals have a similar classification, taken from a similar management consultancy booklet or whatever. However, I am sorry to say that there is nothing in the Labour party person specification about business. No suggestion is made that part of the "Other life experience" should be business.

I welcome the new clause, because at least it tries to make it clear that the £7 billion ultimately comes from business. I do not want to upset my hon. Friend the Member for Blaenau Gwent, so I shall define business in the novel way used by the Secretary of State, including trade unions, shareholders and employees. All those people create the wealth.

I hope that the assembly will pay attention to a clause such as new clause 19, because, if we do not have that wealth creation in Wales, however much money or subsidy comes to Wales from the United Kingdom Treasury, or from Europe—there will probably be less of it in the next few years—the other activities will suffer. We must place an emphasis on business.

I am sorry that the Labour party appears to have ignored business completely in its person specification, but at least we are making up for that to some extent in the new clause.

Mr. Öpik: I congratulate the right hon. Member for Llanelli (Mr. Davies), who is obviously a key player in the ball park, and who is absolutely right to run the idea up the flagpole and see if anyone salutes—classic phrases from the books he describes.

Four of the five hon. Members who tabled new clause 19 are Liberal Democrats, because we unequivocally support the Bill. In earlier debates, some hon. Members have feared comparisons with business, which is fair enough, but when I think of the word "business", I think not only of the big companies but of the smaller companies and of the individuals who form 30 per cent. of business people in areas such as mid-Wales.

The Federation of Conservative—oh dear, a blast from the past. Let me say that again. The Federation of Small Businesses would very much corroborate the importance of small business in Wales. At the moment, sadly, especially in mid-Wales, rural areas are suffering a deep recession. I mean not just the closure of larger companies, such as D. C. Evans, but the terrible cash flow problems that are being experienced by farmers, who are small business people. They feel fed up and let down by the current Government, as they felt fed up and let down by the Government who preceded them. An assembly is their best hope for a medium-term reprieve from the suffocation that they experience—in their view, due to insensitive handling of rural issues by both Governments.

The assembly, by listening and using its powers, can definitely make a difference to the quality of life and, more to the point, the economic performance of Wales as a whole and the rural areas in particular.

We have made this criticism previously, so I shall not dwell on it, but it is a matter of regret to Liberal Democrats that the assembly will not have more powers to influence the economic development of Wales. Nevertheless, it will have an important role in lobbying the Secretary of State for Wales and the Westminster Parliament, to ensure that Wales's voice is heard.

We all agreed with the hon. Member for Merthyr Tydfil and Rhymney (Mr. Rowlands) that politics is not a business—not simply a question of pounds and pence. However, the voice of business is the voice of the working people. When we remember that business is not just LG, Laura Ashley and Control Techniques, but Peter Burt the publican, Nick Bates the farmer and Neil Badger the photographer, business takes on the face and personality of the people who keep Wales trading.

We believe that politicians can learn from business people, just as business people can gain an immense amount by becoming aware of the social environment in which they trade. That is why we warmly welcome new clause 19.

Ms Jackie Lawrence (Preseli Pembrokeshire): Because it was I who requested that the business issue be raised in the context of the assembly, I was stunned by the comments of the hon. Member for North Essex (Mr. Jenkin), who first tried to claim credit for raising the issue and then said that he regarded the new clause as almost useless. There is considerable confusion on the Conservative Benches as to how the Opposition stand on that issue.

I very much welcome the fact that the Secretary of State wishes new clause 19 to be incorporated in the Bill, because it is a sign of a determination in the assembly to have a framework of wholesale co-operation between all sectors of society and all the people of Wales.

The hon. Member for Ynys Môn (Mr. Jones) asked, "Why just business?" but the Bill already contains a system for consultation of the voluntary sector. We also have a system, through the Partnership Council for Wales, for consultation on educational matters. It was for that reason that I first raised the issue of consultation with business. At that stage, although there was an innovative approach for a reactive consultation with business, I felt that it should be proactive, not only to obtain benefits on compliance costs, as the Opposition said, but to give the assembly the very positive and pragmatic benefits of business sector expertise.

It is vital that small businesses are represented in the consultative process, especially in the light of the fact that a recent European Commission report says that new jobs are most likely to come from small businesses. Those businesses need the means to communicate effectively with the assembly to maximise job creation.

8.15 pm

It is important to consult business. I have just returned from Catalonia, which has a 20-year record of devolution. The enthusiasm demonstrated there, the co-operation between all sectors in the region, and the confidence arising from that, which has enabled people to portray what their area has to offer, were very welcome.

My right hon. Friend the Member for Llanelli (Mr. Davies) said something about the assembly doing little more than doling out money. My vision, and the reason that I wanted business to be consulted, is that the purpose of the assembly is to give the Welsh people democratic control of things that affect their everyday lives. That goes for everyone in Wales—and for the businesses in Wales, to which we look for our economic future.

Mr. John Smith (Vale of Glamorgan): I shall speak briefly but warmly in support of new clause 19. I congratulate my right hon. Friend the Secretary of State on presenting the new clause, because it strikes exactly the right note in terms of the relationship between the new assembly and business in Wales. I also congratulate my hon. Friend the Member for Preseli Pembrokeshire (Ms Lawrence) on bringing the matter to the notice of the House by tabling her new clause 14 in Committee. She rightly withdrew that new clause for what is now a better clause and a better piece of legislation.

I spoke in support of new clause 14 in Committee, but with a note of caution, based on my experience of more than five years, from 1992 to 1997, working with one of the biggest partnerships between private business, Government and Government agencies in Wales. It was one of the most successful partnerships in contributing to, and attracting, inward investment to Wales. We attracted a higher proportion of inward investment to that part of Wales during that period than any other region and, by and large, it was due to that relationship.

However, one cannot legislate a formula, which is why new clause 19 is so good. One cannot embody in law what that partnership with business should be. It is my passionate belief that the secret of a successful relationship between Government and business is to evolve an innovative relationship, which does not try to get either partner to do what it cannot do. It allows each partner to do what it does best, without interference. That was the secret of our experience, and I think that it is the secret for future success in Wales.

My right hon. Friend the Member for Llanelli (Mr. Davies) is right when he says that the greatest problem facing the new assembly will be gross domestic product per capita in Wales, which is in relative decline when compared to GDP in the rest of the United Kingdom. If we do not address that problem by working in partnership with the wealth creators, with business in Wales, we shall certainly have a problem.

Mr. Llew Smith: Does my hon. Friend accept that there is a need to include the word "business" in the Bill, in the sense that there is a need to consult business? Does he accept also that, within the proposed legislation, we should have included a reference to local communities, which may have been adversely affected as a result of the activities of business? For example, if a firm is set up in a community and as a result that community is polluted, the assembly would have an obligation to consult the firm, or the polluter, but not the local community that has been polluted by the activities of the firm. Should we not extend the list of those who should be consulted?

Mr. Smith: I understand that there is a commitment to sustainable development. My hon. Friend is absolutely right. We must consult and we must protect people, but that should be done under a separate mechanism. The challenge facing us is the future success of Welsh business.

Those who cast doubts on the ability of the Welsh people and the Welsh assembly to work in partnership with business should re-examine the track record of local government in Wales and its success in partnership with business. Local government and business worked together as a team. We in Wales are better able and better prepared

[Mr. Smith]

than others, partly because of our co-operative values, to work closely in partnership with business and to make a damned good success of that approach. We have done so in the past despite, on occasions, the activities of some Tory Secretaries of State for Wales over the past 10 years, who have done business in Wales no favours. Local government in partnership with business has been responsible for our success in attracting foreign investment, I stress, into Wales.

Mr. Llew Smith: I accept that the proposed legislation may be committed to sustainable development, but will my hon. Friend accept that, even allowing for that, it is likely that some firms in Wales will continue to pollute communities? Perhaps there should be written into the Bill an obligation that consultation should take place with those who are being polluted by particular firms.

Mr. Smith: I think that that should be covered generally by environmental protection legislation. I think also that my hon. Friend's argument detracts slightly from the new clause, which I wish to address.

Ms Lawrence: My hon. Friend the hon. Member for Blaenau Gwent (Mr. Smith) has been an advocate of strong local government. Do we not agree that the avenue for tackling issues such as the pollution of communities where such communities have a direct input is through strong local government? The assembly will strengthen local government to allow that to happen.

Mr. Smith: I agree absolutely with my hon. Friend.

Finally, the clause is exactly what we want to see. The answer is to have a broad framework of bodies to consult and to have a dialogue with business in Wales. In the end, the secret will be for business to make its own contribution to the success of the Welsh economy by forming private sector-led partnerships that are broadly coterminous with the new regional committees that will be set up by the Welsh assembly. I welcome the new clause.

Mr. Ron Davies: I thank all those who have expressed their support for the new clause. I shall concentrate on the points raised by the hon. Member for Ynys Môn (Mr. Jones). I ask for his forgiveness if he thinks that I was rather precipitate in explaining his new clause before he introduced it. However, the hon. Gentleman asked me a number of questions and I shall respond to them. That will give me the opportunity to respond also to the points raised by my hon. Friend the Member for Blaenau Gwent (Mr. Smith).

First, the hon. Member for Ynys Môn raised the problem that is inherent in a new clause of the sort that is before us. The hon. Gentleman described it as the problem of listing. It is true that, once we start to place an obligation on a body such as the assembly to consult one group, it may well be asked why it should not consult other groups. The hon. Gentleman referred specifically to the voluntary sector. I draw his attention to clauses 111 and 112, which set out the mechanism by which the assembly can establish good relations both with local government and the voluntary sector. Clause 112 refers specifically to a relationship with voluntary organisations.

I again congratulate my hon. Friend the Member for Preseli Pembrokeshire (Ms Lawrence) on introducing her amendment in Committee. My hon. Friend's answer to my hon. Friend the Member for Blaenau Gwent was absolutely correct. It is local government that will—

Mr. Llew Smith: Will my right hon. Friend give way?

Mr. Davies: No, I am sorry. I have to put my case. I cannot give way at the moment. If I have time, I shall give way.

My hon. Friend raised a fair point, and I understand his argument. However, my hon. Friend the Member for Preseli Pembrokeshire was right when she said that it is for local government to represent communities. We have set out in clause 111 how we see relations with local government developing.

The hon. Member for Ynys Môn referred to the Federation of Small Businesses, and asked whether our definitions would include the federation. He will be interested to know that the federation, along with the Institute of Directors and the Confederation of British Industry, made a formal submission to the Welsh Office. They are content with the form of words that we have used. As I said in my opening remarks, we believe that it is right to leave it to the assembly to judge which representatives of business it is appropriate for it to consult.

No doubt there will be changes over time, and I certainly do not want to be too prescriptive at this moment and place a legal obligation on the assembly which might cause it difficulties in future. It is right, therefore, to place a duty but to give maximum discretion to the assembly to develop the duty as it thinks best.

The hon. Member for Ynys Môn referred to the provisions that are set out in clause 64, which deals with consultation on regulatory appraisals. The clause provides that there should be procedures for "appropriate consultation" where

"the costs . . . of complying with"

the assembly's

"subordinate legislation are likely to be significant".

The consultation that will be appropriate in those circumstances will vary from case to case. It could include, under clause 64, consultation with, for example, the voluntary sector, charities, local authorities and environmental groups. That is providing some redress in terms of the point raised by my hon. Friend the Member for Blaenau Gwent.

It must be right that the assembly tailors its consultation to meet the prevailing circumstances. The circumstances will obviously change from case to case. If the assembly failed to consult in a way that would be reasonable, that would increase the risk that it might be subject to challenge by way of judicial review for failing to comply with its duty under clause 64. I hope that hon. Members are reassured, and that the new clause will not be pressed to a vote.

Question put and agreed to.

Clause read a Second time, and added to the Bill.

New clause 27

POWER TO PROMOTE AND OPPOSE PRIVATE BILLS

'.—(1) The Assembly may promote private bills in Parliament and may oppose any private bill in Parliament.

(2) But the Assembly shall not promote or oppose any private bill in Parliament unless a motion to authorise the Assembly to promote or oppose the bill is passed by the Assembly on a vote in which at least two-thirds of the Assembly members voting support the motion.

(3) Subsection (1) shall not cause the Assembly to have power to apply for orders under section 1 or 3 of the Transport and Works Act 1992 by virtue of section 20 of that Act (which gives a body with power to promote and oppose private bills power to apply for and object to such orders).'.—*[Mr. Ron Davies.]*

Brought up, and read the First time.

Mr. Ron Davies: I beg to move, That the clause be read a Second time.

The clause fulfils the undertaking that I gave to the right hon. Member for Caernarfon (Mr. Wigley) on 2 March in response to an amendment that he had moved. The new clause clarifies that the assembly will have power to promote or oppose private Bills in Parliament, but the clause does not confer on the assembly the power to make primary legislation. It will be able to promote only a private Bill in Parliament.

Subsection (2) of the new clause provides for a decision by the assembly to promote or oppose a private Bill in Parliament to require a two-thirds majority. That is appropriate in order to ensure that the decision by the assembly to promote or oppose a Bill is not taken lightly. I hope that the hon. Gentleman accepts that explanation.

As I said in Committee, we have looked further at the interaction between an explicit power for the assembly and the Transport and Works Act 1992. Subsection (3) deals with that. It provides that the new clause does not cause the assembly to have power to apply for orders under section 103 of the 1992 Act by virtue of section 20 of that Act, because that would, in effect, give the assembly primary powers—and I know that the hon. Gentleman would not want me to do that.

8.30 pm

Mr. Wigley: I am grateful to the right hon. Gentleman. He has answered one of the two points that we raised. The other point was whether we could dispose of private legislation within the assembly. I hope that we may be able to do that at some time in the future. However, I am grateful for small mercies.

Mr. Deputy Speaker (Sir Alan Haselhurst): Order.

Mr. Jenkin: On a point of order, Mr. Deputy Speaker. Is there any way that we can discuss new clause 31 before we move on? It is a completely new clause that introduces a completely new—

Mr. Deputy Speaker: The short answer to the hon. Gentleman's question is no. He must know that the programme was approved by the House and that this is not the first day upon which we have dealt with the legislation. There is no way that new clause 31 may be discussed under the terms of the motion that the House has agreed.

It being half-past Eight o'clock, MR. DEPUTY SPEAKER, *pursuant to the Order [15 January] and the Resolution [this day], put forthwith the Question already proposed from the Chair.*

Clause read a Second time, and added to the Bill.

MR. DEPUTY SPEAKER *then proceeded to put forthwith the Question necessary to dispose of the business to be concluded at that hour.*

New clause 31

POLLS FOR ASCERTAINING VIEW OF THE PUBLIC

'.—(1) The Assembly may hold a poll in an area consisting of Wales or any part (or parts) of Wales for the purpose of ascertaining the views of those polled about whether or how any of the Assembly's functions (other than those under section 34) should be exercised.

(2) The persons entitled to vote in a poll under this section are those who—

(a) would be entitled to vote as electors at a local government election in an electoral area wholly or partly included in the area in which the poll is held, and

(b) are registered in the register of local government electors at an address within the area in which the poll is held.

(3) The Assembly may not delegate the function of deciding—

(a) whether to hold a poll under this section,

(b) when, and in which area, a poll is to be held, and

(c) the wording of any questions or propositions to be put to those polled.

(4) The Assembly may by order make provision as to the conduct of polls (or any poll) under this section.

(5) The Secretary of State may by order make provision for the combination of polls (or any poll) under this section with polls at any elections.

(6) An order under subsection (4) or (5) may apply or incorporate, with or without modifications or exceptions, any provision of or made under any enactment relating to any elections; and the provision which may be made under subsection (4) includes, in particular, provision for disregarding alterations in a register of electors.

(7) The costs of polls under this section shall be met by the Assembly.'.—*[Mr. Ron Davies]*

Brought up, read the First and Second time, and added to the Bill.

New clause 2

SUBORDINATE LEGISLATION

'(1) The subordinate legislation procedures must include provision for ensuring that, before a draft of a statutory instrument containing Assembly general subordinate legislation is laid before the Assembly, the draft is—

(a) submitted to a committee consisting of all Members of the House of Commons representing constituencies in Wales; and

(b) approved by that committee.

(2) When any draft is submitted to the committee under this section, the committee shall report within a reasonable period as to whether it approves the draft.'.—*[Mr. Evans.]*

Brought up, and read the First time.

Mr. Evans: I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker: With this, it will be convenient to discuss the following: New clause 6—*Reports prepared under Part IV—*

[Mr. Deputy Speaker]

'The Secretary of State, Comptroller and Auditor General, Auditor General for Wales and the Assembly shall lay before both Houses of Parliament any statement prepared under Part IV of this Act.'.

New clause 15—*Relations with House of Commons*—

'.—(1) The standing orders of the Assembly may make provision for the agreement by the Assembly and publication by it of proposed amendments to any bill to which this subsection applies.

(2) Subsection (1) applies to any public bill affecting Wales in any of the fields referred to in Schedule 2 which has received a second reading in the House of Commons.

(3) The standing orders of the Assembly may make provision for the publication of draft public bills affecting Wales in any of the fields referred to in Schedule 2.

(4) Proposed amendments and proposed bills published under subsections (1) or (3) shall be laid before the House of Commons by the Secretary of State, and that House shall make provision for such amendments and bills to be considered.

(5) Nothing in subsection (4) shall require the House of Commons to consider amendments or bills published by the Assembly if those amendments or bills do not conform with any rule of the House.'.

Mr. Evans: I am grateful for the opportunity to discuss new clause 2 and new clause 6 even if we did not have the opportunity to discuss new clause 31—a clause that we never debated and did not have the opportunity to amend. I think that that demonstrates clearly the need for the extra day that we requested.

The proposed new clauses present another opportunity to improve the Bill. Although they are relatively short, they are none the less important, because they refer to the relationship between the assembly and Westminster. We must recognise that such a relationship must exist, even though powers are being devolved through the Secretary of State to the new body. While recognising the supremacy of Westminster, we must ensure that there is a real partnership between the assembly and this Parliament. The hon. Member for Vale of Glamorgan (Mr. Smith) referred to partnership time and again.

Consideration of the new clauses provides another opportunity to examination the checks and balances that will be necessary within the new assembly. There is an on-going debate in this place about what should happen to the other place. Despite that debate, no one disputes the fact that there should be a second Chamber—we all believe that another body should revise the legislation that passes through this place, and hopefully improve it. Perhaps the other place will improve the legislation that we are considering today.

In new clause 2, we have attempted to introduce a check and balance within the assembly while trying to ensure that the partnership between Westminster and the assembly continues. It appears that most Labour Members of Parliament at Westminster will remain here—there may be one exception—and not go to the new assembly. Therefore, we must ensure that they have a proper role. We are not sure what will happen to the Welsh Grand Committee; we do not know whether it will continue and whether it will have any real role.

Mr. Ron Davies: Not for you.

Mr. Evans: We already know that. The Conservative party, which received 317,000 votes in Wales, has no voice on the Welsh Grand Committee.

New clause 2 does not refer to the Welsh Grand Committee as such because we know that, in the past, hon. Members representing constituencies outside Wales have served on the Committee. We have said that all 40 Members of Parliament who represent Welsh constituencies at Westminster and who have a real stake and a real interest in what occurs in Wales will also have more than a passing interest in what happens in the Welsh assembly. Some hon. Members may have a dual mandate—we do not know. However, the vast majority of Labour Members representing Welsh constituencies will remain in Westminster.

New clause 2 provides a real opportunity for secondary or subordinate legislation in the assembly to come to a Committee of the House consisting solely of Welsh Members of Parliament. They may then scrutinise the legislation and approve or not approve it within a reasonable time. As far as we are concerned, it is a very reasonable new clause. We do not propose that the body should delay subordinate legislation needlessly for months on end. We want to ensure that such legislation is passed as quickly as possible.

Mr. Dalyell: What would happen if Welsh Members in Westminster disapproved of such legislation?

Mr. Evans: Because of the supremacy of Parliament, the Welsh assembly would have to reconsider its decisions and change its mind. In the final instance, Westminster would be supreme. *[Interruption.]* I hear what the hon. Member for West Carmarthen and South Pembrokeshire (Mr. Ainger) says from a sedentary position. The Secretary of State for Wales admits that Westminster will remain the supreme body, even after devolution. We are simply formalising the arrangement to ensure that the hon. Member for West Carmarthen and South Pembrokeshire has something to do other than sit behind the Secretary of State—whether it is the present Secretary of State or a new one—and offer advice from a sedentary position.

Mr. Dalyell: I wish to record that, judging by his expression, the right hon. Member for Caernarfon (Mr. Wigley) does not agree.

Mr. Evans: That comes as no surprise to me. The journey on devolved Government that I am making is completely different from that of the right hon. Gentleman. He is following a route to independence that has no exit lanes. Therefore, I am not surprised by his reaction—in fact, I would be surprised if he had done anything other than look rather concerned about this suggestion.

New clause 6 concerns the relationship between Westminster and the new assembly. Part IV deals with financial matters, including grants and loans to the assembly, expenditure, remuneration expenses, accounts, examinations into the use of resources and Audit Committee reports. It goes from the famous clause 80, under which the Secretary of State will, from time to time, give money to the assembly, down to clause 104. The new clause would ensure that statements are laid before Parliament for scrutiny. Parliament remains the sovereign political body in the United Kingdom, and should have access to the details of public expenditure for scrutiny, particularly as they originate from this Parliament and are devolved to the assembly.

The Treasury is responsible for allocating the budget to the assembly and should be accountable to Parliament for such matters. It is a basic democratic demand that information on the assembly's expenditure should be available for debate in Parliament. Our two new clauses would ensure that the assembly will be a greater success, and that the partnership between Westminster and the assembly will be assured into the future.

Mr. Ron Davies: New clause 2 would place new procedural burdens on the assembly in respect of its order-making powers. Under the new clause, no order could be made by the assembly without its first having secured the approval of a Committee of Members of Parliament from Welsh constituencies.

Since we first debated the subordinate legislation procedures, my right hon. Friend the President of the Council has submitted a lengthy and detailed memorandum to the Joint Committee on Statutory Instruments, on both the Scottish Parliament's and the Welsh assembly's order-making powers. It summarises the provisions in the Government of Wales Bill related to the making of assembly orders. It also explains that my advisory group will consult widely in Wales after Easter about the detailed Standing Orders that the assembly should have for the exercise of its order-making powers.

The group is anxious that there should be greater public involvement in the making of subordinate legislation in Wales, and wants the Standing Orders to reflect that approach. I am minded to accept the group's advice on these matters. I hope that hon. Members present will find the Joint Committee report interesting, and I trust that the Joint Committee will find the memorandum helpful.

Unfortunately, I do not find new clause 2 at all helpful. I see no case for requiring the assembly's draft orders to be submitted to a special Committee of the House for approval. That proposition is entirely inconsistent with the most basic assumptions behind devolution: that the assembly will be a responsible, democratic body and will be well able to exercise its powers sensibly without constant supervision from the centre. Given the number of orders that the assembly will have to make, the proposal is wholly impractical. I hope that the hon. Member for Ribble Valley (Mr. Evans) will withdraw the new clause.

New clause 6 provides that any statement under part IV must be laid before both Houses of Parliament. Its effect is not altogether certain, because the term "statement" may not include accounts and reports, although I assume that that was the intention. It is unnecessary in most circumstances. Clauses 83 and 88 already provide for the Secretary of State's accounts to be laid before each House of Parliament by the Comptroller and Auditor General. I appreciate that they may not have been the main target of the proposal.

The Secretary of State will be accountable to the House for the grant that he or she pays to the assembly each year under clause 80. He or she will seek approval for that grant through a supply estimate, in the same way as at present. Those accounts will continue to be audited by the Comptroller and Auditor General and laid before Parliament.

We must recognise that the role of the House in approving public expenditure for Wales will change as a result of devolution, and the same holds true for Scotland. The House will no longer approve detailed financial allocations for the Secretary of State for Wales, because the grant to the assembly will be a single, unhypothecated sum.

The way in which the assembly decides to use the money that it receives from the Secretary of State will be a matter for it alone. It will be accountable to the electorate in Wales for its decisions. Its accounts will be audited by the independent Auditor General for Wales, laid before the assembly and published. Providing for the assembly's accounts to be laid at Westminster would tend to undermine the change in responsibilities, and would blur accountability.

Although only the Auditor General for Wales will have responsibility for auditing the accounts of the assembly and its public bodies, the Bill provides for the Comptroller and Auditor General to have access for the purposes of value-for-money examinations and financial investigations. That is dealt with in clauses 100 and 101.

The Bill acknowledges that the Public Accounts Committee will also have a role. Clause 98 provides for the assembly's accounting officer to have responsibilities to the Public Accounts Committee. Similar responsibilities will be placed on accounting officers of other public bodies in Wales by Government amendments Nos. 109, 177 and 180, which we shall debate later.

Part IV provides appropriate mechanisms for accountability to Parliament that nevertheless reflect the fundamental changes in democratic accountability inherent in the process of devolution.

I appreciate that new clause 15 may be an attempt to draw out the Government's thinking on how the assembly could influence the content of legislation at Westminster.

Mr. Wigley: Will the right hon. Gentleman give way?

Mr. Davies: I hope to finish shortly so that the right hon. Gentleman can make his speech on new clause 15.

Mr. Wigley: I was going to invite the Secretary of State to leave his speech at this point, so that I can explain the reasons for new clause 15 before he puts the arguments against it.

Mr. Davies *rose—*

Mr. Deputy Speaker: Order. Perhaps the Secretary of State was premature in seeking to catch my eye and perhaps I was premature in calling him. I apologise to the right hon. Gentleman for that. I am sure that the Secretary of State is keen to hear the right hon. Gentleman on this matter. Perhaps the Secretary of State could finish this part of his speech and seek to catch my eye again.

Mr. Davies: I appreciate that new clause 15 may be an attempt to draw out the Government's thinking on how the assembly would influence the content of legislation at Westminster. It would be inappropriate for me to speculate any further until I have heard the right hon. Gentleman.

8.45 pm

Mr. Wigley: I am grateful to the Secretary of State for interrupting his speech. I dare say that his notes will be just as relevant when he has heard what I have to say because I realise that responses are written before speeches are made.

[Mr. Wigley]

I am glad of the opportunity to speak to new clause 15 because it addresses a material question. The hon. Member for Ribble Valley (Mr. Evans) was concerned about the role of Welsh Members at Westminster on matters arising from the assembly. The new clause sets out an excellent work load that can be passed on constructively. It deals with Bills that have had their Second Reading at Westminster and which affect matters that have been devolved to the assembly for executive and secondary legislative purposes.

The assembly may take a view on the impact of legislation that is going through this place and, from its experience of executive responsibilities, especially for Welsh local government, for the Welsh language and for education in Wales, on all of which we have our own agenda, it may want to table amendments to the primary legislation. However, it does not have a vehicle to do that directly, because it cannot undertake primary legislation.

The new clause contains a mechanism by which, after Second Reading of a Bill, it will be possible for the assembly to present draft amendments for consideration here. They can be debated by Welsh Members and by Members from elsewhere. Unless the Bill contains such a provision, there will be great frustration, because members of the assembly will deal daily with such matters and with the implications of legislation in a different way from Welsh Members at Westminster. The absence of a mechanism to allow amendments or to close a loophole in primary legislation affecting Wales would cause difficulties.

The Secretary of State has almost accepted the principle. In an earlier debate, I was glad to be able to thank him for the way in which he is to enable private legislation to be brought from the assembly to Westminster. Private legislation may affect only a few square miles of Wales, and it is much more important for legislation affecting the whole of Wales on local government, education or the Welsh language to be treated in the same way. The wording of the new clause may not be appropriate, but I urge the Secretary of State to consider between now and the Bill reaching the other place whether there should be some formal mechanism to enable the assembly to have its wishes brought here.

We should bear in mind that the political colour of an administration in the assembly may be different from the colour of the Government at Westminster. The assembly may want action that the Government do not want to facilitate, and there should at least be an opportunity for the assembly's voice to be heard, although it would finally have to accept Parliament's determination on the primary legislation. The proposal is modest, and I shall be interested to hear the Secretary of State's considered response.

Mr. Tam Dalyell (Linlithgow): As a United Kingdom MP, I can contain myself no longer from intruding on Welsh affairs. Having listened to the debate, I am certain that this arrangement cannot endure into the next Parliament or the one after that. In view of the Government's majority, it will probably endure quite easily in this Parliament. It is quite clear to an outsider that both sides are saying, "Get your tanks off my lawn." What was equally clear in that good-tempered exchange of bonhomie was that the Opposition Front-Bench team has a completely different interpretation of what we are discussing from the Government Front-Bench team and indeed from the right hon. Member for Caernarfon (Mr. Wigley). They cannot all be right.

It was clear from the passionate intervention sotto voce by my hon. Friend the Member for West Carmarthen and South Pembrokeshire (Mr. Ainger) that he thought that there was absolutely no question of Westminster telling the Welsh assembly what to do in matters that pertain to it, but there is a little problem of pipers and tunes and who pays the money for all this. The time will come, sooner rather than later, when Westminster will say, "Hey, we're a bit strapped for cash," and look hard at the aspirations of the Welsh assembly. Therein lies a source of considerable trouble.

I do not want to intrude any further, but I say here and now that it is fanciful to believe that this situation can endure in a Parliament where the political arithmetic is different, especially when the votes of Welsh and Scottish Members could determine the shape, colour and policies of a Government of England.

Mr. Richard Livsey (Brecon and Radnorshire): I will not follow the hon. Member for Linlithgow (Mr. Dalyell) down the path of tanks and so on, which is rather emotive. I understand why he uses those similes, but I do not think that things will go that way.

New clause 2 sabotages the assembly's ability to have a proper say even in the few legislative powers that it has in relation to draft statutory instruments. As we know, the new clause says:

"before a draft of a statutory instrument containing Assembly general subordinate legislation is laid before the Assembly, the draft is—

(a) submitted to a committee consisting of all Members of the House of Commons representing constituencies in Wales".

It also says:

"the committee shall report within a reasonable period as to whether it approves the draft."

Being a reasonable man, the hon. Member for Ribble Valley (Mr. Evans) used sweet reason in trying to persuade us that all would be well, but the interpretation of what is a reasonable period is as long as my arm and his combined. It could be any period. The new clause could be used as a delaying mechanism to frustrate the Welsh assembly. We do not see the point of going down that path.

On new clause 6 and scrutiny, as has been said, in any case, those accounts are laid before both the assembly and the House. Indeed, if it so wished, the Public Accounts Committee could probably examine the Welsh assembly's accounts as audited at any particular moment. We therefore feel that the safeguards are already there and that there is no need to accept new clause 6.

We agree that new clause 15 is useful. It allows the Welsh assembly to propose draft amendments to Bills. Obviously, if it so wishes, the House could reject those drafts; it could exercise that power. In any case, the new clause proposes draft amendments to Bills that directly affect only Wales. We support the new clause.

Mr. Grieve: I should like to address my remarks to new clause 2 and new clause 15—the latter is the reverse of the former. The debate—and particularly the speech by

the hon. Member for Linlithgow (Mr. Dalyell)—has been interesting. It appears to me that we have been labouring under a delusion that subordinate legislation is in some way different from primary legislation in terms of its impact on people. It is not. It creates criminal offences and, if it is not properly drafted, it can create enormous problems. There is ample evidence to suggest that it is often not properly drafted.

The new clauses are about the desire of Westminster to retain some measure of control over the way in which subordinate legislation goes through. Not surprisingly, new clause 15 expresses the desire of the Welsh nationalists that, when the assembly is set up, they should have some input into the primary legislation from which the subordinate legislation will be derived.

The Secretary of State mentioned the report produced by the President of the Council to the Joint Committee on Statutory Instruments. It is abundantly clear that, unless some mechanism is set up—admittedly, it would not go as far as new clause 2—to allow some input into the way in which the statutory instruments are drafted in Wales, we will be in a difficult position.

Last week there was a meeting between the Joint Committee on Statutory Instruments and representatives of the European Parliament to discuss the problem of subordinate legislation. It is quite apparent that, at the European level, there is no control over subordinate legislation, and that is a cause for concern. It was a topic that we discussed at some length. It emerged powerfully from the representations by Speaker's Counsel on the issue that, although the Joint Committee has no power to alter statutory instruments, its ability to report on them at least ensures a measure of conformity and that, on the whole, Government Departments listen to what we have to say.

The Secretary of State said that the Welsh assembly would have its own Speaker's Counsel and Department and that there was no reason why it should not do the job just as well as we do it here, although I have always thought that the job that we do here is thoroughly imperfect because we are not given the proper tools with which to do it. However, the fact remains that we live in a United Kingdom, and Wales and England share a common legal system. Although some statutory instruments are exclusive to Wales, a large number will be common to both.

In those circumstances, will statutory instruments be drafted differently as a result of exercises in semantics which may have profound implications if they are every challenged in the courts? What will we do when people in Wales tell their Members of Parliament that they are having regulations foisted upon them through statutory instruments which are imperfect compared with those that were passed for the same purpose here? The Secretary of State has never answered that question, and on the last occasion on which it was raised, he simply dismissed it.

I am taking the opportunity offered by new clause 2—perhaps slightly tendentiously—to ask him to reconsider it even in that most narrow ambit. I accept that new clause 2 goes far further, but it points up the enormous difficulty that results from splitting subordinate from primary legislation. We are not dealing with executive matters. The extent and range of subordinate legislation is so great that in many ways it affects people far more than the primary legislation. Unless that difficulty is resolved, we shall continue to have problems. To some extent I sympathise with the right hon. Member for Caernarfon (Mr. Wigley), because I am concerned that the matter must be addressed.

Mr. Ron Davies: The hon. Member for Brecon and Radnorshire (Mr. Livsey) is having difficulty in coming to terms with the principle of devolution, and I am afraid that he has completely overstated his case.

I want to talk briefly about new clause 15. The right hon. Member for Caernarfon (Mr. Wigley) said that we had accepted that the assembly could be involved in the promotion of private legislation, therefore that could be extended to public legislation. I do not accept that because there is such a fundamental difference between the two.

Paragraph 3.38 of the White Paper states:

"The Bill would place a duty on the Secretary of State to consult the Assembly about the Government's programme for legislation after it has been announced in the Queen's Speech."

Clause 32 delivers on that commitment. The consultation under it is one way in which the assembly can influence the content of primary legislation. I can assure the right hon. Gentleman, however, that, relying on the powers in clause 34, the assembly could make appropriate representations to whomever it chose about any Bill before Parliament that affected Wales, whether or not that Bill related to the areas covered in schedule 2. Those representations might include suggested amendments; they could be published or sent to the appropriate Minister, or to any Member of this House or of the House of Lords. Obviously, it will be for the Government or Parliament, as the case may be, to decide what, if anything, they want to do in the light of the assembly's representations. I am sure that the right hon. Gentleman will recognise that point.

It would not be right for the Bill to require the Secretary of State to table the proposed amendments and to require this House to provide for them to be considered. The only restriction in new clause 15 is that the amendments would have to conform with the rules of the House—the new clause is somewhat impractical in that respect.

Let us assume that the assembly wished to propose an amendment to a Government Bill which directly contradicted the policy—

It being Nine o'clock, MR. DEPUTY SPEAKER , *pursuant to the Order [15 January] and the Resolution [this day], put forthwith the Question already proposed from the Chair.*

Question negatived.

New clause 5

POWER TO ENTER INTO CONCORDAT

'No Minister of the Crown or Government Department shall enter into a concordat with the Assembly or a committee of the Assembly unless a draft of the concordat has been laid before, and approved by a resolution of, both Houses of Parliament'.—*[Mr. Ancram.]*

Brought up, and read the First time.

Mr. Ancram: I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker: With this, it will be convenient to discuss the following: new clause 9—*Concordats between the Assembly and Departments of State—*

[Mr. Deputy Speaker]

'(1) Her Majesty may by Order in Council provide for concordats to be agreed between the Assembly and each department of state governing the relations between the Assembly and the departments.

(2) The Secretary of State shall, before the first ordinary election of the Assembly, lay before each House of Parliament the draft of an Order in Council under this section making provision for such concordats.

(3) No recommendation shall be made to Her Majesty in Council to make an Order in Council under this section unless a draft of the statutory instrument containing the Order in Council has been laid before, and approved by a resolution of, each House of Parliament.'.

New clause 10—*Publication of concordats*—

'.—(1) Where a concordat between the Assembly and a Minister of the Crown is agreed, the Assembly shall publish the text of the concordat within 7 days.

(2) Where an amendment to a concordat between the Assembly and a Minister of the Crown is agreed, the Assembly shall publish the text of the amendment within 7 days.'.

New clause 11—*Amendments to concordats*—

'.—No amendment to a concordat between the Assembly and a Minister of the Crown may be made without first having been agreed to by majority vote at a meeting of the Assembly.'.

Mr. Ancram: There is a saying about a house divided against itself. The Government may have to learn from recent experience.

The new clause has a simple purpose: it is to say that we are still here. So much of the legislation seems to concern moving responsibilities away from this House; the new clause is designed to bring those responsibilities back, especially as they relate to concordats.

I hope that the new clause will be regarded as innocuous enough, and that the Government will accept it. It goes to the very heart of the Government's attempts, ever since 1 May, increasingly to bypass Parliament. I was interested to watch the Secretary of State's impatience as the clock ticked towards the time when the last debate was supposed to end. I remind him that it was he who set the time limits, against the wishes of the Opposition. He should not, therefore, look impatient—

Mr. Ron Davies: That—and the right hon. Gentleman knows it—is a complete travesty of the truth. It was the Opposition who suggested that these matters be taken on the Floor of the House, a principle which I readily conceded. The Opposition have been party to the agreement all the way through, and the right hon. Gentleman knows that the Government generously allowed two hours of additional time today in view of the brief statement at the end of Question Time. The only reason I was impatient was that I was anxious to reply to the remarks of the right hon. Member for Caernarfon (Mr. Wigley), and the hon. Member for Beaconsfield (Mr. Grieve) was preventing me from doing so.

Mr. Ancram: That was not the first time this evening that the right hon. Gentleman has appeared impatient. Had he accepted our suggestions about the timetabling of these parts of the Bill, he would have had rather more time to make his case.

The Government's attempts to bypass Parliament really know no bounds. One of the few Divisions in which the Prime Minister has voted since 1 May was earlier today, on the business motion governing today's debates. That is yet another example of the Government's disdain for the House.

Concordats may sound friendly, but when we begin to examine what they are and what they will do, we find them rather sinister. Earlier this year, we were helped by a Government written answer which had attached guidance setting out their view of the purpose and nature of these concordats. I have looked at that guidance with some care; rather than reassuring me, it has filled me with even deeper foreboding. It states:

"Their purpose is not to create legal obligations or restrictions on any party; rather, they will set the ground rules for administrative co-operation and exchange of information."

Setting "the ground rules" sounds wonderful—as if the Government are setting the rules by which the game will be played. However, when we asked previously what the concordats were for, we were led to believe that they were not for administrative co-operation and exchange of information but for important matters like deciding how much money the Welsh assembly will get and how the voice of Wales will be heard in the European Council of Ministers. Those are not administrative, co-operative matters or exchanges of information; they are matters of fundamental importance to Wales and to this Parliament.

The next paragraph says:

"Concordats are not necessarily the only way to regulate these relationships in future."

Good, say I—something better. Not at all. We are told:

"Other, less formal, arrangements will be appropriate in many cases, and in others there will be no need for any standing arrangement at all."

We suddenly begin to see something that is highly alien to our democratic principles: the introduction of what have become known in America as "Executive agreements"—agreements not between legislatures, Parliaments or countries but between Administrations so that they can bypass democratic procedures.

The concordats will be used for exchange of information and

"arrangements for liaison on EU and international matters".

By what right does a concordat that does not come before this House decide on matters of liaison within the European Union, or on other international matters? Are not those of concern to this House and to elected Members of the Welsh Assembly? How can they be dealt with on the same basis as the concordats?

The document also refers to "any financial arrangements", but are those the financial arrangements under clause 80? Do they relate to the Barnett formula? Will they all now be regulated by non-statutory, non-legally enforceable documents, which will become known as concordats?

Those are the reasons why, earlier in our proceedings, I tried to explore what the concordats were about. The document tells us firmly that they are non-statutory and not intended to be legally enforceable. That is interesting, because it gives rise to all sorts of questions. The document also says that they are not intended to impose duties and liabilities.

Mr. Letwin: Will my right hon. Friend speculate, given his knowledge of these matters, whether the statement that the concordats are not intended to be legally enforceable

is of the slightest legal interest? Does he agree that, over time, the courts might come to think that they are justiciable and perhaps even enforceable?

Mr. Ancram: I am grateful to my hon. Friend for asking that, because it is one of the questions that I was going to ask the Secretary of State to respond to when he replies to the debate. Without having seen a concordat, I cannot take a view, but it might well found an action for judicial review, for instance. In a sense, that would then bring into question whether it was creating obligations or liabilities and whether it might at some stage become legally enforceable.

These concordats have no status whatever. We are surprised that, although they will deal with major matters, they will normally be signed by a senior official. Only if they are politically sensitive will they be signed by Ministers and Assembly Secretaries. Thus, they will not be regarded as sufficiently important for a Minister to be involved in their negotiation and signing, but will be signed by officials within Departments.

We need to ask a number of fundamental questions about the concordats. First, what status will they have? I hope that the Secretary of State will give us an answer for the first time. Are they like Executive agreements in the United States, which are deliberate ways of bypassing the legislature, and thus matters of considerable constitutional interest and challenge in the United States? If they are, we should be told. Secondly, will they found actions for judicial review? Has the Secretary of State taken advice on whether he is correct in saying that they are not intended to create or impose duties and liabilities? Is he secure in his expectation that that will not happen?

Who will decide who signs the concordats? What are the criteria for deciding whether they will be signed by a Minister or an official? That may appear a semantic question, but it is not. We know that Ministers come and go, and that Governments come and go, but that officials, by their nature, tend to stay. We need to know whether a concordat signed by a Minister will end with the departure of that Minister, and whether a concordat signed by a Minister on behalf of a Government will end with the departure of that Government. It seems that a concordat signed by an official might last, because the officials will still be there, and the interests in which they signed will remain. That will create not just one category of concordat, but a series of categories.

Mr. Letwin: Has not an early example of what might be described as a concordat in British history come to have considerable significance over time, although it is rather different from some of the examples that my right hon. Friend is describing? I refer to magna carta.

Mr. Ancram: I thank my hon. Friend for introducing the subject of that particular concordat, although I think that I could give him examples of some rather more modern and ecclesiastical concordats. At least we knew the basis of those concordats, and the way in which they could ultimately be enforced in constitutional terms. What we have here are documents—I call them documents, but I do not even know whether they will be documents. In any event, they will be constitutional eccentricities which, at present, have no status, and no basis that we know of on which they can be enforced.

Are the concordats unilaterally breachable? If one side decides that a concordat is no longer a concordat, will that be the end of the matter? If so, is any remedy available to the other side? Will there be financial implications? I understand that the concordats could well be used to decide matters such as the resourcing of the assembly under clause 80 or, indeed, the workings of the Barnett formula. If they have financial implications, will they be open to inspection by the Public Accounts Committee of the House of Commons—and, if so, on what basis, if they are not born of the House of Commons?

Let us come to the nub of the issue. How can someone who is not a representative of the United Kingdom be delegated, on the basis of an informal agreement, as a representative of the United Kingdom in the Council of Ministers? We are told that that will be one of the purposes of the concordats. How can that be done on the basis of, if necessary, no more than the signature of an official?

Will there be two types of concordat? Will there be concordats that are essentially between officials and, therefore, theoretically, under the terms of the Bill, between members of the same civil service, and concordats which, being between separate Administrations, constitute a very different animal? That, too, will arise in relation to Europe. I understand that concordats will be drawn up between two Administrations in order to allow one to be represented on the delegation of the other, which will be based on the advice of civil servants common to both—civil servants who, I believe, will move between their offices in Cardiff and the Cabinet Office in London in order to formulate the policy that will be taken to the Council of Ministers.

A series of strange, sinister beings called concordats are being introduced—[HON. MEMBERS: "Sinister?"] Hon. Members may smile, but it takes only one mouse to begin to chew away the rope that holds a building together. I see the beginnings of a deliberate attempt to bypass the House of Commons increasingly. We are starting with a few small concordats; five years later, we shall find that more and more is being done by concordat.

In the absence of answers, there is only one way in which the House can continue to control what is happening here: requiring all concordats to being brought to both Houses in draft form for approval. If that is done, we shall have a chance of protecting the interests of the House.

Mr. Rowlands: New clause 9, which is grouped with the right hon. Gentleman's new clause, would have the same effect, so I share the right hon. Gentleman's objective. However, I intend to employ a different argument because I thought that he rather over-egged his argument.

To return to my Bagehot, two buckles will link the assembly to Whitehall and Westminster. One is the Secretary of State and the other is the concordats. Those are the two instruments which will be used to achieve a relationship. They will deal with—if I can borrow a phrase from a different situation—the three areas of cohabitation that will have to be worked out.

9.15 pm

I am referring to the cohabitation between the Secretary of State and the assembly; the cohabitation between the

[Mr. Rowlands]

Secretary of State and Whitehall and the powers that he might have; and the cohabitation between the assembly and Whitehall. The concordats deal mainly with the third category of cohabitation—the relationship between assembly officials and Whitehall officials.

If the right hon. Member for Devizes (Mr. Ancram) had bothered to read column 745 of *Hansard* on 2 March, he would have seen that my right hon. Friend the Secretary of State spelled out rather well the reason why we have to have concordats. He described a series of relationships between Welsh Office officials and Whitehall officials on a host of issues. Those officials regularly meet in a working relationship within a common political structure.

I was rather surprised that my right hon. Friend described the relationship as harmonious. If it is, it has changed a great deal since my time in office 20 years ago, when there was a great deal of tension. Quite often, Whitehall would either try to pull a fast one or simply ignore the Welsh Office. I gather that everything is now sweetness, light and harmony, although I find it a little difficult to believe.

My right hon. Friend rightly pointed out that there is a meaningful basis to the relationship—that the officials work in a common political administrative-executive structure. When Welsh Office officials go to Whitehall, they work under the same rules, with the same common purpose, and bound by the same set of relationships. Therefore, many of the points made by the right hon. Member for Devizes were off target.

The fundamental issue is not that there is something sinister about the relationship or that we do not need concordats. I understand why we need them—to establish the sort of relationships that exist now and which were well described by my right hon. Friend on 2 March. The problem is that we are in a wholly different political environment with different sets of loyalties. The officials coming to Whitehall from the Welsh Office or the assembly will not have a common political administrative-executive allegiance; they will be separate people with separate relationships and separate loyalties—not to a Minister who is part of the collective system of Westminster, Whitehall and Cabinet, but to the First Secretary and other Secretaries who will have different priorities and different political instincts.

Mr. Letwin: In theory, a civil servant could be on both ends of a concordat, acting in his two capacities. Does the hon. Gentleman envisage that civil servant acting for two bodies which could have a contractual or legal relationship?

Mr. Rowlands: It is not a legal relationship at present; it is an administrative-executive arrangement between two sets of officials, but within a common system. I was saying that one of the questions that we need to ask is what happens when we break that up and the officials turn up in Whitehall from the assembly, with different political masters, different priorities and different remits.

I tried to read the document that, according to my right hon. Friend on 2 March,

"could not be classified as a ripping good yarn, but . . . is worth reading"—[*Official Report*, 2 March 1998; Vol. 307, c. 745.]

The right hon. Member for Devizes quoted from it earlier—but I did not find that it answered the one basic question that I would like answered.

Mr. Grieve *rose—*

Mr. Rowlands: Let me make my point first. The hon. Gentleman can intervene later.

The best way to get through all the constitutional theorising is to imagine a situation, to have a case study—or perhaps a scenario; that word would please the hon. Member for Montgomeryshire (Mr. Öpik). Let us imagine a scenario in which assembly officials turn up at the Ministry of Agriculture, Fisheries and Food to discuss one of the sensitive issues concerning animal welfare, meat on the bone or something similar.

At the moment, such subjects may be all hush-hush, with confidential discussions taking place within MAFF about what it intends to do about an issue of considerable difficulty—meat hygiene, for example. Yet when the assembly officials turn up at the meeting, they may find that the thinking within MAFF is political dynamite for Welsh hillside farmers.

What do the officials do? At present, they would report back to their Ministers, and those Ministers would meet. That would all take place within a common system. What would a concordat say about such a situation? Having been up to Whitehall, the assembly officials will go back to base and report.

The first question is: to whom will they report? Do they say to the First Secretary, "We have to tell you that what we heard in the MAFF discussions is political dynamite"? What is the status of that information? How is to be transmitted to the assembly as a whole, or to the subject Committee dealing with the issue?

That is a central question about how well the buckle, or hyphen, representing the concord linking the two will be tested. I have not found out from anything that my right hon. Friend the Secretary of State has said, delivered to the Library or explained to us in any shape or form, how we would deal with such a situation.

My scenario is not fanciful. Such things happened in my day, and I am sure they are happening now. Priorities, opinions, emphasis in policy and decision making—at operational level as well as at the grand strategic level—reveal lots of potential tensions between the needs and priorities of the assembly and its officials, and those of Whitehall and its Ministers.

Of course, the Secretary of State for Wales will have to play a vital part in bridging the gap. Sadly, I share with the right hon. Member for Devizes the idea that there are two things about which we know little more than we did at the beginning of our debates. The first is the meaningful content of the concordats dealing with such issues.

Secondly, the shadowiest figure in the Bill is the Secretary of State for Wales after devolution—[*Laughter.*] I mean a Secretary of State, not necessarily the present Secretary of State. The last thing that I would describe my right hon. Friend as is a shadow.

Mr. Jenkin: He is a sunny chap.

Mr. Rowlands: He may cast a shadow over some of us occasionally.

What I have described are two vital elements, which even after all this time we have not managed to flush out. Our new clause, like that of the right hon. Member for Devizes, says that, if we are to make devolution work, we at Westminster must have a profound interest in ensuring that the two hyphens, or buckles, hold, and can sustain the pressure.

I hope that, even if my right hon. Friend does not concede on our new clauses, he will come up with something more in the way of a substantive view. Before the Bill passes through both Houses of Parliament, we should have a better understanding of how concordats will work in the situations that I have described.

Mr. Ieuan Wyn Jones: New clauses 10 and 11 are about the publication of concordats and amendments to them. I listened with great care to the case advanced by the right hon. Member for Devizes (Mr. Ancram) and to that put forward by the hon. Member for Merthyr Tydfil and Rhymney (Mr. Rowlands).

I shall give another reason why we think greater thought should be given to the way in which the concordats are to operate. I listened with care to the scenario postulated by the hon. Member for Merthyr Tydfil and Rhymney about Ministry of Agriculture, Fisheries and Food officials and beef on the bone, but I should have thought that the Welsh assembly could decide differently. I say that because such a measure would have to be introduced through secondary legislation. The regulation banning beef on the bone was, I understand, introduced by statutory instrument. It would have been possible for the Welsh assembly not to introduce it.

Mr. Rowlands: One of the great unanswered questions, which I raised earlier, is to what extent MAFF functions with regard to beef on the bone will be devolved to a Welsh assembly and, if not, what relationship the Secretary of State will have with Whitehall and the assembly on that matter. I am by no means clear whether the Bill and secondary legislation allow what the hon. Gentleman suggests.

Mr. Jones: That is my reading of the Bill. If it is not correct, I fail to understand what the assembly's powers in secondary legislation will be. The Secretary of State might wish to settle the argument.

A scenario or case study is the best way in which to test the Government's position on concordats. I want to examine the Secretary of State's written answer of 27 February to the hon. Member for Clwyd, West (Mr. Thomas) on the common provisions in concordats. The right hon. Member for Devizes mentioned it in the context of arrangements for liaison on EU and international matters.

In cases such as this, there will have to be a concordat not only between the Welsh assembly and a Whitehall Department, but between the Welsh assembly and two Whitehall Departments. That is important. For example, in regard to the EU, for the relationship to work, there would have to be a concordat between the Welsh assembly and the Department of Trade and Industry and the Foreign Office.

Negotiations on the future of structural funds would fall within the purview of the DTI. Currently, the DTI is the lead Department in such matters. It is the common position put forward by the DTI in the Council of Ministers that carries the day. The Welsh Office has an opportunity to put forward its case, but in the Council of Ministers the vote is delivered by the President of the Board of Trade or another DTI Minister.

Mr. Ancram: The hon. Gentleman talks about a concordat in relation to representation in Europe. He keeps on talking about a concordat between the assembly and one or two Whitehall Departments, but there is nothing to suggest that the assembly will have any more say than the House. The concordat will be drawn up between either officials or the First Secretary and, presumably, the Minister in the Department. My argument is that there is no democratic control or accountability. That is what I am trying to make clear, and I hope that the hon. Gentleman will support me in that.

Mr. Jones: The right hon. Gentleman has already said that. It would be helpful if the Secretary of State would tell us in what circumstances concordats would be signed between officials and between politicians. For example, the reply to the hon. Member for Clwyd, West says that there will be circumstances in which they will be signed by Ministers and Assembly Secretaries. It would be helpful for us to know what those circumstances might be.

Mr. Letwin: I wonder why the hon. Gentleman thinks it would be helpful if the Secretary of State told us about his speculations on the matter. That has nothing to do with the Bill. His speculations are merely speculations like those of a person in a pub.

Mr. Deputy Speaker: Order. I remind the hon. Gentleman that he is not having a conversation with the hon. Member for Ynys Môn (Mr. Jones); he is speaking to the Chair.

Mr. Jones: I do not follow the point made by the hon. Member for West Dorset (Mr. Letwin). The written answer specifies that certain concordats will be signed between officials and certain concordats will be signed between Ministers and the assembly. The point being made is that that need not happen, but circumstances are being envisaged—although they are not legally binding.

Mr. Paterson: Will the hon. Gentleman give way?

9.30 pm

Mr. Jones: No. I need to make some progress.

Will there be a concordat on European matters between the Department of Trade and Industry and the assembly on issues such as structural funds, but a concordat between the Foreign Office and the assembly on representation of the assembly in the UKREP? Let us say for the sake of argument that a civil servant from the assembly is seconded to the permanent representation in Brussels. That is a function decided by the Foreign Office. Would there need to be a separate concordat on that arrangement? These are matters that need to be properly clarified.

I did not like the use of the word "sinister" by the right hon. Member for Devizes because it is provided that the details of concordats should be published. The difficulty

[Mr. Jones]

as I see it is that in the vast majority of cases there is no opportunity for anyone other than officials to decide the contents of the concordat.

Let us assume that there is a concordat between an assembly official and a DTI official about the relationship between the assembly and the Council of Ministers. How will the assembly make it clear that it wishes to have better representation in Europe if the officials have denied that in the official concordat? At what stage would, say, the First Secretary of the assembly be able to discuss with a Minister in the DTI the extent of that concordat? Who would be in a position to amend the concordat if the relationship was obviously not working?

That is one reason why we believe that there should be some way in which amendments to the concordat can be discussed in the assembly. If a concordat signed between officials obviously is not working—for example, the discussion of European matters—and an amendment is proposed, it is vital that the assembly's voice is heard before the amendment is finally agreed.

I do not always share the Secretary of State's confidence about the future relationship between the assembly and Whitehall. I readily agree—he has often made the point—that the relationship is good at present. It is founded on mutual trust. I do not think that that will always be the case. I shall give the Secretary of State an example.

Let us assume that during the right hon. Gentleman's term of office a concordat is signed on sensitive European matters. Let us assume that, two general elections down the line, the right hon. Member for Wokingham (Mr. Redwood) becomes President of the Board of Trade in a Conservative Government. Let us assume that he wants to tear up the concordat, as he wanted to do when he was Secretary of State for Wales. Let us be blunt about it; he did not want Wales to have any relationship with the European Union. He wanted all the negotiations to be handled here in Westminster. He did not want Wales to have any influence in Europe. If he tears up the concordat, what happens?

The Secretary of State needs to reassure those of us who generally support the move towards better relationships between Departments about what would happen in that event. We need to know that there would be some system to enable the assembly to continue with the arrangements that had been in place under a previous Government.

Mr. Öpik: New clause 11 would authorise the assembly to confirm or reject a decision on a concordat made on its behalf. To make the relationship balanced, surely this House should have the same authority. I would be interested to hear the hon. Gentleman's justification for suggesting that the assembly should have a greater power of scrutiny than the House.

Mr. Jones: I am not here to make that case—but the right hon. Member for Devizes has. He made a strong case for Westminster having the opportunity to consider the contents of the concordat, but he failed to respond to the argument that the assembly should have a similar power. Taken together, the new clauses complete the jigsaw.

The difficulty is that, because the concordats have not been drawn up yet, we are in the dark. I am sure that the Secretary of State is now aware, if he was not before, that the situation needs to be clarified. We need to be satisfied that the assembly will have real clout in its important relationships, such as that with the European Union.

Mr. Denzil Davies: I hope that my right hon. Friend the Secretary of State will be able to give the hon. Member for Ynys Môn (Mr. Jones) the reassurance that he seeks. I too read the paper that my right hon. Friend kindly and rightly placed in the Library. I do not want to seem churlish, but it does not reassure me completely.

I feel some sympathy for the person who wrote the paper because he did not know what was in the draftsman's mind—and it is always difficult to draft something when it is not clear in one's own mind. I understand his problems. At least the paper begins by saying that, basically, the aim of the concordats is

"to preserve the good working relationships which currently exist"

between the Welsh Office and other Government Departments. Throughout its three pages, the hope is constantly expressed—explicitly or implicitly—that those good working relationships will continue.

Of course, as my hon. Friend the Member for Merthyr Tydfil and Rhymney (Mr. Rowlands) pointed out, we are talking about a different situation—a different form of cohabitation. The good working relationships that now apparently exist between the Welsh Office and other Whitehall Departments need not necessarily exist between Whitehall Departments and a completely different animal—the National Assembly for Wales—for the simple reason that the assembly will not be a Whitehall Department.

In the main, Whitehall Departments have to live together. They may fight and quarrel but, at the end of the day, they have to reach an agreement, not necessarily because they want to but because they live in the same little pond and the same little village. That is not the case with the National Assembly for Wales; it will be from outside, from the next block.

The document has all the hallmarks of a demandeur, if I can use a French word.

Mr. Gareth Thomas *indicated assent.*

Mr. Davies: My hon. Friend, who is an expert in that language—as we heard earlier today—says that I am right. It is the kind of word that one hears in the Council of Ministers. To be accused of being a demandeur is a bad thing, and one does not get what one demands. The problem is that the National Assembly for Wales will be a demandeur, outside the magic circle but wanting to come in, perhaps wanting to be the chairman of the euro X committee. It will be told by those dreadful French that it cannot, because it not part of the whole magical set-up.

Right through the paper runs the demand, "Please, we want the same good working relationships." We are told that the concordat does not—the word "not" appears in strong typeface—create legal obligations. I suppose it does not, but I do not know.

Mr. Paterson: May I ask the right hon. Gentleman, who is an eminent lawyer, his opinion of the idea that

the concordats have no legal standing? If something goes wrong, surely the aggrieved person—perhaps the farmer in one case or the industrialist in another—will go to law and the concordat will very rapidly acquire legal standing.

Mr. Davies: I am not an eminent lawyer, but apparently eminent lawyers do not give free legal advice—I shall not mention the Lord Chancellor in this context.

Mr. Letwin: Does the right hon. Gentleman agree, from the face of the Bill and without his being any kind of lawyer, that it is evident that the subject of a concordat could become a devolution issue and that that could lead to its being adjudicated by the Judicial Committee?

Mr. Davies: Yes, indeed—they could all end up in the Judicial Committee, and lawyers, who love judicial review and have made a lot of money out of it over the past 20 years, will press the case and learned articles will be written saying that of course the matter is within the ambit of judicial review. That is the nature of things.

We are told that there should be

"co-ordination . . . to take account of the programmes for implementing new legislation"—

in other words, another cry from the national assembly: "Please, please, Whitehall, let us in on implementing new legislation. Don't freeze us out, because we need to be there." Whether Whitehall will listen is another matter: if it does not need to listen or is not forced to listen, it will not listen. Again there is the real problem of how the assembly gets into the legislative process of Whitehall, with which I foresee great difficulties.

We are told that the concordats should deal with

"shared interests in matters such as EU business."

We have heard that time and again and we heard it tonight from the hon. Member for Ynys Môn. The problem as I understand it is that the lead Department in EU business, be it the Department of Trade and Industry, the Ministry of Agriculture, Fisheries and Food or the Department of the Environment, Transport and the Regions, being a UK Department, will also be the Department for England.

We shall have a curious situation: the President of the Board of Trade will be not only the lead Minister for the United Kingdom, but the Minister for England. The same is true of the Minister of Agriculture, Fisheries and Food, who will be the lead Minister for the United Kingdom and the Minister of Agriculture for England. There will be no Minister for Wales, except for the First Secretary of the National Assembly, so there is bound to be a conflict of interest. That will create difficulties, so I can understand the need for some sort of concordat; but how we are to go about it, I do not know.

We are told that, despite having the concordat and the good working relationship, the concordat must

"avoid constraining the Assembly or Whitehall Departments in their actions within their fields of competence."

We need a concordat, but it must not constrain anyone.

Mr. Grieve: Reading new clause 9, which stands in the right hon. Gentleman's name among others, it appears to me that it is a one-way street, because once the Order in Council has been made at Westminster, Buckingham palace, or wherever, the assembly will not be able to get out of it.

Mr. Davies: To some extent, I am arguing that it is a one-way street. On the one hand there will be a working relationship but, on the other and according to the document, that relationship

"must not constrain . . . Whitehall Departments",

and, of course, Whitehall will not want to be constrained. Why should it be constrained by the little kid in the next street? Why should Whitehall be constrained by the Welsh assembly? It will have no interest in being constrained by the Welsh assembly; it will carry on in its own way.

We are moving back halfway to the position that existed before there was a Welsh Office. That is a consequence of devolution and I do not criticise it. When there was no Welsh Office, Welsh matters were dealt with in Whitehall Departments. Then, because of the pressure, the Welsh Office was set up. Gradually it built up, and now—eventually—it has a good working relationship with other Whitehall Departments. At the start, it was difficult.

Mr. Rhodri Morgan: That is an interesting issue. I became a civil servant at the Welsh Office within 12 or 14 months of its being set up. Slightly older civil servants have described to me the change in relationships that took place on the setting up of the Welsh Office as a separate Cabinet Department; that change in relationships was not unlike what is being talked of now. There was a step change in the relationship and the demandeur relationship that my right hon. Friend is describing was a feature of what happened to the Welsh Office when it became a separate Department of state.

I remember that, when we were trying to demand that the Royal Mint be moved to Llantrisant, that the Driver and Vehicle Licensing Centre be moved to Swansea and that a section of the Department of Trade and Industry be moved to Cardiff, all at the same time, we could not work out whether it was a good or a bad thing to aim at all three. In the end, we aimed at all three and got all three. That was an example of a new Department of State being able to do a great deal of demanding all at the same time.

9.45 pm

Mr. Davies: Yes, indeed. It became, and remains, a mature Department of State. In so doing, it ceased to be a demandeur and became part of the set-up.

However, now we are moving backwards again. We are dismantling that situation and must almost start again—or at least move halfway back to where we were before 1964, when the Welsh Office was set up. Again we find the Welsh assembly seeking somehow to obtain an agreement to constrain the other side. Whitehall Departments do not need the Welsh assembly.

The Treasury will consider that, once it has given the Welsh assembly £7 billion to spend on health and education, for example, that is the end of the matter: Whitehall will have performed its obligation. Whitehall will ask, "What on earth is all this about legislation? The Welsh are being given £7 billion and they should be grateful. Go away, spend it and come back next year, when they will probably get another £7 billion plus whatever the rate of inflation might be. Why should they return to Whitehall, demanding this, demanding that?"

[Mr. Davies]

According to the hon. Member for Ynys Môn, two agreements are being demanded with one Department. That is unrealistic and reveals a lack of understanding of the realpolitik in government and the bargaining that takes place.

We are told, in paragraph 5 of the document:

"The aim on both sides should . . . be 'no surprises'."

There should be no surprises on the part of the National Assembly for Wales—we would not wish to be the subject of surprises from Big Brother in Whitehall—but why should Big Brother in Whitehall worry about surprises coming from the little National Assembly for Wales? The aim of "no surprises" is to put constraints on Whitehall Departments, so that they do not surprise us.

We are not equal partners in the agreement, whether or not there is an intention to create legal relations. We are not equal parties to the contract, and that is the real problem. Whitehall will not be malicious; Whitehall will not need to look at us, because Whitehall will have paid us the money, having written the cheque, thinking, "Those Welsh—they can go off and do their own thing." That is the worry and the reality.

I conclude with this. We are told that there is to be consultation with United Kingdom-Great Britain public bodies. We are told that there will be consultation about

"the exercise of Ministerial functions relating to such bodies, such as giving directions or approving corporate plans".

There will need to be separate memorandums of understanding for each body. Which bodies are they? Perhaps my right hon. Friend the Secretary of State will give us a list of those bodies.

There may be concordats on

"operational agency arrangements"—

we are almost back to local government again—

"whereby matters are administered by the UK Government on behalf of the National Assembly on an agency basis or vice versa."

What agency matters will be imposed or agreed by the National Assembly on behalf of UK Government or vice versa? May we have a few examples?

There may be a concordat on

"arrangements for resolving disagreements about any matters related to the concordat"—

another grand concordat to judge the little concordats. Is that realistic? It would take a long time to draft.

We are told that there will be an official committee, with a rotating chairman—going round and round—to report at intervals to Assembly Secretaries and Ministers on the operation of the concordat. Will there be a grand weekend conference with the rotating chairman? "How is it working now? How does the assembly like these concordats?" That is entirely and completely unrealistic within the reality and the brutishness, sometimes, of government. We are told that there will be signing at senior official level, and only occasionally at ministerial level.

I do not criticise my right hon. Friend the Secretary of State. Obviously he has done his best with the document. I am sure that no better could have been done with it, because the relationship is unstable, unequal and unrealistic. Yes, we have devolution. Yes, most people in Wales have wanted it. However, there are consequences. As lawyers would say, there are burdens and benefits. Being frozen out of Whitehall or being in a halfway house is one of the burdens. I hope that we can find some benefits.

Mr. Ron Davies: I thank my hon. Friend the Member for Merthyr Tydfil and Rhymney (Mr. Rowlands) for his comments. I am grateful that he took the trouble to read the report of our debate on 2 March. It was a full and substantive debate, and I remind the House that many of the questions that we have been debating today were raised on 2 March, and that full answers were given. I am grateful to my hon. Friend for acknowledging that. I shall reply to the points that have been made on the three clauses, and then I shall deal with any other questions that are raised.

Each of the new clauses refers to concordats, and seeks to put them on a statutory footing. Certain procedural requirements are set out that would apply to them. We have made it clear consistently since the White Paper was published, and in a statement of principles that I published on 27 February, that it will be important to have clear mutual understandings about the working relationship between the assembly and Government Departments. We have been equally clear that it would be unhelpful to turn these into law. That is why the concordats we propose are not intended to be statutory.

Our aim is to preserve the good working relationships that my Department currently has with other Whitehall Departments, so that the business of governance in Wales continues to be conducted smoothly and efficiently. Concordats will set the framework for administrative co-operation and exchange of information dealing with the current processes and the main features of good working relationships.

Concordats already exist between the Welsh Office and local government. These are not legal agreements or agreements that are subject to the affirmative procedure. They are agreements entered into between myself as Secretary of State and the 22 unitary authorities in Wales. They set out the basis on which we consult, respect one another and ensure that the good business of government in Wales is conducted. That is an example of how concordats will work in practice. Suggestions that practical working arrangements should have a legal basis or be subject to procedures of the House are fanciful.

Mr. Ancram: Will the Secretary of State give way?

Mr. Davies: I shall not give way. The right hon. Gentleman had the opportunity to put his points at length, and I want to reply to them. If there is sufficient time, he can come back at me.

It might assist the House if I give some specific examples of matters that I expect to be covered in concordats. The ground to be covered in each document will need to be settled by the assembly and the Government Department concerned. To answer the question of the hon. Member for Ynys Môn (Mr. Jones), the documents will be signed by the assembly. If a concordat related to political matters, an Assembly Secretary would sign it, together with a Minister. In other circumstances, it may be that, if the concordat related to working arrangements between civil servants, it would be signed at that level.

The hon. Member for Ynys Môn is correct in assuming that there will be different concordats relating, to take the example he gave, to the Department of Trade and Industry on the one hand and the Foreign Office on the other. Those concordats will have to be mutually compatible. However, different concordats will be entered into with the objective of ensuring that matters such as Welsh representations to the European Union are conducted in a way that minimises friction and ensures that the voice of Wales is heard properly. That is an example of how the concordats will work.

I understand that some hon. Members, such as the right hon. Member for Devizes, can think only in terms of conflict. It just goes to show what an outdated mindset the Conservative party has. We are entering an era of new politics, when it is possible to co-operate and put aside party political differences in the interests of better government. When the right hon. Gentleman understands that, he will be in a better position to argue his case at the Dispatch Box.

Concordats would cover consultation arrangements in relation to proposals for legislation and Executive action, such as the exchange of information, including policy papers, analysis and statistics; and joint working, including participation in working groups, official committees and so on. They are two-way processes. My hon. Friend the Member for Merthyr Tydfil and Rhymney (Mr. Rowlands) raised the question of confidential information. When a party requires confidentiality, that will have to be written into the concordat and respected.

Concordats will need to address those issues in the context not only of domestic policy and legislation but of the European Union. The assembly's role in policy discussions, both in the United Kingdom and in Europe, on matters within its field of responsibility will therefore be a central feature of relevant concordats. In line with current arrangements, the concordats will provide for matters such as access to relevant papers, attendance at interdepartmental meetings, consultation with the assembly about the development of the United Kingdom negotiating line, and participation in United Kingdom delegations to Brussels. They are precisely the points that were raised during the debate.

New clause 10 would require concordats to be published within a week of having been agreed. The assembly's concordats will be published documents, but I do not believe that it is necessary or appropriate for the legislation to specify the timing of publication. I informed the right hon. Gentleman in a written answer on 10 March that any draft concordats produced by my Department in preparation for the assembly will be published subject to the provisos mentioned in the Government's White Paper on freedom of information. I do not expect the drafts to be ready until well after the Bill has completed its passage through Parliament.

That underlines my point that concordats are practical documents that deal with working relationships rather than matters that need to feature on the face of legislation. The terms of concordats will be agreed between the assembly and Government Departments after the assembly has been elected. As new clause 5 suggests, there is no case for requiring these documents about working arrangements to be subject to prior approval by both Houses of Parliament.

New clause 9 suggests that it is necessary to have an order in council providing for the assembly and Government Departments to agree concordats between them. If the Government thought that the assembly needed any specific power to enter into concordats, we would have included that in the Bill. I am afraid that I cannot offer my hon. Friend any encouragement regarding new clause 9. New clause 11 would require all amendments to concordats to be agreed by a majority vote at a meeting of the assembly. That unnecessarily threatens the discretion of the assembly to decide how it wishes to approve them.

This afternoon, we have seen a synthetic exercise in indignation from the right hon. Member for Devizes. He realises that he can do little to prevent the passage of this legislation into law—he is simply looking for an excuse to call a Division.

Mr. Jenkin: The Secretary of State has succeeded in creating a fog of complete confusion about the nature of concordats. More ridiculous even than his other comments was his suggestion that he already has a concordat with local government in Wales. What sort of concordat did he have with the Cardiff county council regarding the siting of the assembly? He had no such concordat, because, for an agreement to exist, it must be based upon a common source of authority.

The description of a concordat says that it should set the ground rules. It states that there will be arrangements for resolving disagreements, but that they are not intended to be legally binding. When is an agreement an agreement? An agreement is not an agreement unless the parties have some recourse to an independent arbiter who will decide what that agreement should be.

Mr. Öpik: Will the hon. Gentleman give way?

Mr. Jenkin: No, I am sorry, I only have one minute.

Is the assembly or the assembly Executive a legal personality separate from the Westminster Parliament and the Whitehall Government? Even though they have a common civil service, they will be separate legal personalities, because they will have separate masters and separate agendas. The agreements, which will be published, will be the subject of disputes, and are bound to finish up in the Judicial Committee of the Privy Council. They will be used as evidence of a contract between those two separate legal personalities, and will be the governing arrangements between two separate Administrations.

If the Secretary of State is confident that the agreements will not be legally enforceable, he should give the House that guarantee.

It being Ten o'clock, MR. DEPUTY SPEAKER , *pursuant to the Order [15 January] and the Resolution [this day], put forthwith the Question already proposed from the Chair.*

The House divided: Ayes 129, Noes 309.

Division No. 231] **[10 pm**

AYES

Amess, David	Atkinson, Peter *(Hexham)*
Ancram, Rt Hon Michael	Baldry, Tony
Arbuthnot, James	Bercow, John
Atkinson, David *(Bour'mth E)*	Beresford, Sir Paul

Blunt, Crispin
Body, Sir Richard
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Brazier, Julian
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Burns, Simon
Butterfill, John
Cash, William
Chope, Christopher
Clappison, James
Clark, Rt Hon Alan *(Kensington)*
Clifton-Brown, Geoffrey
Collins, Tim
Colvin, Michael
Cormack, Sir Patrick
Cran, James
Curry, Rt Hon David
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice)*
Dorrell, Rt Hon Stephen
Duncan Smith, Iain
Emery, Rt Hon Sir Peter
Evans, Nigel
Faber, David
Fabricant, Michael
Fallon, Michael
Flight, Howard
Forth, Rt Hon Eric
Fox, Dr Liam
Fraser, Christopher
Gibb, Nick
Gill, Christopher
Gillan, Mrs Cheryl
Gorman, Mrs Teresa
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hawkins, Nick
Hayes, John
Heald, Oliver
Heathcoat-Amory, Rt Hon David
Horam, John
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Jack, Rt Hon Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Johnson Smith, Rt Hon Sir Geoffrey
Key, Robert
Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lilley, Rt Hon Peter
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Luff, Peter
Lyell, Rt Hon Sir Nicholas
McIntosh, Miss Anne
MacKay, Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
Malins, Humfrey
Maples, John
Mates, Michael
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Moss, Malcolm
Norman, Archie
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Prior, David
Redwood, Rt Hon John
Robathan, Andrew
Robertson, Laurence *(Tewk'b'ry)*
Rowe, Andrew *(Faversham)*
Ruffley, David
St Aubyn, Nick
Sayeed, Jonathan
Shephard, Rt Hon Mrs Gillian
Simpson, Keith *(Mid-Norfolk)*
Soames, Nicholas
Spelman, Mrs Caroline
Spicer, Sir Michael
Spring, Richard
Stanley, Rt Hon Sir John
Steen, Anthony
Streeter, Gary
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, John M *(Solihull)*
Taylor, Sir Teddy
Townend, John
Tredinnick, David
Trend, Michael
Tyrie, Andrew
Viggers, Peter
Walter, Robert
Wardle, Charles
Wells, Bowen
Whitney, Sir Raymond
Whittingdale, John
Widdecombe, Rt Hon Miss Ann
Willetts, David
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Ayes:
Mr. Stephen Day and
Mr. Nigel Waterson.

NOES

Ainger, Nick
Allan, Richard
Allen, Graham
Anderson, Janet *(Rossendale)*
Armstrong, Ms Hilary
Ashton, Joe
Atherton, Ms Candy
Baker, Norman
Barnes, Harry
Barron, Kevin
Battle, John
Bayley, Hugh
Beith, Rt Hon A J
Bell, Martin *(Tatton)*
Bell, Stuart *(Middlesbrough)*
Benn, Rt Hon Tony
Bennett, Andrew F
Benton, Joe
Bermingham, Gerald
Berry, Roger
Best, Harold
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Borrow, David
Bradley, Peter *(The Wrekin)*
Brinton, Mrs Helen
Brown, Rt Hon Nick *(Newcastle E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnett, John
Caborn, Richard
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Menzies *(NE Fife)*
Campbell-Savours, Dale
Canavan, Dennis
Caplin, Ivor
Casale, Roger
Caton, Martin
Chaytor, David
Chisholm, Malcolm
Church, Ms Judith
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Coleman, Iain
Colman, Tony
Connarty, Michael
Cook, Frank *(Stockton N)*
Cooper, Yvette
Corbett, Robin
Corbyn, Jeremy
Corston, Ms Jean
Cousins, Jim
Cryer, John *(Hornchurch)*
Cummings, John
Cunliffe, Lawrence
Cunningham, Rt Hon Dr John *(Copeland)*
Cunningham, Jim *(Cov'try S)*
Dalyell, Tam
Darling, Rt Hon Alistair
Darvill, Keith
Davey, Edward *(Kingston)*
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Rt Hon Ron *(Caerphilly)*
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dewar, Rt Hon Donald
Dobbin, Jim
Dobson, Rt Hon Frank
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Drown, Ms Julia
Dunwoody, Mrs Gwyneth
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Ellman, Mrs Louise
Ennis, Jeff
Fatchett, Derek
Fearn, Ronnie
Field, Rt Hon Frank
Fisher, Mark
Flynn, Paul
Foster, Rt Hon Derek
Foster, Don *(Bath)*
Foster, Michael J *(Worcester)*
Foulkes, George
Fyfe, Maria
Galloway, George
Gapes, Mike
George, Andrew *(St Ives)*
Gibson, Dr Ian
Gilroy, Mrs Linda
Godman, Norman A
Goggins, Paul
Golding, Mrs Llin
Grant, Bernie
Griffiths, Jane *(Reading E)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Gunnell, John
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hanson, David
Harman, Rt Hon Ms Harriet
Harris, Dr Evan
Heal, Mrs Sylvia
Healey, John
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hewitt, Ms Patricia
Hill, Keith
Hinchliffe, David
Hodge, Ms Margaret
Hoey, Kate
Home Robertson, John
Hoon, Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Hughes, Simon *(Southwark N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Jackson, Helen *(Hillsborough)*
Jamieson, David
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Helen *(Warrington N)*
Jones, Ieuan Wyn *(Ynys Môn)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Jon Owen *(Cardiff C)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Jones, Nigel *(Cheltenham)*
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keetch, Paul
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Kidney, David
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kirkwood, Archy
Kumar, Dr Ashok
Ladyman, Dr Stephen
Lawrence, Ms Jackie
Laxton, Bob
Lepper, David

Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Livsey, Richard
Llwyd, Elfyn
Lock, David
McAvoy, Thomas
McCabe, Steve
McCartney, Ian *(Makerfield)*
McDonagh, Siobhain
McDonnell, John
McFall, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
McNamara, Kevin
Mactaggart, Fiona
Mahon, Mrs Alice
Mandelson, Peter
Marsden, Paul *(Shrewsbury)*
Marshall, Jim *(Leicester S)*
Martlew, Eric
Maxton, John
Meacher, Rt Hon Michael
Meale, Alan
Michael, Alun
Michie, Bill *(Sheff'ld Heeley)*
Milburn, Alan
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Morgan, Ms Julie *(Cardiff N)*
Morgan, Rhodri *(Cardiff W)*
Morley, Elliot
Mountford, Kali
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Naysmith, Dr Doug
Norris, Dan
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
Olner, Bill
O'Neill, Martin
Öpik, Lembit
Organ, Mrs Diana
Palmer, Dr Nick
Pearson, Ian
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pope, Greg
Prentice, Ms Bridget *(Lewisham E)*
Prescott, Rt Hon John
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quin, Ms Joyce
Quinn, Lawrie
Radice, Giles
Rammell, Bill
Raynsford, Nick
Reed, Andrew *(Loughborough)*
Reid, Dr John *(Hamilton N)*
Rendel, David
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Ruddock, Ms Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Sanders, Adrian
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Short, Rt Hon Clare
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Rt Hon Chris *(Islington S)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Smith, Sir Robert *(W Ab'd'ns)*
Soley, Clive
Southworth, Ms Helen
Spellar, John
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stoate, Dr Howard
Stott, Roger
Stringer, Graham
Stunell, Andrew
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Taylor, Matthew *(Truro)*
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Twigg, Derek *(Halton)*
Tyler, Paul
Walley, Ms Joan
Wareing, Robert N
Watts, David
Webb, Steve
White, Brian
Wicks, Malcolm
Wigley, Rt Hon Dafydd
Williams, Rt Hon Alan *(Swansea W)*
Williams, Mrs Betty *(Conwy)*
Willis, Phil
Wills, Michael
Wilson, Brian
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Worthington, Tony
Wray, James
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Noes:
Mr. Clive Betts and
Mr. Robert Ainsworth.

Question accordingly negatived.

Clause 3

TIME OF ORDINARY ELECTIONS.

10.15 pm

The Parliamentary Under-Secretary of State for Wales (Mr. Win Griffiths): I beg to move amendment No. 74, in page 2, line 36, at end insert—

'( ) No order shall be made under subsection (3), and no order in connection with an ordinary election subsequent to the first shall be made under subsection (4), unless the Secretary of State has consulted the Assembly.'.

Mr. Deputy Speaker: With this, it will be convenient to discuss the following amendments: No. 183, in clause 4, page 2, line 38, leave out from 'have' to end of line 2 on page 3 and insert

'one vote (referred to in this Act as a constituency vote).

(2) The constituency vote is to be given for a candidate to be the Assembly member for the Assembly constituency.

(3) There shall also be calculated an additional member vote for each registered political party which has submitted a list of candidates to be Assembly members for the Assembly electoral region in which the Assembly constituency is included.

(3A) The additional member vote for each party shall be the same as the constituency vote of the candidate of the party in that constituency.'.

No. 211, in page 2, line 43, after '(a)', insert

'a candidate who is a member of'.

Government amendment No. 75.

No. 184, in clause 5, page 3, leave out lines 24 and 25.

No. 185, in page 3, leave out lines 32 to 43.

No. 186, in clause 6, page 4, line 3, leave out 'electoral region' and insert 'additional member'.

No. 187, in page 4, leave out lines 10 to 13.

No. 188, in page 4, leave out lines 15 to 18 and insert

'for a registered political party under subsection (1)(b) is referred to in this Act as the electoral region figure for that party.'.

No. 189, in clause 7, page 4, line 20,, leave out 'or individual candidate'.

No. 190, in page 4, line 22,, leave out 'or individual candidate'.

No. 191, in page 4, leave out lines 33 and 34.

No. 212, in page 4, line 36, leave out

'in which they appear on the list'

and insert

'of the number of votes cast for the candidates'.

No. 192, in page 4, line 44, leave out 'or individual candidates'.

No. 193, in page 5, leave out lines 4 to 8 and insert

'a recalculation has been carried out under section 6(1)(b) after adding one to the number of votes given for each party with that electoral region figure.'.

No. 194, in page 5, line 10, leave out 'or individual candidates'.

No. 195, in clause 8, page 5, line 17, leave out from 'vacancy' to end of line 20 and insert

', the Assembly member for the Assembly constituency shall be returned under the simple majority system.

[Mr. Deputy Speaker]

(3A) No election held under this section shall call into question the election of Assembly members for the Assembly electoral region in which the Assembly constituency is included at the last ordinary election.'.

No. 196, in clause 9, page 5, line 39, leave out from '(2)' to second 'the' in line 40.

No. 216, in page 5, line 44, leave out 'that list' and insert

'the list from which the Assembly member whose seat is vacant was returned.'.

No. 213, in page 6, line 6, leave out from 'them' to end and insert

'received the greater number of votes.'.

No. 197, in page 6, leave out lines 12 to 15 and insert

'there is no-one who satisfies the conditions in subsection (3).'.

No. 24, in clause 11, page 7, line 11, leave out

'any provision of, or made under,'

and insert 'the provisions of'.

No. 23, in page 7, line 12, leave out from 'Acts' to end of line 14.

No. 25, in page 7, line 22, at end insert

'and

(d) substitute for any provision requiring the payment of a deposit a provision requiring the signatures of a specified number of electors.'.

Government amendment No. 153.

Mr. Griffiths: In Committee, we undertook to consider further whether the order-making powers in clause 3 to adjust dates of elections might be exercised by the assembly rather than the Secretary of State.

Generally speaking, the Government's approach is for the House and those directly accountable to it to be responsible for electoral matters relating to the assembly. We recognise, however, that Members of the Assembly would have a legitimate self-interest in decisions concerning the dates of elections. They would be well placed to advise the Secretary of State in taking his decision. Accordingly, we propose that the order-making powers should be properly exercised by the Secretary of State in consultation with the assembly. Amendment No. 74 would provide for that eventuality.

Amendment No. 75 responds to the issues raised in Committee. Hon. Members will recall the concerns expressed that the Bill as drafted might prevent parties from submitting a party list comprising one name only. It was certainly not the intention to rule out single-name lists. As promised, the Government have considered the matter, and I am pleased to offer the House the clarification that amendment No. 75 provides. It confirms that parties will be able to submit a single name for an electoral region.

Amendment No. 153 is a technical amendment. Under clause 11(5), the return of an Assembly Member at an election may not be questioned except under the provisions of part III of the Representation of the People Act 1983 as applied by or incorporated in order made by the Secretary of State. Part III of the 1983 Act provides for an election to be challenged by means of an election petition. The purpose of the amendment is to clarify that in the context of the clause and to establish consistency with clause 15(3)(a), which makes what would otherwise be the first reference to an election petition but does not cite the legislative source.

Mr. Ancram: I should like to speak to amendment No. 183 and the other amendments standing in my name and the names of my hon. Friends that are effectively consequent upon the amendment. I do so in the light of points that were raised earlier, to which I must briefly return because they set out the reasons for our concern in tabling the amendments.

The present system of voting as proposed in clause 4 allows for two votes that will be cast separately. The first vote will be for direct elections to constituencies, in the same way as hon. Members representing Welsh constituencies are elected at the moment and on the same constituency boundaries. The second will be for constituency parties or individuals that will be aggregated over a given region yet to be determined, although it is likely to be the European constituencies of the past. That total aggregated vote will then be dealt with under what is known as the d'Hondt system. Success in the direct elections is taken into account in dividing the aggregate vote before the ranking of that vote takes place to decide how many seats are won on the regional list. It is even more complicated than that, but I will not go through it all now.

The real problem arises because there is a distinct possibility of abusing the system, which is designed to create proportionality, in a way that defeats proportionality. That is done by what has become known as split-ticket voting. That is nothing new; it happens in Germany, where there is an additional member system. The difference here is that it is possible, under the provisions of the Bill, to register parties which are essentially identical but pass under different names—Plaid Cymru for the direct elections and the National Party for Wales for the regional list; the Labour party for the direct elections and the Independent Labour party for the regional list; the Conservatives and the Unionists, and so on.

If a split-ticket vote of this kind is achieved, the effect of the d'Hondt divider is totally avoided. Thereby representation of a party can be substantially increased on the regional list. The figures I gave the last time we debated the subject showed that, on 1 May last year, had there been a Labour party for the direct elections and an Independent Labour party for the regional list, the difference would have been between 64 seats under the system as it should work, and 91 seats under the system if it were distorted in this way. That clearly shows that the purpose of what has been sold by the Government as a proportional system could be completely defeated.

We have been looking for ways to prevent that. I originally tabled an amendment that sought to ensure representation across the two lists. The Government asked me to withdraw it, and said that they would think about the matter further. I then asked whether we would be able to see the draft of the registration of political parties legislation, which we now expect to see after Easter. I had hoped to find there a solution that would prevent the registration of identical parties—parties which I have in the past called alter ego parties. The Minister said at the time that he would examine that legislation to see whether it would deal with those issues. Unfortunately—

we have already had an argument about this today—that legislation is not before us, so we cannot tell whether it will provide an answer.

All I have been able to get is the Government's submission to the Neill committee, attached to a written answer on 9 March, setting out in general terms what the Bill will contain. It takes us no further forward:

"The Registration Bill will have two key purposes. These will be to give a formal legal status to 'registered' political parties and thus enable them to field lists of candidates for the proportional representation systems proposed for the elections to",

among others, the

"National Assembly for Wales";

and secondly, to

"prevent the use of misleading descriptions . . . In order to achieve these purposes, it is intended that the Bill should provide for compulsory registration"

in certain circumstances, and the

"voluntary registration of any other political parties".

There is no qualification or restriction—nothing to say that there will be any way of preventing alter ego parties or hence the manipulation of the system to which I have referred.

I reluctantly accept that this Bill will leave the House before we know whether the registration of parties Bill will deal with what is, on any view, an attempt to avoid the purposes behind this system. That is why we have tabled another amendment tonight. I realise that it has its shortcomings; I am sure that the Minister will tell me that it will get in the way of individuals standing for the regional list.

However, instead of giving two votes that could be exercised on a split-ticket basis, the amendment allows only one vote. That vote would be cast initially for the candidate in the direct election constituency, and thereafter it would be counted within a given region as the party vote. Thus the same votes will be used for the same purposes. A vote cast for Plaid Cymru in the direct elections will be counted as a Plaid Cymru vote in the regional lists, and could not be counted under any other nomenclature. The same would apply to a Labour or a Conservative vote. Unless we find a solution to that problem, we shall build into the system something that will discredit the assembly in its infancy and undermine its credibility in the long term.

On 2 March, the Minister referred to that practice by saying:

"Such cynical manipulation of the system would be an affront to the electorate and would undermine the democratic credibility of the elected body."—[*Official Report*, 2 March 1998; Vol. 307, c. 804.]

Given those words, the Minister has a responsibility to find a solution to that problem. The simplest solution should be in the registration of political parties Bill. Whether it will be, we do not know.

Mr. Leigh: I am trying to follow my right hon. Friend's argument, but I do not understand the problem. I accept that proportional representation systems are complex, but I do not understand why someone cannot vote once, and why the votes cannot be aggregated between the parties. It seems such a fair and obvious solution that I cannot think why everybody does not accept it.

Mr. Ancram: That is precisely what my amendment sets out to do. I accept that the Government want individual candidates on the regional lists, and will turn down the amendment because it prevents that from happening, for technical reasons. My hon. Friend is absolutely right: this is the simplest and quickest way to deal with the problem. In the absence of that solution, we shall need to look for an answer in the registration of political parties legislation. I regret that the draft legislation is not available to us today. It is wrong to ask us to consider such an important matter without all the available information, particularly as it must be available somewhere if the Bill is to be published in a week or two.

In the light of his comments about the unacceptability of potential abuse of that system, if the Minister will not accept my amendment, which I shall seek to press, I hope that he can find another way to proceed.

Mr. Livsey: Amendments Nos. 211, 212 and 213 seek to provide for open-list voting for the additional member part of the elections. Amendment No. 211 provides that the second vote of each elector will be for a candidate on a list. Amendment No. 212 changes the counting system so that candidates on a list are elected in the order of votes cast, not according to the order in which the party has placed them. Amendment No. 213 deals with vacancies in electoral region seats under the open-list system created by amendment No. 211. It provides that a vacant seat is allocated to the person on the list who receives the next highest number of votes.

Under the system that Liberal Democrats would adopt, candidates for electoral regions would be listed on the ballot paper in alphabetical order by party. Electors would use their votes to vote for a candidate on the list, as opposed to a party, as in the Bill.

The issue of open and closed lists was discussed extensively during the passage of the European Parliamentary Elections Bill. As a compromise, my right hon. Friend the Member for Berwick-upon-Tweed (Mr. Beith) tabled amendments to create open lists in which voters would have the option of voting for a party or for a candidate. Voters who voted for a party would be deemed to have accepted the order of candidates selected by the party. That would have given voters an opportunity to express a view on the party list—an opportunity that is lacking in the Bill.

The Home Secretary considered that option carefully, but decided at the last minute not to accept the amendments. He said that the system of providing a choice between a party and a candidate suffered from a fundamental and incurable weakness, in that voters' preferences for individual candidates were not necessarily translated into electoral success. He argued that that was because a significant proportion of voters vote for the party, and individual votes for candidates on the list were unlikely to change the order of candidates.

Amendments Nos 211 to 213 address that argument by giving voters a completely open list, with a real opportunity to elect the candidates whom they prefer. As part of the consultation process, during deliberations on the European Parliamentary Elections Bill, research on the issue of open and closed lists was carried out. A poll of 1,130 people by Professor Patrick Dunleavy of the London school of economics concluded

"it is likely that a clear majority of voters . . . would prefer to see an open list."

There are other examples, which I will not go into now; but the overwhelming evidence is that voters prefer open lists.

[Mr. Livsey]

10.30 pm

Open lists allow voters to choose candidates from within parties, expressing preferences for men or women or for ethnic-minority candidates. The only possible argument against open lists is party management. As the poll evidence shows, voters do not like having candidates imposed on them. Open lists are not more likely to lead to fighting between candidates in the same party if they are controlled by a single agent for each party, who oversees a budget.

The voting system used for the first elections to the assembly must have the confidence of the Welsh people. The amendments would increase their confidence, and might encourage more participation in a fair and open electoral system.

Mr. Win Griffiths: The issues raised by amendments Nos 183, 184 and 191 to 196 are important, and I do not dismiss for a moment the questions raised by the right hon. Member for Devizes (Mr. Ancram). We have given a great deal of thought to the matter and to the various solutions that have been suggested, but I am not convinced that there is an answer that can be provided for in electoral law. The various solutions that have been suggested are, in many ways, more undemocratic than the circumstances that they seek to address.

The solution presented by this group of amendments, for example, would undermine the democratic credentials of assembly elections in three ways. First, voters would be allowed only one vote—for the constituency candidate. If voters want to vote for the candidate of one party in the constituency, and for the list of another party in the electoral region, why should they not have that choice?

Mr. Leigh: Why should they want to do that?

Mr. Griffiths: The record shows that, in countries where there is an additional member system, voters can be quite sophisticated in voting for an outstanding individual who may or may not be a member of their party. Also, in voting for additional members, they may decide that, given the luck of the way in which the election may turn out, it would be just as well to vote for some members of a party in order to retain a reasonable balance in the politics of their country.

Mr. Ian Davidson (Glasgow, Pollok): In many parts of my country, people vote for the most prominent anti-Conservative candidate under the first-past-the-post system in order to defeat the Conservatives, and then want to vote for the candidate of their choice in the list system. The system that is now being proposed would stop the people of Wales uniting to back the most popular anti-Conservative candidates in individual constituencies, which must surely be a bad development.

Mr. Griffiths: I thank the hon. Gentleman for his Scottish contribution, which was full of wisdom.

We believe that smaller parties' main hope of winning seats in the assembly may be the party list vote in the electoral region. We in the new Labour party are now so inclusive that we want to give everyone—even the Conservatives—a chance, by having an additional member system anyway. Such a system would enable smaller parties to maximise their potential for party list seats if they ran candidates in one electoral region, but it would not be helpful if they had to run candidates everywhere, as was proposed earlier.

Moreover, as the right hon. Member for Devizes pointed out, his system, as outlined in amendment No 183 et al, would prevent independents from being able to run in electoral regions.

There are questions to be asked about ticket voting, and we must ask them, but there is also a danger of overstating the likelihood of the potential for collusion being realised. I have already said that it would take a very sophisticated degree of cynicism within or among parties to attempt such a manipulation of the system.

I am sure that, if there were any attempts at such collusion, the vigilance of other political parties and the media would soon expose it. I do not think that exposure would reflect well on the guilty party with the electorate, and that in itself would be a real deterrent. It is in parties' own interests not to undermine the democratic integrity of the assembly by cynical manipulation.

Mr. Ancram *rose—*

Mr. Griffiths: Just a moment. I shall give the right hon. Gentleman the chance to speak shortly.

On behalf of the Labour party, I am prepared to say publicly and openly that my party will not try to deceive the electorate by entering into any such collusion. It would be easy for all the other parties in the House to make a similar commitment, which would kill the split ticket idea altogether.

Mr. Ancram: I am sure that the hon. Gentleman is sincere in his offer; whether he can deliver on it is another matter. I do not know how the Labour party is organised these days, so I do not know whether, when he talks about "my party", he is talking merely for the Labour party in Wales.

Indeed, the hon. Member for Glasgow, Pollok (Mr. Davidson) has just told us that that is precisely what he and his colleagues in Glasgow intend to organise between the Labour party and the Co-operative movement. So there are already signs that such activity is being planned in one part of the Labour party in the United Kingdom, even as we are being made a kind offer that it will not happen in another part of the Labour party in the United Kingdom. Will the Minister accept from me the thought that it is just that type of divided view within his party that causes me great unease on the subject?

Mr. Griffiths: I have made it clear what the position in Wales will be, and I am sure that we can think of ways of ensuring that such things do not happen, and electors are not given the wrong impression about what people really represent.

Mr. Livsey: May I assure the Minister that my party would not wish to abuse the system, either.

Mr. Griffiths: I am pleased to hear that.

Amendments Nos. 211 to 213, to which the hon. Member for Brecon and Radnorshire (Mr. Livsey) spoke, were designed to give voters in the list system the opportunity of looking at a list with all the potential candidates on the ballot paper.

The voting procedure is new, and we want it to be as simple and straightforward as possible. Everybody will know exactly who is standing on each party list, and if people have a preference for one list as opposed to another, under our system they can vote for the party that offers the best list. Notices will be prominently displayed in polling stations, and parties will be able to circulate fully all their lists in each of the electoral regions. I therefore hope that the hon. Gentleman will not press his amendments.

As for amendments Nos. 24 and 23, I remind the House that the purpose of clause 11(3)(a) is to enable us to draw up orders relating to the procedure for assembly elections that are appropriate for elections under the additional member system.

We shall introduce an elections procedure order in the autumn, and we want to make it as elector-friendly as possible. Because of the additional member system, we want to be able to take into account more than the Representation of the People Act, and we shall ensure that the order will be subject to an affirmative resolution in each House of Parliament before it can come into force.

Mr. Ancram: Will the Minister explain to the electors in Wales how the d'Hondt divisor works?

Mr. Griffiths: A research paper in the Library explains that. As a former Member of the European Parliament, I am well aware of how that system works.

Amendment No. 25 is a departure from the practice of requiring candidates to be supported by deposits in favour of lists of voters backing potential candidates. I want to give hon. Members the opportunity to vote on the matters that concern them. We do not want to depart from the established practice of deposits. It is a useful discipline. If signatures had to be collected, they would have to be verified, and a decision would have to be made on what was a reasonable number. Returning officers would have to do all that at a time when they were busy enough.

I appreciate what Plaid Cymru is trying to do in broadening the scope for candidature, but the Government want to stick to some sort of a deposit. I promise that it is not likely to be onerous. Therefore, I hope that amendment No. 25 will be withdrawn.

Amendment agreed to.

Clause 4

VOTING AT ORDINARY ELECTIONS

Amendment proposed: No. 183, in page 2, line 38, leave out from 'have' to end of line 2 on page 3 and insert

'one vote (referred to in this Act as a constituency vote).

(2) The constituency vote is to be given for a candidate to be the Assembly member for the Assembly constituency.

(3) There shall also be calculated an additional member vote for each registered political party which has submitted a list of candidates to be Assembly members for the Assembly electoral region in which the Assembly constituency is included.

(3A) The additional member vote for each party shall be the same as the constituency vote of the candidate of the party in that constituency.'.—*[Mr. Ancram.]*

Question put, That the amendment be made:—

The House divided: Ayes 119, Noes 272.

Division No. 232] **[10.41 pm**

AYES

Amess, David
Ancram, Rt Hon Michael
Atkinson, David *(Bour'mth E)*
Atkinson, Peter *(Hexham)*
Baldry, Tony
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Body, Sir Richard
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Brazier, Julian
Brooke, Rt Hon Peter
Bruce, Ian *(S Dorset)*
Burns, Simon
Butterfill, John
Cash, William
Chope, Christopher
Clappison, James
Clark, Rt Hon Alan *(Kensington)*
Clifton-Brown, Geoffrey
Collins, Tim
Colvin, Michael
Cormack, Sir Patrick
Cran, James
Curry, Rt Hon David
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice)*
Duncan Smith, Iain
Emery, Rt Hon Sir Peter
Evans, Nigel
Faber, David
Fabricant, Michael
Fallon, Michael
Flight, Howard
Forth, Rt Hon Eric
Fox, Dr Liam
Fraser, Christopher
Gibb, Nick
Gill, Christopher
Gillan, Mrs Cheryl
Gorman, Mrs Teresa
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Gummer, Rt Hon John
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hawkins, Nick
Hayes, John
Heald, Oliver
Heathcoat-Amory, Rt Hon David
Horam, John
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Jack, Rt Hon Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Johnson Smith, Rt Hon Sir Geoffrey
Key, Robert
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Luff, Peter
Lyell, Rt Hon Sir Nicholas
McIntosh, Miss Anne
Maclean, Rt Hon David
McLoughlin, Patrick
Malins, Humfrey
Mates, Michael
Maude, Rt Hon Francis
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Moss, Malcolm
Norman, Archie
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Prior, David
Redwood, Rt Hon John
Robathan, Andrew
Robertson, Laurence *(Tewk'b'ry)*
Ruffley, David
Sayeed, Jonathan
Shephard, Rt Hon Mrs Gillian
Simpson, Keith *(Mid-Norfolk)*
Soames, Nicholas
Spelman, Mrs Caroline
Spicer, Sir Michael
Spring, Richard
Stanley, Rt Hon Sir John
Steen, Anthony
Streeter, Gary
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, John M *(Solihull)*
Townend, John
Trend, Michael
Tyrie, Andrew
Walter, Robert
Wardle, Charles
Wells, Bowen
Whitney, Sir Raymond
Whittingdale, John
Widdecombe, Rt Hon Miss Ann
Willetts, David
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Ayes:
Mr. Nigel Waterson and
Mr. Stephen Day.

NOES

Ainger, Nick
Allan, Richard
Allen, Graham
Anderson, Donald *(Swansea E)*
Anderson, Janet *(Rossendale)*
Ashton, Joe
Atherton, Ms Candy
Baker, Norman
Barnes, Harry
Battle, John
Bayley, Hugh
Benn, Rt Hon Tony
Bennett, Andrew F
Benton, Joe
Bermingham, Gerald
Berry, Roger
Best, Harold
Betts, Clive
Blackman, Liz
Blizzard, Bob
Borrow, David
Bradley, Peter *(The Wrekin)*
Brown, Rt Hon Nick *(Newcastle E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnett, John
Campbell, Alan *(Tynemouth)*
Campbell, Menzies *(NE Fife)*
Campbell-Savours, Dale
Canavan, Dennis
Casale, Roger
Caton, Martin
Chaytor, David
Chisholm, Malcolm
Church, Ms Judith
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Coleman, Iain
Colman, Tony
Connarty, Michael
Cook, Frank *(Stockton N)*
Cooper, Yvette
Corbett, Robin
Corbyn, Jeremy
Corston, Ms Jean
Cousins, Jim
Cryer, John *(Hornchurch)*
Cummings, John
Cunliffe, Lawrence
Cunningham, Rt Hon Dr John *(Copeland)*
Cunningham, Jim *(Cov'try S)*
Dalyell, Tam
Darvill, Keith
Davey, Edward *(Kingston)*
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Rt Hon Ron *(Caerphilly)*
Dawson, Hilton
Dean, Mrs Janet
Dobbin, Jim
Dobson, Rt Hon Frank
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Drown, Ms Julia
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Ellman, Mrs Louise
Ennis, Jeff
Fatchett, Derek
Fearn, Ronnie
Flynn, Paul
Foster, Rt Hon Derek
Foster, Don *(Bath)*
Foster, Michael J *(Worcester)*
Foulkes, George
Fyfe, Maria
Galloway, George
Gapes, Mike
George, Andrew *(St Ives)*
Gibson, Dr Ian
Gilroy, Mrs Linda
Godman, Norman A
Golding, Mrs Llin
Grant, Bernie
Griffiths, Jane *(Reading E)*
Griffiths, Win *(Bridgend)*
Grogan, John
Gunnell, John
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hanson, David
Harris, Dr Evan
Harvey, Nick
Heal, Mrs Sylvia
Healey, John
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hewitt, Ms Patricia
Hill, Keith
Hinchliffe, David
Hodge, Ms Margaret
Home Robertson, John
Hoon, Geoffrey
Hope, Phil
Hopkins, Kelvin
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Jackson, Helen *(Hillsborough)*
Jamieson, David
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Helen *(Warrington N)*
Jones, Ieuan Wyn *(Ynys Môn)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Jon Owen *(Cardiff C)*
Jones, Martyn *(Clwyd S)*
Jones, Nigel *(Cheltenham)*
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keetch, Paul
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Kidney, David
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kirkwood, Archy
Kumar, Dr Ashok
Ladyman, Dr Stephen
Lawrence, Ms Jackie
Laxton, Bob
Lepper, David
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Livsey, Richard
Llwyd, Elfyn
Lock, David
McAvoy, Thomas
McCabe, Steve
McCartney, Ian *(Makerfield)*
McDonagh, Siobhain
McDonnell, John
McFall, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
McNamara, Kevin
Mactaggart, Fiona
Mahon, Mrs Alice
Marek, Dr John
Marsden, Paul *(Shrewsbury)*
Marshall, Jim *(Leicester S)*
Martlew, Eric
Maxton, John
Meacher, Rt Hon Michael
Meale, Alan
Michie, Bill *(Sheff'd Heeley)*
Milburn, Alan
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Morgan, Ms Julie *(Cardiff N)*
Morgan, Rhodri *(Cardiff W)*
Morley, Elliot
Mountford, Kali
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Naysmith, Dr Doug
Norris, Dan
O'Brien, Mike *(N Warks)*
Olner, Bill
O'Neill, Martin
Öpik, Lembit
Organ, Mrs Diana
Palmer, Dr Nick
Pearson, Ian
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pope, Greg
Prentice, Ms Bridget *(Lewisham E)*
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quinn, Lawrie
Radice, Giles
Rammell, Bill
Raynsford, Nick
Reed, Andrew *(Loughborough)*
Rendel, David
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Sanders, Adrian
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Smith, Angela *(Basildon)*
Smith, Rt Hon Chris *(Islington S)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Smith, Sir Robert *(W Ab'd'ns)*
Soley, Clive
Southworth, Ms Helen
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stoate, Dr Howard
Stott, Roger
Stringer, Graham
Stunell, Andrew
Sutcliffe, Gerry
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Taylor, Matthew *(Truro)*
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Twigg, Derek *(Halton)*
Tyler, Paul
Walley, Ms Joan
Wareing, Robert N
Watts, David
Webb, Steve
Wicks, Malcolm
Wigley, Rt Hon Dafydd
Williams, Rt Hon Alan *(Swansea W)*
Williams, Mrs Betty *(Conwy)*
Wills, Michael
Wilson, Brian
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Worthington, Tony
Wray, James
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Noes:
Mr. Kevin Hughes and
Mr. Robert Ainsworth.

Question accordingly negatived.

Clause 5

ADDITIONAL MEMBER SYSTEM: PARTY LISTS AND INDIVIDUAL CANDIDATES

Amendment made: No. 75, in page 3, leave out line 19 and insert—

'(3) The list must not include more than twelve persons (but may include only one).'.—*[Mr. Jon Owen Jones.]*

Clause 7

ADDITIONAL MEMBER SYSTEM: RETURN OF MEMBERS

Amendment proposed: No. 212, in page 4, line 36, leave out

'in which they appear on the list'

and insert

'of the number of votes cast for the candidates'.—*[Mr. Livsey.]*

Question put, That the amendment be made:—

The House divided: Ayes 25, Noes 248.

Division No. 233] **[10.53 pm**

AYES

Allan, Richard
Baker, Norman
Beith, Rt Hon A J
Burnett, John
Campbell, Menzies *(NE Fife)*
Fearn, Ronnie
Foster, Don *(Bath)*
George, Andrew *(St Ives)*
Harris, Dr Evan
Harvey, Nick
Jones, Ieuan Wyn *(Ynys Môn)*
Jones, Nigel *(Cheltenham)*
Keetch, Paul
Kirkwood, Archy
Livsey, Richard
Llwyd, Elfyn
Öpik, Lembit
Rendel, David
Russell, Bob *(Colchester)*
Sanders, Adrian
Smith, Sir Robert *(W Ab'd'ns)*
Taylor, Matthew *(Truro)*
Tyler, Paul
Webb, Steve
Wigley, Rt Hon Dafydd

Tellers for the Ayes:
Mr. Andrew Stunell and
Mr. Edward Davey.

NOES

Ainger, Nick
Allen, Graham
Anderson, Donald *(Swansea E)*
Anderson, Janet *(Rossendale)*
Ashton, Joe
Atherton, Ms Candy
Barnes, Harry
Battle, John
Bayley, Hugh
Benn, Rt Hon Tony
Bennett, Andrew F
Benton, Joe
Bermingham, Gerald
Berry, Roger
Best, Harold
Blackman, Liz
Blizzard, Bob
Borrow, David
Bradley, Peter *(The Wrekin)*
Brown, Rt Hon Nick *(Newcastle E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Campbell, Alan *(Tynemouth)*
Campbell-Savours, Dale
Canavan, Dennis
Casale, Roger
Caton, Martin
Chaytor, David
Chisholm, Malcolm
Church, Ms Judith
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Coleman, Iain
Colman, Tony
Connarty, Michael
Cook, Frank *(Stockton N)*
Cooper, Yvette
Corbett, Robin
Corbyn, Jeremy
Corston, Ms Jean
Cousins, Jim
Cryer, John *(Hornchurch)*
Cummings, John
Cunliffe, Lawrence
Cunningham, Rt Hon Dr John *(Copeland)*
Cunningham, Jim *(Cov'try S)*
Darvill, Keith
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Rt Hon Ron *(Caerphilly)*
Dawson, Hilton
Dean, Mrs Janet
Dobbin, Jim
Dobson, Rt Hon Frank
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Drown, Ms Julia
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Ellman, Mrs Louise
Ennis, Jeff
Fatchett, Derek
Field, Rt Hon Frank
Flynn, Paul
Foster, Rt Hon Derek
Foster, Michael J (Worcester)
Foulkes, George
Fyfe, Maria
Galloway, George
Gapes, Mike
Gibson, Dr Ian
Gilroy, Mrs Linda
Godman, Norman A
Golding, Mrs Llin
Grant, Bernie
Griffiths, Jane *(Reading E)*
Griffiths, Win *(Bridgend)*
Grogan, John
Gunnell, John
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hanson, David
Heal, Mrs Sylvia
Healey, John
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hewitt, Ms Patricia
Hill, Keith
Hinchliffe, David
Hodge, Ms Margaret
Hoey, Kate
Home Robertson, John
Hoon, Geoffrey
Hope, Phil
Hopkins, Kelvin
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Jackson, Helen *(Hillsborough)*
Jamieson, David
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Helen *(Warrington N)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Jon Owen *(Cardiff C)*
Jones, Martyn *(Clwyd S)*
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Kidney, David
King, Andy *(Rugby & Kenilworth)*
Kumar, Dr Ashok
Ladyman, Dr Stephen
Lawrence, Ms Jackie
Laxton, Bob
Lepper, David
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Lock, David
McAvoy, Thomas
McCabe, Steve
McCartney, Ian *(Makerfield)*
McDonagh, Siobhain
McDonnell, John
McFall, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
McNamara, Kevin
Mactaggart, Fiona
Mahon, Mrs Alice
Marek, Dr John
Marsden, Paul *(Shrewsbury)*
Marshall, Jim *(Leicester S)*
Martlew, Eric
Maxton, John
Meacher, Rt Hon Michael
Meale, Alan
Michie, Bill *(Sheff'd Heeley)*
Milburn, Alan
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Morgan, Ms Julie *(Cardiff N)*
Morgan, Rhodri *(Cardiff W)*
Morley, Elliot
Mountford, Kali
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Naysmith, Dr Doug
Norris, Dan
O'Brien, Mike *(N Warks)*
Olner, Bill
O'Neill, Martin
Organ, Mrs Diana
Palmer, Dr Nick
Pearson, Ian
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pope, Greg
Prentice, Ms Bridget *(Lewisham E)*
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quinn, Lawrie
Radice, Giles
Rammell, Bill
Raynsford, Nick
Reed, Andrew *(Loughborough)*
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Smith, Angela *(Basildon)*
Smith, Rt Hon Chris *(Islington S)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Southworth, Ms Helen

Squire, Ms Rachel	Walley, Ms Joan
Starkey, Dr Phyllis	Wareing, Robert N
Steinberg, Gerry	Watts, David
Stevenson, George	Wicks, Malcolm
Stoate, Dr Howard	Williams, Rt Hon Alan *(Swansea W)*
Stott, Roger	Williams, Mrs Betty *(Conwy)*
Stringer, Graham	Wills, Michael
Sutcliffe, Gerry	Wilson, Brian
Taylor, Ms Dari *(Stockton S)*	Winnick, David
Taylor, David *(NW Leics)*	Winterton, Ms Rosie *(Doncaster C)*
Thomas, Gareth *(Clwyd W)*	Wise, Audrey
Thomas, Gareth R *(Harrow W)*	Worthington, Tony
Timms, Stephen	Wray, James
Tipping, Paddy	Wright, Anthony D *(Gt Yarmouth)*
Todd, Mark	Wright, Dr Tony *(Cannock)*
Touhig, Don	Wyatt, Derek
Trickett, Jon	
Truswell, Paul	
Turner, Dennis *(Wolverh'ton SE)*	**Tellers for the Noes:**
Turner, Dr Desmond *(Kemptown)*	**Mr. Robert Ainsworth and**
Twigg, Derek *(Halton)*	**Mr. Clive Betts.**

Question accordingly negatived.

It being after Eleven o'clock, MR. DEPUTY SPEAKER, *pursuant to the Order [15 January] and the Resolution [this day], put forthwith the Questions necessary for the disposal of the business to be concluded at that hour.*

Clause 11

POWER TO MAKE PROVISION ABOUT ELECTIONS ETC.

Amendment made: No. 153, in page 7, line 26, after 'except' insert 'by an election petition'.—*[Mr. Jon Owen Jones.]*

Clause 12

DISQUALIFICATION FROM BEING ASSEMBLY MEMBER

Amendment made: No. 76, in page 7, line 44, leave out '19(2)(b) or 20(4) of the Local Government Finance Act 1982' and insert

'17(2)(b) or 18(7) of the Audit Commission Act 1998'.—*[Mr. Jon Owen Jones.]*

Clause 16

SALARIES AND ALLOWANCES

Amendments made: No. 77, in page 10, line 11, leave out 'or allowances'.

No. 78, in page 10, line 14, leave out 'or allowances'.

No. 79, in page 10, line 15, at end insert—

'( ) A determination or direction under this section may provide for different allowances for different cases.'.

No. 122, in page 10, line 20, leave out from 'section' to end of line 22.—*[Mr. Jon Owen Jones.]*

Clause 18

PENSIONS ETC.

Amendment made: No. 123, in page 11, line 33, leave out from 'section' to end of line 35.—*[Mr. Jon Owen Jones.]*

Clause 20

OATH OF AFFIRMATION OF ALLEGIANCE

Amendments made: No. 80, in page 12, line 22, leave out 'cease to be an Assembly member'.

No. 81, in page 12, line 23, at end insert

'cease to be an Assembly member (so that his seat is vacant)'.—*[Mr. Jon Owen Jones.]*

Clause 23

TRANSFERS: SUPPLEMENTARY

Amendment made: No. 235, in page 13, leave out lines 36 to 39 and insert—

'(a) section 3(4) and (*Polls for ascertaining views of the public*)(5),

(b) sections 121 to 138, and

(c) Part VII so far as relating to the provisions specified in paragraphs (a) and (b).'.—*[Mr. Jon Owen Jones.]*

Mr. Evans: I beg to move amendment No. 218, in page 14, leave out lines 10 to 18.

Mr. Deputy Speaker (Mr. Michael J. Martin): With this, it will be convenient to discuss the following amendments: No. 219, in page 14, line 11, after 'culture,', insert 'or'.

No. 220, in page 14, leave out lines 14 to 16.

No. 221, in page 14, leave out lines 19 to 29.

No. 222, in page 14, line 37, at end insert—

'(11) Nothing in this Act shall permit the Assembly to exercise any function or enjoy any power in any part of England.'.

Mr. Evans: It has just been demonstrated that another day to consider the Bill on Report would have been extremely useful, as it would have allowed us to examine in detail other elements arising from Government amendments and new clauses. At least in the 54 minutes remaining to us today, we shall be able to debate some important matters, including those that arise from this group of amendments. They relate to clause 23 and are consequential on clauses 21 and 22 and the assembly's functions, especially in relation to cross-border areas.

Dispute would arise when the assembly used its powers to exercise functions on a cross-border area, which is defined in subsection (7) as

"an area that includes a part (but not the whole) of England as well as the whole or a part of Wales."

The Secretary of State did not feel it worth including a clause that would make it necessary for the Assembly to consult Ministers before using its power in England. In reality, that means that people in England could be directly affected by the actions of the Assembly. Yet, because they do not have a vote for that body, they would have no way of influencing its decisions.

I have been asked before whether I was thinking of standing for the Welsh assembly. I know that I have disappointed some right hon. and hon. Members on both sides of the House by saying that I have no intention of standing for the assembly, along with virtually everyone else in this place, especially those representing constituencies in Wales. I have always felt that the people of Ribble Valley have no interest in the deliberations of the Welsh Assembly as it pertained to them. However, it appears that there will be people in England who will be directly affected by, and interested in, what is going on in the assembly, yet they will have no vote, and no representation within it. If they write to Members of the

Assembly, to whom will they write? Will there be an onus on those Members to respond or even to take any notice at all?

A number of cross-border issues could arise, including those that involve water authorities such as Dwr Cymru, Dee Valley in Chester, and Severn Trent. There are sites of special scientific interest such as those covering the Severn estuary, some drainage fisheries and the Severn bore. There are no proper maritime borders for Wales. Highways may be involved, and so may parish councils.

We have tried to redress the imbalance through the amendments. The Secretary of State apparently does not believe that we should examine the problems that will exist and try to do something about them. Amendment No. 222 reads:

"Nothing in this Act shall permit the Assembly to exercise any function or enjoy any power in any part of England."

That amendment is the crux of the matter. We do not believe that the assembly should have any say over anything that happens in England because the Bill does not address properly the concerns of people living in cross-border areas.

For instance, as far as I can tell, there is no proper device or procedure whereby the assembly would consult people living in England before it assumed power over cross-border areas. The Minister shakes his head; it will be interesting to see what consultation will occur with people who live in England and who will be affected by any decisions taken by the Welsh assembly. Those people will have no representation on the assembly.

The hon. Member for Linlithgow (Mr. Dalyell) said earlier—in a most telling contribution to this evening's proceedings—that we should be naive to assume that there will be no repercussions following the decisions that we are taking in granting a form of devolution to Wales. It is not just a question of the Barnett formula and, as the hon. Gentleman suggested, of people in England thinking, "We are strapped for cash, so we'll look at paring back money to Scotland and Wales."

I believe that people living in England will feel resentment when they see that the Welsh assembly has power over parts of cross-border areas.

In the past, there was talk of no taxation without representation. This is a plain case of no representation. I wonder whether the Minister understands the concerns of people who live on the English side of the border. We are not talking about the control of cemeteries in Fulham and transference of power—matters that we considered in an early debate on the legislation—with the Welsh assembly having power over Welsh people who are living and English people who were dead. I understand that that matter has now been resolved.

We are considering an issue that will have a real impact upon those who live in cross-border areas. That is why we have moved the amendments. We want to address any problems that may arise in the future. We do not wish to fuel resentment among people who live in England regarding the Welsh assembly. We appreciate that the assembly will be a reality, and we wish it godspeed. We want to ensure that it works in the best interests of the people of Wales. If the Bill remains unamended or the concerns of those who live in England are not addressed, it will have a detrimental effect on good relations between people living in England and in Wales, and particularly among people in cross-border areas.

The Parliamentary Under-Secretary of State for Wales (Mr. Peter Hain): It may assist the House if I put the amendments into context and explain the situation. I thank the hon. Member for Ribble Valley (Mr. Evans) for the way in which he has moved them. In so doing, he made some constructive and important points that must be answered. I shall explain briefly the background to clause 23(6), which introduces the concept of a cross-border area. It is important that we have an opportunity to debate this matter as it allows me to expunge a series of phantoms and misunderstandings surrounding this question.

It is clear that the hon. Gentleman has moved the amendments not in order to be mischievous but in an attempt to secure an explanation. When I have provided one, I hope that he will accept that the situation is quite reasonable. The position now is that the Government have flexible arrangements for dealing with issues that straddle the border between Wales and England. Water, notably, does not flow neatly down a particular side of the border. The Severn, Wye and Dee rivers all rise in Wales and flow through parts of England. There are watersheds that cross boundaries.

We have had practical and sensible arrangements to deal with that for many years. The Welsh Office looks after the administration of some issues to do with water and rivers that extend beyond Wales's boundaries. Correspondingly, the Department of the Environment, Transport and the Regions administers some matters for Montgomeryshire. I do not know what the hon. Member for Ribble Valley (Mr. Evans) feels about that, but it is a practical, common-sense approach to the problem of cross-border areas.

11.15 pm

There is no compelling reason why we should now draw a doctrinaire line down the border between Wales and England, and command the waters to part along it. I wondered whether the hon. Gentleman was trying to play Moses parting the Red sea. I suspect that he was not, given what he said when he moved the amendment, but I shall have my say anyway. He has got his history wrong. The Secretary of State is the real Moses figure, leading the people of Wales to safety from the centralised, corrupt Tory quango state as the waters part before him to reveal a gleaming new Welsh assembly, and close after him to drown the Tories as power is decentralised to the people. The hon. Gentleman may prefer another historical figure, King Canute, holding back the tide of devolution. He says that he is not trying to do that, but if he is, he should check what happened to King Canute.

There is no reason why we should have more costly and complex administrative arrangements on the ground post devolution. Clause 23(6) allows the assembly to be given functions with respect to cross-border areas: that is, areas including a part but not the whole of England, and the whole or part of Wales.

The Government have no plans to transfer cross-border functions to the assembly unless that is the basis on which they are already operated. Subsection (6) permits the transfer order to include such functions in the order under clause 22. The transfer process must be initiated by the Government, but it cannot be completed unless Parliament, which obviously includes elected representatives from England, approves the transfer order.

The Government are considering giving the assembly cross-border functions for some bodies and functions relating to the water industry, flood defence and internal drainage that are currently exercised by the Welsh Office.

[Mr. Peter Hain]

There is nothing novel in those proposals. Section 63 of the Wales Act 1978 provided that any function exercisable in respect of the Welsh water authority was deemed to be a power exercisable as regards Wales, whereas any function in respect of the Severn Trent water authority was deemed not to be a power exercisable with respect to Wales. Both those water authorities, and their successor water companies, operate across the border.

Mr. Letwin: The Minister did not mention education. What is the position of schools in Herefordshire that come within a Welsh local education authority, and power over which the Secretary of State transfers to the Welsh assembly under the transfer of powers order?

Mr. Hain: I am not aware of any schools in that position. If the hon. Gentleman is referring to pupils whose parents choose to send to schools across the border, that is a different matter, and it is not covered by those arrangements.

As we signalled in the draft transfer order, the Government are considering transferring to the assembly various functions under the Water Industries Act 1991 with respect to the Dwr Cymru, Wrexham and the Chester-Dee valley water companies. Amendments Nos. 219 to 222 would prevent the transfer of such functions to the assembly. I am sure that that is not the intention of the hon. Member for Ribble Valley.

Mr. Grieve: The Secretary of State has said that, once the assembly comes into being, he will not be answerable to the House for what goes on in the assembly. A person living on the English side of the border may be subject to maladministration as a result of an act of the assembly, and may wish to have that matter dealt with. How can it be dealt with by the House if it is in the assembly's remit because the powers have been handed to the assembly for administrative purposes?

Mr. Hain: To the extent that those would be cross-border powers, they would be handed to the assembly to be exercisable by the authority of Parliament. Ultimately, Parliament could be held to account if the situation that the hon. Gentleman suggests were to arise.

Mr. Jenkin: Does the Minister seriously contemplate that the House will legislate to interfere in the affairs of the assembly in respect of the grievances of English constituents in cross-border areas? That is the logic of what he has just said.

Mr. Hain: With respect, that is not the logic of what I have just said. I was asked how a grievance could be redressed, and the answer is that that could be done through the constituent's representative and, ultimately, by representations to Parliament. That is exactly what happens at present. If the Welsh Office operated in such a fashion over agreements on cross-border areas with Welsh Water or some other body, representations could be made in the House. That is the current procedure.

Mr. Evans: Under current arrangements, problems can be raised in Parliament with the Secretary of State. After devolution, that responsibility will move to the assembly, and it will be a waste of time for people in England to put questions to the Secretary of State for Wales, because he will not have the power to deal with them.

Mr. Hain: I accept that the hon. Gentleman is not raising this matter mischievously. Let us assume that a constituent in Herefordshire or Shropshire found that a river was encroaching on his land and that it contained effluent that was the responsibility of Welsh Water or some other authority. He could raise the issue with his elected Member, who could take it to the appropriate Minister. That Minister could make representations to the assembly in the same way as happens with the Welsh Office at present.

Mr. Öpik: Surely the situation is hardly new, and does not require a great deal of thought to resolve. If there is an issue over the service that is provided by, say, Shrewsbury hospital to one of my constituents who lives in a different health authority area, it would be resolved by discussion. The Minister will agree that Conservative Members are putting up a paper tiger. We shall not be debating in the House the problems of a constituent who is not getting health provision from that hospital. Conservative Members are making something out of nothing.

Mr. Hain: The hon. Gentleman puts the matter extremely well, and with his usual eloquence. It is a phantom issue.

Mr. Paterson: Will the Minister give way?

Mr. Hain: I shall do so shortly. I do not mind spending time crawling all over this issue. It uses up Opposition time, and that is a matter for them.

I should draw to the attention of the House another mechanism for redress. The Government will table an amendment to provide a Welsh ombudsman who will deal with complaints, if that is the route that a citizen wishes to take, about any of the assembly's functions. I was asked how issues could be raised in Parliament and I have answered that.

Mr. Paterson: The Minister is being grossly complacent about the matter. I have a case at present over a school in my constituency that may be damaged by the change in policy of a Welsh education authority. I can raise that matter in the House, but when the Bill becomes law I shall not be able to do that.

Mr. Hain: Again, that is based on ignorance about the consequences of devolution. The hon. Gentleman will be able to raise in questions to the English Minister with responsibility for education any matters that affect the hon. Gentleman's education authority; indeed, he will be able to raise with any other Minister any matters that affect his local constituency. If he asks the Minister to make representations directly to the Welsh assembly on a practical matter, that would be as easily resolvable as it is at present. This is a complete non-issue.

Mr. Paul Keetch (Hereford): As I represent the English constituency with the longest border with Wales, I have had to deal with several cross-border issues, particularly in relation to Welsh Water and other attitudes across the Brecon Beacons. I and, I believe, the people of Herefordshire have no problem at all with the concept of a

devolved assembly in Wales. The suggestion of Her Majesty's official Opposition that that might cause a problem is ridiculous. If there were a problem with the water authority, I should take it up with Welsh Water. In the same way, if there were a problem with a cross-border issue based in England, I should expect a Welsh Member to take it up with the authority in England. We are hearing claptrap from the official Opposition.

Mr. Hain: That was an extremely helpful intervention. The hon. Gentleman explained the position exactly. Whereas Conservative Members have suddenly become completely neutered and impotent politically as a result of devolution, the hon. Gentleman—perhaps it explains why he beat the Conservatives in Herefordshire—is able adequately to represent his constituents on those practical matters. Perhaps Conservative Members could take some lessons from him.

Mr. Ancram: May I ask the Minister another simple question? He has said that my hon. Friends could raise a matter of the type that has been described with the English Minister with responsibility for education, although it was within the competence of the Welsh assembly, and that that Minister could raise it with the Welsh assembly Secretary. Is the Minister aware that, in the case of Northern Ireland, the Speaker ruled, I think in the 1930s, that such questioning was incompetent? Is he giving us an assurance that that ruling will not apply in this case?

Mr. Hain: I am giving the right hon. Gentleman an assurance that, in the case of a practical issue of representation that was raised in the House, of course any Minister will be able to make representations to the Welsh assembly or even perhaps through the Secretary of State for Wales. I do not see any problem with that. I do not accept what the right hon. Gentleman says at all. As I say, if there were a grievance that needed to be pursued, the Welsh ombudsman could do so.

"Wales" is defined in legislation as the areas of the counties created by the Local Government Act 1972. That includes any part of the sea shore to the low water mark. In Acts of Parliament, Wales does not include any part of the sea, yet my the Secretary of State for Wales exercises various environmental and fishery functions around the coast of Wales in what are UK territorial waters.

As my hon. Friend the Member for West Carmarthen and South Pembrokeshire (Mr. Ainger) will confirm, a recent example was the restrictions on fishing that were put in place following the Sea Empress disaster. Those restrictions were imposed by the Secretary of State even though Wales does not include the sea in which that pollution took place—precisely because of those provisions. We are talking about practical matters here, not those great constitutional phantoms that have been raised by Conservative Members.

Amendment No. 218 would deny the assembly functions that have long been administered by the Welsh Office.

Mr. Ancram: *indicated dissent.*

Mr. Hain: The right hon. Member for Devizes (Mr. Ancram) shakes his head, but that is a fact. It has caused no problems and devolution will not cause any problems in future. The Bill rightly allows for the possibility that functions such as those could be transferred to the assembly.

Moreover, why the official Opposition should want to prevent the assembly from being responsible for the Welsh language and culture is beyond me. I point out that one effect of amendments Nos. 218 and 222—perhaps right hon. and hon. Members will seek to justify this, if they are aware of it—is to rule out the possibility that the assembly might give support to Welsh language bodies that operate outside Wales. An example is Ysgol Gymraeg Llundain—the Welsh school in London. Of course I am not promising that the assembly will support such bodies—that would be a matter for the assembly—but the amendments would not even allow it the choice, and that is not a serious option.

The Bill contains appropriate mechanisms to reflect the fact that, while the assembly may be given functions in parts of England, it will not be elected by the people who live there. The hon. Member for Ribble Valley raised that point.

I emphasise that Parliament has to approve the transfer order before it can take effect. Elected representatives from all parts of the United Kingdom—including the hon. Member for Ribble Valley and others who have intervened in my speech—will be able to have their say on the transfer order in respect of cross-border functions.

The Government also accept that it is important for the necessary accountability arrangements to exist in the House in the limited cases where the assembly is exercising functions in parts of England. That is why clause 43(5) ensures that, where the assembly makes secondary legislation that applies to parts of England—various regulations such as those that I have described—it will continue to be subject to parliamentary procedures. I have answered that point adequately, although those on the Opposition Front Bench do not appear to recognise that.

11.30 pm

Clause 23(8) further provides that, in relation to any assembly functions in the cross-border area, which may include secondary legislation and matters such as determinations or directions, the transfer order can require that the assembly should consult or obtain the agreement of a United Kingdom Minister before it exercises the function. The transfer order will in due course set out our proposals for the use of the power.

I should like to take the opportunity to tell the House that we are looking further at the wording of clause 23, partly in the light of some of the amendments that were also tabled in Committee. It may be that some technical adjustments to clause 23 will need to be made in another place. If so, we shall table them in Committee in another place. Any such amendments will not enable the transfer order to give the assembly more functions in England than would have been possible under clause 23 as drafted, and we shall maintain the mechanisms that are already in the Bill with respect to the assembly's exercise of functions in England.

Mr. Ancram: I am grateful to the hon. Gentleman, who dismissed my earlier point with some disdain. I do not have the precise quotations from *Hansard*, as I have not had a chance to get them, but I can refer to the Library research paper, which is normally very accurate. It states:

"The question of non-discussion of Northern Ireland affairs at Westminster finally changed with a Speaker's ruling in 1923 that questions on matters delegated to Stormont must be addressed to Northern Ireland ministers, not United Kingdom Ministers in the House of Commons at Westminster. The Speaker rejected any link

[Mr. Ancram]

between the fact that Northern Ireland continued to send members to Westminster, and the ability of the Commons to discuss devolved matters. Even before then, the Speaker had said that, as Parliament has legislated for Northern Ireland devolution, 'it is quite impossible for us to have questions and answers on a subject for which Ministers on this Bench do not hold responsibility. I cannot say more than that.'"

That ruling remains valid. It would preclude what the Minister has told us would be available to my hon. Friends, and, unless he can say that the ruling has changed, he should withdraw his remarks.

Mr. Hain: I am not disputing what the right hon. Gentleman has read out quite properly in relation to Northern Ireland. However, I am not aware of any cross-border areas that England has with Northern Ireland. It is entirely different, and the right hon. Gentleman, as a former Northern Ireland Minister, must surely know that.

The points that have been raised by hon. Members, quite legitimately, relate to issues that might affect their constituencies in England. For example, they are entitled to raise issues in relation to the local education authority with an education Minister in England. If the Education Minister in England felt that some transfer order—although I cannot conceive of one in relation to education—was not operating properly, clearly the body that passed that transfer order should clarify it.

Mr. Letwin: Has the Minister consulted the Chair about whether that ruling would apply in this case? Secondly, when he returns to the Department, he will find that there are primary schools in Herefordshire which are covered by Welsh education authorities. I would be interested to know—

Mr. Keetch: Name one.

Mr. Letwin: I have the details, and I shall provide them in a letter to the hon. Gentleman.

If the Minister finds that that is true, will he assure the House that an English Member of Parliament will nevertheless be able to take the case of such a school, in Parliament, before an English Education Minister and have that Minister answer a question about the school?

Mr. Deputy Speaker: Order. Before we get into deep waters and start discussing the Speaker's ruling, it should be remembered that the Chair will make no ruling on those matters until the final legislation is decided on. The House should therefore not discuss whether the Speaker has been consulted.

Mr. Hain: As I have said before, I am aware of cross-border pupils—in both directions—but I am not aware of any cross-border schools. I have had advice to confirm that. *[Interruption.]* If the hon. Member for West Dorset (Mr. Letwin) is scampering off to find evidence to back what he has said, I shall look at it with great interest. I am the Education Minister for Wales, among other functions, and I am not aware of having any responsibility for schools in Herefordshire.

Mr. Leigh: Is it a fair summation to say that an English Member aggrieved in this way will be able to make informal representations to a Minister of the Crown, who in turn will be able to make informal representations to the assembly; but that my hon. Friend the Member for North Shropshire (Mr. Paterson) will not be able to ask formal questions on the Floor of the House? That is our point; the Minister has not answered it.

Mr. Hain: We really are making a mountain out of a molehill. I am quite happy to keep demolishing those mountains, although it is a waste of time. If the hon. Gentleman is a Member for a constituency along the Welsh border, and an issue arises that affects his English constituency, he is entitled to raise it with the relevant English Minister. The Minister then decides what is within his power, and what representations he can make.

Mr. Keetch: I look forward to the hon. Member for West Dorset (Mr. Letwin) finding a Herefordshire school that is administered by Wales. I hope that he is not falling into that trap simply because some parts of Wales have Herefordshire postal addresses. For instance, Hay-on-Wye, in the constituency of my hon. Friend the Member for Brecon and Radnorshire (Mr. Livsey), is in Wales but has a Herefordshire postal address.

Many people in Herefordshire, before the election, faced the problem that my predecessor, a Conservative, was continually told by the previous Government that the problems he raised were for quangos to answer. Ministers hid behind that answer. Are Opposition Front Benchers now suggesting that the same will happen with the Welsh assembly, which will be an elected assembly, not an appointed quango?

Mr. Hain: The hon. Gentleman makes his point very well. We are getting rid of a lot of quangos and subjecting the remaining ones to democratic accountability through the National Assembly for Wales.

The Welsh Office has responsibility for Welsh coastal waters, and for certain matters in parts of England, because natural watersheds do not follow the national boundary.

Mr. Paterson *rose—*

Mr. Hain: I shall not give way again.

The Opposition amendments would prevent the assembly from inheriting those functions, and they disregard the sensible protection of interests in England, as well as in Wales, that the Government have included in the Bill. That is why I cannot accept the amendment, and would urge its withdrawal.

Mr. Hayes: These amendments touch again on democratic legitimacy based on proper consent. The Minister has signally failed to deal with that issue this evening. Consent must be sought before it is given, and if it is not sought from the English people who are affected—which, clearly, it cannot be in the case of the Welsh assembly—it cannot be given. The Welsh assembly will therefore act with political authority where it has no legitimacy because it has neither sought nor been given consent.

Mr. Öpik: Will the hon. Gentleman give way?

Mr. Hayes: I shall give way, because I am interested to hear a little more from "The Observer Book of Political Theory".

Mr. Öpik: I have not yet published such a book, but the hon. Gentleman will get a signed copy as soon as I do.

In his constituency work, has the hon. Gentleman ever sought to acquire a health service on behalf of one of his constituents in a health authority area that does not cover his constituency? If so, how does he justify his action, given that it had no democratic legitimacy whatever?

Mr. Hayes: I am torn between pity and contempt for the hon. Gentleman. The democratic legitimacy of this House is shared by all its Members in respect of areas over which the House has jurisdiction.

The Minister dealt with the Executive functions of the Welsh Office and the Department of the Environment, Transport and the Regions. However, we are discussing the transfer of legislative power and political competence, which is not equivalent to Executive power as exercised by that Department.

Mr. Hain: I am sorry that I have to waste the House's time by repeating what I have been saying over the past half an hour. Those functions are exercisable on behalf of the hon. Gentleman's constituents, for example, only because of the authority of this House in the first place. This House would not have given that authority if it felt that its Members' interests, or their constituents' interests, were being jeopardised.

Mr. Hayes: The House's authority, transferred to the Welsh Office and the Department of the Environment, Transport and the Regions, does not prevent representatives of constituencies that might be affected from taking up those issues in this House. The difficulty that arises from the Bill is not insignificant—indeed, constitutionally it is fundamental. I accept that it is a point of detail and that the number of occasions on which it occurred would be relatively small, but it covers a variety of matters such as highways, education and water, with which the Minister dealt at length. Education is probably the most worrying of those, for reasons that were given earlier in the debate.

The nub of this issue is this: what would happen if one of those issues arose and hon. Members could not make proper representations to the authority with political competence? The sort of informal representations that they could make to the Welsh assembly would be of no more import than those that might be made by an outside body of laymen. They could make no proper political representations in the sense in which the House understands them.

Mr. Grieve: Does my hon. Friend agree that it is a question not just of representation but of accountability? The Minister does not appear to have heard of matters like the Crichel Down affair, where ultimately Ministers were held to account for the activities of their Department. In the case of the assembly, does my hon. Friend agree that the point about the cross-border authorities is that there will be no means of holding the assembly to account in this House?

Mr. Hayes: Formal representations such as the type to which I am referring can properly be made only to the authority that has the power to deal with them. If responsibility for those affairs were with the House of Commons, formal representations could be made to the House to deal with specific problems. However, that is not the case. Political competence is being transferred. The failure to acknowledge the transfer of political competence and its repercussions for cases in English constituencies that border Wales lies at the heart of the Minister's misunderstanding of the amendments' significance.

Mr. Keetch: Will the hon. Gentleman give way?

Mr. Hayes: I shall give way to the hon. Gentleman as he is one of the more intelligent Liberal Democrats.

Mr. Keetch: I am enormously grateful to the hon. Gentleman. Would he care to give way to his hon. Friend the Member for West Dorset (Mr. Letwin), who referred to a Herefordshire school that is allegedly administered by a Welsh local education authority?

Mr. Hayes: The hon. Gentleman is generous not only to my hon. Friend but to the House in giving my hon. Friend that opportunity. When he has his notes in order, I shall consider giving way to him, but I gather that my hon. Friend the Member for North Shropshire (Mr. Paterson) wants to intervene.

Mr. Paterson: I thank my hon. Friend.

The Minister seems to be being wilfully obtuse. I am currently dealing with a case in which a Welsh education authority may be changing its policy in a way that will prevent 120 children from going to a Shropshire school. Today, I can bring that up in the House; in future— *[Interruption.]* The children live in Wales. It is a Welsh policy, which I cannot bring up with an English Education Minister. In future—

Mr. Deputy Speaker: Order. Interventions must be brief.

11.45 pm

Mr. Hayes: I bow to my hon. Friend's intervention, in the sense that he has practical experience of the issues of which we speak. I was speaking from the perspective of someone concerned about the constitutional implications. Because my constituency does not border Wales, I have no particular casework experiences, but various hon. Members clearly have experiences of real, live issues that will be difficult to resolve because of the problems with which the amendments seek to deal.

Mr. Hain: On a point of order, Mr. Deputy Speaker. May I draw your attention to the fact that it is Conservative Members who are dragging the debate out and repeating themselves so that they can subsequently claim that there has not been enough time to discuss other issues?

Mr. Deputy Speaker: No hon. Member is dragging anything out. If any hon. Member did so, I would call him to order. *[Interruption.]*

Mr. Hayes: I must say to the Minister—

Mr. Deputy Speaker: Order. I ask the hon. Gentleman to sit down while I am on my feet.

[Mr. Deputy Speaker]

I must tell the hon. Member for West Dorset (Mr. Letwin) that there should be no conversation in the Chamber when an hon. Member is addressing it.

Mr. Hayes: Again, I am extremely grateful, Mr. Deputy Speaker. Along with you, I admonish my hon. Friend the Member for West Dorset (Mr. Letwin) following the discourtesy that he has shown not only to the House, but to me personally. I shall expect proper recompense in due course.

Because I do not want to lend any credence to the Minister's bogus claim about drawing the debate out, let me make myself clear in one paragraph. The simple fact is that this is not just a question of the exercise of executive authority; it is a question of legislative power and responsibility. Inevitably, as my hon. Friend the Member for Beaconsfield (Mr. Grieve) has said, responsibility and accountability should accompany the power to make decisions. Because political competence is being transferred—political competence that affects areas of England, not just areas of Wales—the amendments are essential if we are to avoid a considerable constitutional imbalance. I think that is a moderate way of describing it.

Amendment No 222 would legitimise matters by providing that the assembly should not

"exercise any function or enjoy any power in any part of England."

That amendment is appropriate and necessary in bringing back to constitutional equilibrium what I think is a considerable mess that the Minister has done little to clear up tonight.

Mr. Jenkin: I hope that I can briefly introduce some clarity to the debate, which I am afraid neither the Minister nor his Liberal Democrat associate succeeded in doing. Let me deal initially with the hon. Member for Montgomeryshire (Mr. Öpik). As my hon. Friend the Member for Buckingham (Mr. Bercow) said, this is a matter of accountability. The hon. Gentleman gets satisfaction when dealing with local authorities or health authorities outside his constituency, because they are answerable for policies set down by United Kingdom Ministers who are answerable to the House. So when he tables a question in the House, whichever Minister he addresses it to, it will eventually be transferred to the Minister with executive responsibility for the health or education policy concerned. That is why the system of accountability works.

Mr. Öpik: Even so, it would still be possible for reasonable people to carry on operating in exactly the same way. Is the balance not between a pedantic terror and the common-sense world in which the rest of us live?

Mr. Jenkin: When the hon. Gentleman has been a little longer in the House, he will realise that the problems of accountability arise most acutely when people are being obstructive and denying responsibility for events. Ministers do that, and so do local authorities and health authorities—

Mr. Deputy Speaker: Order. As the hon. Gentleman has been a Member of the House quite a long time, I should like him to face the Chair, and address the Chair.

Mr. Jenkin: I beg your pardon, Mr. Deputy Speaker.

I want the hon. Member for Montgomeryshire to consider what happens when the system of accountability goes wrong. It is when people are denying responsibility and trying to obstruct accountability that difficulties arise.

It is not disputed that there will be occasions when people living in English constituencies will have grievances against the policies being pursued by the Welsh assembly. That is what the problem of cross-border areas is all about. The Minister said that an English Member of Parliament could represent an English constituent with a grievance against the Welsh assembly by tabling a question to an English Minister in the United Kingdom Parliament. The problem is that United Kingdom Ministers will no longer have executive responsibility for the activities of the Welsh assembly, so the question would be out of order.

However, the section on "Order of Business" in "Erskine May" contains, under the heading "Rules of order regarding form and contents of questions", a paragraph on "Ministerial Responsibility", on page 298, which runs as follows:

"Questions to Ministers must relate to matters for which those Ministers are officially responsible. They may be asked for statements of their policy or intentions on such matters, or for administrative or legislative action."

Sub-paragraph (3), on the next page, adds:

"It is not in order in a question to ask for action to deal with matters under the control of local or other statutory authorities".

So the exact scenario that the Minister offered us—the idea that my hon. Friend the Member for North Shropshire (Mr. Paterson) could table a question to an English Education Minister about a Welsh education policy—is false. He could not, because such a question would be out of order.

I raised the issue with Madam Speaker on 21 January, on a point of order relating to the Scotland Bill, and I referred to the ruling cited by my right hon. Friend the Member for Devizes (Mr. Ancram) in reading out the extract from the Library briefing. I asked Madam Speaker whether she agreed that the ruling made in 1923 was unreasonable. However, she said that she was not in a position to change that ruling.

The position is therefore precisely the opposite of that which the Minister described to the House a few moments ago. There is no system for making the Welsh assembly accountable in response to questions tabled in this Parliament by English Members. That is the problem with cross-border areas. It is a matter of accountability, and what the Minister says simply will not wash.

Amendment negatived.

Clause 24

GENERAL TRANSFER OF PROPERTY, RIGHTS AND LIABILITIES ETC.

Amendment made: No. 82, in page 15, line 14, leave out

', so far as is required for continuing its effect,'.—*[Mr. Jon Owen Jones.]*

Schedule 3

PUBLIC BODIES SUBJECT TO REFORM BY ASSEMBLY

Mr. Wigley: I beg to move amendment No. 38, in page 76, line 12, at end insert—

'5C. The Higher Education Funding Council for Wales.'.

Mr. Deputy Speaker: With this, it will be convenient to discuss amendment No. 51, in page 76, leave out line 32.

Mr. Wigley: The amendments deal with the vital issue of higher education. Higher education is of central importance in developing our economic well-being in Wales. Education has played a considerable part in Ireland's economic miracle. Higher education is also critical in advancing the cultural identity of Wales and in maximising the cultural fulfilment of individuals and communities. Higher education is the key to creating a new quality in all walks of life in Wales.

The national assembly will help to mould and assist the healthy development of higher education in Wales, both for what it is in its own right and for what it can do to advance Wales as a nation. It is against that background that we have to ask why the Higher Education Funding Council for Wales is listed under part III of schedule 3 among the bodies which may only gain functions. It should be listed under part I, among the bodies which may gain or lose functions. That is what the amendments would achieve.

The House is well aware that the Further Education Funding Council for Wales already appears in part I, so why should higher education be treated differently? They should both be co-ordinated, because there is a considerable overlap. They should be treated together for these purposes, particularly in the context of lifelong learning.

We need greater co-operation between the higher education institutions in Wales rather than that they should guard their own vested interests. The national assembly has a role in creating the conditions for that co-operation. Many higher education institutions in Wales are small and suffer diseconomies of scale. In a world where competition for finance is so acute, co-operation is needed. The University of Wales has adequate critical mass. If there were collaboration between the two levels, they would be much more effective.

On research funding, Wales's track record, except, possibly, for that in Cardiff, has been fairly limited. We have nothing like the 5 per cent. proportion of UK funding of research councils that we might expect. Therefore, we hope that the assembly will be able to co-ordinate the work of higher and further education, for which purpose the two bodies should be put on an equal footing. That is what the amendments provide.

Mr. Livsey: I support the amendments. I was a member of the Welsh agricultural college, a higher education body, before I came into the House. It is now part of the Welsh Rural Institute and of the university of Wales. The Welsh agricultural college was founded with the help of the Welsh local authorities. The matter of higher education should be considered by the assembly.

Mr. Hain: I accept the sincerity with which both the right hon. Member for Caernarfon (Mr. Wigley) and the hon. Member for Brecon and Radnorshire (Mr. Livsey) have spoken to the amendment, and I agree with many of the points that they make. Higher education makes a vital multi-billion pound contribution to the Welsh economy. It is also a part of our lifelong learning strategy. I want to see the barriers between HE and FE broken down as much as possible. That is crucial to delivering our strategy.

We want to co-ordinate the provision of higher and further education more effectively, and the Welsh assembly will enable us to do that. The higher education sector is ultimately accountable to the Welsh assembly even though we have given it the independence that is provided for in the Bill, in reflection of the traditional independence of the universities. Successive Governments have for decades left decisions on universities' funding to specialised arm's-length bodies—the University Grants Committee and now the Higher Education Funding Council for Wales.

It being Twelve midnight, MR. DEPUTY SPEAKER, *pursuant to the Order [15 January] and the Resolution [this day], put forthwith the Question already proposed from the Chair.*

Amendment negatived.

MR. DEPUTY SPEAKER *then proceeded to put forthwith the Questions necessary for the disposal of the business to be concluded at that hour.*

Clause 35

STAFF

Amendment made: No. 83, in page 21, line 24, leave out subsection (4) and insert—

'( ) Section 1(2) of the Civil Service (Management Functions) Act 1992 (delegation of civil service management functions vested in a Minister of the Crown to any other servant of the Crown) shall have effect as if the reference to any other servant of the Crown included the Assembly.

( ) Section 1(2) and (3) of the Superannuation Act 1972 (delegation of functions relating to civil service superannuation schemes by Minister for the Civil Service to another Minister etc. and consultation by that Minister or another Minister) shall have effect as if the references to a Minister of the Crown other than the Minister for the Civil Service included the Assembly.'.—*[Mr. Jon Owen Jones.]*

Clause 41

POWER TO MAKE DIFFERENT PROVISION FOR WALES

Amendments made: No. 154, in page 22, line 31, leave out from 'enactment' to 'in' in line 33 and insert

'confers or imposes a function exercisable'.

No. 155, in page 22, line 34, leave out

'(so far as exercisable in relation to Wales) the function is'

and insert

'the function is to any extent'.

No. 156, in page 22, line 38, leave out subsection (2) and insert—

'(2) Subject to subsection (4), the enactment shall be taken to permit—

(a) the exercise of the function by the Assembly whether or not it is exercised otherwise than by the Assembly, and

(b) the exercise of the function differently by the Assembly (on the one hand) and otherwise than by the Assembly (on the other).'.

No. 157, in page 22, line 41, leave out from 'to' to 'in' in line 42 and insert 'a function exercisable'.

No. 158, in page 23, line 1, leave out from 'includes' to 'in' in line 2 and insert 'a function exercisable'.

No. 159, in page 23, line 9, leave out from 'to' to end of line 12 and insert

'exercise a function in relation to Wales whether or not it is exercised in relation to England, or to exercise a function differently in relation to Wales and England, where the function is not (to any extent)—'.

No. 160, in page 23, line 15, at end insert—

'( ) In this section "enactment" includes an enactment—

(a) contained in an Act passed after this Act, or

(b) made after the passing of this Act.'.—*[Mr. Jon Owen Jones.]*

Clause 43

PARLIAMENTARY PROCEDURES FOR SUBORDINATE LEGISLATION

Amendment made: No. 236, in page 23, line 27, at end insert 'by, or'.—*[Mr. Jon Owen Jones.]*

Clause 45

REGULATION OF PROCEDURE

Amendment made: No. 124, in page 25, line 18, leave out from 'orders' to end of line 20.—*[Mr. Jon Owen Jones.]*

Clause 52

ASSEMBLY FIRST SECRETARY

Amendment made: No. 125, in page 27, leave out lines 3 and 4.—*[Mr. Jon Owen Jones.]*

Clause 55

DELEGATION TO COMMITTEES, SUB-COMMITTEES AND STAFF

Amendment made: No. 126, in page 27, leave out lines 25 to 42.—*[Mr. Jon Owen Jones.]*

Clause 56

SUBJECT COMMITTEES

Amendment made: No. 127, in page 28, leave out lines 2 to 8.—*[Mr. Jon Owen Jones.]*

Clause 57

MEMBERS OF SUBJECT COMMITTEES ETC.

Amendment made: No. 128, in page 28, leave out lines 9 to 43.—*[Mr. Jon Owen Jones.]*

Clause 58

EXECUTIVE COMMITTEE

Amendment made: No. 129, in page 28, line 44, leave out from beginning to end of line 15 on page 29.—*[Mr. Jon Owen Jones.]*

Clause 59

SUBORDINATE LEGISLATION SCRUTINY COMMITTEE

Amendments made: No. 161, in page 29, leave out lines 32 and 33 and insert 'relevant Welsh subordinate legislation.'.

No. 162, in page 29, line 35, leave out

'subordinate legislation made or proposed to be made by the Assembly'

and insert 'relevant Welsh subordinate legislation'.

No. 163, in page 29, line 45, at end insert—

'( ) For the purposes of this section "relevant Welsh subordinate legislation" is any subordinate legislation—

(a) which is made or proposed to be made by the Assembly, or

(b) which, or a draft of which, is (or but for paragraph 2(4) of Schedule 6 would be) required to be confirmed or approved by the Assembly.'.—*[Mr. Jon Owen Jones.]*

Clause 60

MEMBERS OF SCRUTINY COMMITTEE ETC.

Amendments made: No. 130, in page 30, line 13, leave out

'to a sub–committee or a member of the Assembly's staff'.

No. 164, in page 30, line 14, at end insert—

'( ) The standing orders may include provision for securing that, in circumstances specified in the standing orders, any function of the subordinate legislation scrutiny committee which is so specified may be exercised—

(a) by the member who chairs the committee, or

(b) in the absence of that member, by any other member of the committee authorised by that member.'.—*[Mr. Jon Owen Jones.]*

Clause 61

AUDIT COMMITTEE

Amendments made: No. 131, in page 30, line 31, leave out '(or further delegate)'.

No. 165, in page 30, line 32, at end insert

'except as provided by section 94(3A).'.

No. 132, in page 30, line 33, leave out subsection (7).—*[Mr. Jon Owen Jones.]*

Bill, as amended, to be further considered tomorrow.

Mr. Paterson: On a point of order, Mr. Deputy Speaker. Could you report to Madam Speaker that because the guillotine has been imposed today, we have had a farrago of parliamentary inspection of the Bill. Perfectly sensible points were made on the question of Cabinet arrangements and the Secretary of State made no answers. He merely read out a crib from his civil servants. On cross-border co-operation—

Mr. Deputy Speaker: Order. That is not a point of order. To be helpful to the hon. Gentleman, I can tell him that what he is doing is further debating the Bill. He will have a chance tomorrow.

BBC (Scratchcards)

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Jon Owen Jones.]*

12.2 am

Mr. Gerald Kaufman (Manchester, Gorton): I am grateful for the opportunity to raise this matter this evening. I thank my right hon. Friend the Secretary of State for Culture, Media and Sport for his personal courtesy in being present to respond to the debate.

The situation to which I wish to draw the attention of the House is simple and deplorable. By screening the programme "National Lottery Big Ticket" next Saturday, the BBC is, in the most specific terms, violating its charter. *[Interruption.]*

Mr. Deputy Speaker (Mr. Michael J. Martin): Order. I will not allow this to happen in the Chamber. A right hon. Gentleman has an Adjournment debate.

Mr. Kaufman: To be precise, the BBC is violating section 7 of its charter. The charter says:

"It shall be the function of the Governors to exercise the powers and discharge the duties of the Corporation in accordance with this Our Charter and in particular (but without limitation) to:- . . .

(f) . . . ensure that the Corporation and its employees and all programme makers engaged by the Corporation comply with the provisions of any code which the Corporation is required to draw up for the treatment of controversial subjects with due accuracy and impartiality and comply with any other code or guidelines applicable to programme content and standards".

The "Big Ticket" programme violates the BBC producers' guidelines and therefore the charter. In a letter to the Secretary of State, the chairman of the BBC governors, Sir Christopher Bland, denies this. He denies it in a letter 10 pages long, in the course of which he says several times that the BBC has taken counsel's advice. Taking counsel's advice implies that one had doubts about the legality of what one has been doing—it is rather like a woman taking a pregnancy test to prove that she is a virgin—but those are the lines on which the BBC is acting.

In his letter to the Secretary of State, Sir Christopher Bland denies my statements that ITV companies would be prohibited from broadcasting a programme equivalent to the one to which I refer. On page 6 of his letter he says:

"The BBC believes that the format of the BBC programme would be allowed under ITC codes."

However, I have here a letter sent to me this week by Peter B. Rogers, the chief executive of the ITC. He says:

"last summer Camelot approached the ITC and asked about the terms upon which we"—

the ITC—

"would allow the National Lottery to feature in ITC's licensed television services."

The note attached to the letter states:

"A programme could not be based upon a National Lottery game or include such games. It would not be possible for games to be based, for example, upon National Lottery scratchcards ("Instants")."

So the chief executive of the ITC totally contradicts the chairman of the BBC.

Richard Eyre, the chief executive of ITV, wrote to me on 23 March. He said that the programme to which I refer

"confers a benefit on Camelot in that the audience for the show will be selected on the basis of a lucky number from a Lottery competition. The ITC would not permit this on ITV because it would compromise the editorial independence of the broadcaster. This is particularly the case with Lottery show programmes where the audience actively participates in the show",

as they do in this programme. Mr. Eyre continued:

"In fact, this issue of editorial independence was of concern to ITV and the ITC when, in 1993, ITV and the BBC were bidding for the rights to broadcast the National Lottery. Then, as now, Camelot proposed a method of audience selection based on a Lottery draw. ITV withdrew from the negotiations to broadcast the programme . . . if "TV Dreams" were to be broadcast on ITV, the ITC would require at least half the audience to have gained a ticket in non-Lottery related ways. Such tickets would have to be as accessible to the general public as Lottery tickets or cards."

In other words, ITV says that Sir Christopher Bland is not telling the truth.

Also on 23 March, I received a letter from Ray Gallagher, the director of public affairs for British Sky Broadcasting. He says:

"neither BSkyB nor any other ITC licensee could, unlike the BBC, have set up a programme in cooperation with Camelot based on scratchcards."

Therefore, Sir Christopher Bland makes a statement that is blatantly untrue, and expects the House to accept it.

In his letter to my right hon. Friend the Secretary of State, Sir Christopher says that the producers' guidelines have not been broken. Let me draw the House's attention to those guidelines. With reference to prizes, they say:

"BBC programmes should normally pay for the prizes they offer in game shows and viewer and listener competitions. Programme makers should aim to offer original, rather than expensive prizes."

The prizes in this show are paid for by Camelot, and go up to £100,000. The guidelines continue:

"Cash prizes should usually be avoided in viewer and listener programmes".

Cash prizes are offered, in violation of the guidelines. Anthea Turner, in the press conference launching the programme on Monday, said that the new show's attraction was that viewers would be able to see people winning enormous sums of money. She said:

"This is serious money, this is money that can make and change someone's life."

The guidelines state:

"Donations of more substantial prizes are only permissible in exceptional circumstances which do not bring the BBC's editorial integrity into question. For example it might be possible to accept a more substantial prize if offered by an educational institution or research foundation."

I do not think that Camelot claims to be either.

The guidelines state:

"If programmes accept donated prizes, the changes should be rung to ensure that the BBC does not appear to favour any institution or company."

However, the changes are not rung; Camelot presents all the prizes.

The guidelines state:

"Occasionally, a viewer or listener competition may be run jointly with a suitable outside body such as an academic or artistic institution. Programmes should not mount viewer and listener competitions in conjunction with commercial organisations."

That is exactly what is happening in this case.

[Mr. Kaufman]

The guidelines state:

"The BBC should pay a substantial part of the cost of any prize given. Only modest donated prizes may be accepted from a third party for a jointly organised competition."

That guideline is violated.

The guidelines state:

"A competition must not risk being interpreted as gambling or a lottery."

It is perfectly clear that the use of scratchcards is gambling.

The guidelines state:

"The Act may be contravened if a viewer or listener competition is based on a game of chance and some sort of donation, purchase or contribution is made to enter."

To enter, one has to buy a scratchcard for £2.

Sir Christopher says in his letter that the guidelines do not apply to competitions and programmes organised under the national lottery. There is nothing whatever in the guidelines, which I have examined carefully, that says that the guidelines are somehow invalidated in the case of the national lottery. They run alongside the national lottery guidelines—the national lottery guidelines are additional, but not contradictory.

Let us look at the national lottery guidelines. They state:

"The BBC retains editorial control over all BBC programmes and promotions featuring National Lottery draws or games."

However, it not the BBC which is in control. As was pointed out in *The Guardian* last week:

"The 40 contestants chosen to appear on the programme, who each immediately win £1,000 . . . have to enter a competition . . . to get a chance to be on the programme."

So it is the scratchcard which decides who is on the programme, not the BBC. As a result, the guidelines are violated again.

The guidelines say:

"BBC programmes should not actively promote the purchase of Lottery tickets or Lottery scratchcards."

Sir Christopher Bland denies that the programme violates that. He says, on pages 4 and 5 of his letter to my right hon. Friend the Secretary of State:

"The BBC's Controller of Editorial Policy confirms that the programme devised by the BBC does not breach any of the BBC's editorial policy guidelines".

Well, he would, wouldn't he? Later in his letter, he states:

"BBC programmes must not convey the impression that it is promoting any service, product or publication: The proposed BBC programme will not promote sales. Viewers will not need to have purchased a scratchcard to enjoy the programme."

That is all very well, but if we want not just a contradiction, but a total controversion of that statement, let me read the following to the House:

"The show is closely linked with the lottery's new £2 TV Dreams scratchcards, which offer three ways to win: instant cash prizes of up to £1,000; prizes of up to £50,000 for a new TV Home Play game; and a chance to join the studio audience for the new show, including the chance to win a special £100,000 jackpot . . . anyone who matches three TV symbols on their ticket is eligible for the TV Home Play game; they win if the numbers on a second scratch-off area on the ticket match those drawn on the show.

To get yourself on TV you have to match the three-star symbols on your ticket—then you can join the *National Lottery Big Ticket*, as well as win a guaranteed £1,000.

Once in the studio, 40 winners will form into four teams of ten, each team rooting for the pair of contestants playing on their behalf. At the end of the show, one member of the winning team of supporters will compete for the £100,000 jackpot."

I emphasise this part:

"The BBC's difficulty is that the show will indeed promote scratchcard sales: that's its job. When they were first launched, lottery scratchcards sold at the rate of 44 million a week—far more than even Camelot expected. But last month they were down to 15 million a week. The new show is a crucial part of Camelot's strategy to revive scratchcard sales by as much as 20 per cent, and so far it seems to be working: three million extra cards were sold in the week TV Dreams first went on sale."

Mr. Derek Wyatt (Sittingbourne and Sheppey): Will my right hon. Friend give way?

Mr. Kaufman: If I have time, I shall certainly give way, but I should like to complete this argument.

That quotation does not come from me, or from some prejudiced journalist; it comes from the newly published issue of *Radio Times*. It is the BBC's own journal, saying that the show promotes scratchcard sales, and that that is its job.

The author of that article, totally exposing and controverting the chairman's claim that the BBC is not violating the guidelines and, therefore, the charter, is none other than Nick Higham, the BBC's media correspondent. So if anything demonstrates the lack of truth in what Sir Christopher Bland has been saying to my right hon. Friend the Secretary of State, it is the BBC itself, through its media correspondent and *Radio Times*.

The *Radio Times* listing of the programme says:

"the new extended show . . . offers members of the public the chance of a cash prize of up to £100,000 in addition to the regular National Lottery draw."

The BBC has arranged the programme in co-operation with Camelot to promote the sale—successfully, it is turning out—of Camelot scratchcards, in violation of the producers' guidelines and, therefore, in violation of the charter. It is a disgrace that the chairman of the BBC should send my right hon. Friend the Secretary of State a letter littered with untruths, deliberately designed to deceive him and to mislead the public.

But it is even worse than that. It is an even bigger disgrace that Sir Christopher, in his letter to my right hon. Friend, should be able to say that the governors, at a meeting on 18 March 1998,

"decided unanimously that the planned programme complies with the Charter and Agreement and the Producers' Guidelines",

yet it has been demonstrated, not just by my going through the guidelines, but by what Mr. Higham says in *Radio Times*, that the guidelines are blatantly and continuously violated, and that therefore the charter is violated.

Mr. John Birt, the director-general of the BBC, says in his preface to the guidelines:

"The BBC aims to set the highest editorial and ethical standards in programme-making"—

but, Mr. Deputy Speaker, it is perfectly clear that the guidelines have been violated—and do not ask me; ask *Radio Times*. The violation of the guidelines is a violation

of the charter. The governors have connived at the violation of the charter that it gives them the responsibility to uphold. They are not fit to hold their jobs as governors of the BBC. Moreover, they expose the danger of a collection of the great and the good being given the responsibility of upholding a charter bestowed by the House of Commons.

I look to my right hon. Friend the Secretary of State to deal with this, because what we are dealing with here is a violation of everything that the BBC is supposed to stand for. The BBC is—or has been—respected throughout the world. The BBC created the concept of public service broadcasting, which is one of the glories of broadcasting throughout the world. Now, it has reduced itself to staging and transmitting this shoddy, seedy programme, which it seeks to justify by a farrago of deception. As the BBC is not fit to save its own reputation, I look to my right hon. Friend and the Government to save the BBC from itself.

12.19 am

The Secretary of State for Culture, Media and Sport (Mr. Chris Smith): I am grateful to my right hon. Friend the Member for Manchester, Gorton (Mr. Kaufman) for securing the debate. It is clear, following last week's private notice question, that the BBC's involvement with the "TV Dreams" scratchcard is a matter of considerable concern to right hon. and hon. Members on both sides of the House. I welcome this further opportunity to air some of the particular concerns. I welcome also the opportunity to discuss the wider issue of how the BBC is regulated, especially its accountability to Parliament and to licence fee payers.

I say at the outset that this is an issue that has troubled me greatly and given me considerable cause for thought. The values embodied in the BBC's charter are precious and must be treated by us all, especially the BBC, with the greatest respect. It is because I regard this as such an important issue that I wanted to respond to my right hon. Friend's debate personally.

I should also set out clearly the limits to the Government's role in this matter. The obligations placed on the BBC's broadcasting services are established in its royal charter and agreement. For its domestic public services, they include the number of television and radio services, objectives and programme content and standards and scheduling. Within the charter and agreement, framework decisions about programme content and scheduling are wholly matters for the corporation; the Government have no locus to intervene.

I have to say this strongly: in a democracy there is a vital overriding principle that the Government should not tell any broadcaster—public service or commercial—what and what not to transmit. We can, of course, tell broadcasters that they must stand by their charters; we cannot dictate the nature of their programmes.

Mr. Paul Tyler (North Cornwall): I wish to pursue a point that I put to the Secretary of State when he responded to the private notice question of the right hon. Member for Manchester, Gorton (Mr. Kaufman). I understand that the Government do not have a strict locus in this matter, but we are now told by the BBC that the right hon. Gentleman's Department, before the right hon. Gentleman became the Secretary of State, was consulted—in September 1994—about the precise details of the arrangement. He was not able to tell me that the other day but apparently that is what the BBC is now telling us. It also tells us that the Department was consulted on the basis of counsel's opinion, but apparently that of counsel employed by Camelot—not the BBC's counsel and certainly not the legal opinion of the Secretary of State's Department. Will the right hon. Gentleman clarify precisely on what basis the Department was consulted, if, as he says, he has no locus in this matter?

Mr. Smith: I understand that. Following the hon. Gentleman's question a week ago, I sought information on what had happened. I understand that the BBC approached the then Department of National Heritage seeking guidance on whether the then Secretary of State's approval would be required under clause 12 of the then licence and agreement for the proposed scratchcard programme. The Department's advice at that time was that the Secretary of State's approval was not required. I understand that that was the advice that was sought and given at that time.

The charter and agreement contain specific provisions relating to the sponsorship of BBC programmes. Clause 10.10 of the agreement provides that the BBC may not, without my prior approval, receive payment for broadcasting sponsored programmes and advertising or promotional material. The BBC has set out in detail its approach in this area in its producers' guidelines, which all programme makers and staff are required to observe.

The producers' guidelines contain specific provisions on the coverage of national lottery games and draws, because of its exceptional and unique nature, as well as general provisions on sponsorship and product placement and provisions that deal with prizes and competitions for general entertainment programmes. The national lottery provisions specify, first, that BBC programmes should not actively promote the purchase of lottery tickets or scratchcards or give details of where they may be purchased. I shall return to that point in a moment as it seems to be the kernel of the argument. Secondly, although the term "national lottery" may be used on air where appropriate, there should be no on-air credits for Camelot. Thirdly, the BBC retains editorial control over all BBC programmes and promotions featuring lottery draws or games.

Under the charter and agreement, the BBC governors have an explicit responsibility to ensure that the corporation complies with the terms of the charter and agreement and the producers' guidelines. I, as Secretary of State, have a role only when the BBC is clearly and beyond doubt in contravention of its obligations. Therefore, I have been most concerned to seek assurances that that is not the case here.

On the specific issue of the "TV Dreams" scratchcard, my right hon. Friend is, as he has said, aware of the fact that I wrote immediately to the chairman of the BBC following last week's debate. He has replied, copying his reply to my right hon. Friend and to other hon. Members who spoke in the debate. In his response, Sir Christopher Bland set out the background to the BBC's involvement with the scratchcard. He explained that, in 1994, the BBC began negotiations with Camelot for the exclusive broadcasting rights to the national lottery.

[Mr. Smith]

As is made clear in the National Lottery Act 1993, the operator is licensed to create a number of games to be defined collectively as the national lottery. Therefore, Camelot set out plans for a number of games, including the weekly draw, the mid-week draw and a scratchcard game. Camelot treated them as a package of games to which the broadcasting rights would be made available.

Mr. Wyatt: Will my right hon. Friend give way?

Mr. Smith: I cannot, as I am afraid that time is very short.

One contract covered the broadcasting rights to all the national lottery games. One of the issues that I believe we must consider for any future franchise is whether such a bundling together of broadcasting rights is either sensible or desirable.

Mr. Wyatt: Will my right hon. Friend give way?

Mr. Smith: Time is pressing, so I ask my hon. Friend to be brief.

Mr. Wyatt: If some other broadcaster had won the rights to the lottery, it would not be allowed to continue with the game. How can it be wrong for ITV, Channel 4, Channel 5 or BSkyB to broadcast the programme but all right for BBC1? Where is the level playing field?

Mr. Smith: I have in my hand the Independent Television Commission's principles for the broadcasting of matters relating to the national lottery. It states:

"The ITC does not regard it as incompatible with its codes for a major Lottery draw to be incorporated in suitable programming, including a light entertainment show."

My hon. Friend's interpretation of the ITC guidelines may not be as robust as it appears at first sight.

The BBC signed the initial contract with Camelot in 1994. Since then, plans for the scratchcard programme have changed considerably after full consideration of the legal parameters and the BBC's editorial requirements. In particular, the BBC has insisted on full editorial control, the prominent featuring of good causes, the introduction of games of skill, a format which means that scratchcard participants will not be directly involved in any of the featured games, the programme having a different name from the scratchcard, the purchase of scratchcards not to be promoted on air, and the BBC's name to be used only in a purely informational manner so as to explain on which channel the programme will be broadcast. The BBC has expressly forbidden the presenters of the programme to appear in any advertising or to be photographed holding scratchcards.

I note what the chairman of the board of governors said in his letter, but I remain concerned, and I spoke to Sir Christopher Bland this afternoon to reiterate that concern. One point that stands out among the various issues that have been raised is whether the programme, by its very existence and content, promotes the sale of a commercial product: scratchcards.

I understand that measures have been taken to ensure that no direct promotion of scratchcards takes place on air. I also understand that the BBC has sought eminent legal advice from Michael Crane QC, who has said that there is no legal bar to the admissibility of the "Big Ticket" programme under the charter and agreement. I still remain concerned about the promotion point. Much hinges on the actual content of the programme.

I have made it clear to the chairman of the board of governors that it is his duty and that of his fellow governors to monitor with the utmost care the programme's content and the issue of promotion.

My right hon. Friend is concerned that the "Big Ticket" programme breaches the provisions of the producers' guidelines dealing with prizes and competitions for general entertainment programmes. Sir Christopher said in his letter that the BBC's legal advice is that

"the programme does not violate the Guidelines which state that a programme must not be interpreted as gambling or a lottery."

He explained this apparent contradiction by saying:

"in the special circumstances of the National Lottery, the Guidelines explicitly say that the National Lottery provides the prize, as it does for the weekly and mid-week draw."

I have noted the assurances given by Sir Christopher Bland that the planned programme is in accordance with the BBC's obligations, but the real test will come when the programme is broadcast. I welcome the assurance that the governors will keep a close watch on the programme to ensure that it matches up to appropriate editorial and quality standards. I shall keep a close watch, too.

Before I close the debate, I should like briefly to touch on the wider issue of BBC regulation and accountability. A number of steps are needed to enhance public accountability of the governing structure of the BBC. We need more accountability to Parliament. The Select Committee and I are in touch with the BBC to ensure that that is achieved.

I have also introduced more transparency and openness into the procedures for appointing governors. The forthcoming vacancies for the BBC vice chairman and two other governors will be publicly advertised for the first time ever. I hope that the advertisements will encourage applications from—

The motion having been made after Ten o'clock, and the debate having continued for half an hour, MR. DEPUTY SPEAKER *adjourned the House without Question put, pursuant to the Standing Order.*

Adjourned at twenty-eight minutes to One o'clock.

House of Commons

Thursday 26 March 1998

The House met at half-past Two o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

Oral Answers to Questions

EDUCATION AND EMPLOYMENT

The Secretary of State was asked—

Private Finance Initiative

1. **Mr. Bill O'Brien:** If he will make a statement on the application of the PFI to the provision of new schools. [34894]

The Parliamentary Under-Secretary of State for Education and Employment (Dr. Kim Howells): Following the successful award of the first PFI contract to replace Colfox school in Dorset, the Government have not stood still. We have recently announced support for a further 10 schools projects with a total capital value of almost £200 million. In addition, we are currently assessing proposals from local education authorities for five large-scale public-private partnership projects to be supported with funding through the new deal for schools. Projects under way and being considered represent a mixture of new schools, replacement schools and the repair and maintenance of schools. In every case, value for money in meeting need is a prime consideration.

Mr. O'Brien: I thank my hon. Friend for his reply and for the outline of what the Government are doing about the replacement of schools. I should like to take this opportunity to thank him for the many other instances of help that he gives to Back-Bench Members. May I put to him the position of Wrenthorpe junior school in my constituency? It is 100 years old, decrepit and falling down. It is in a terrible state and needs to be replaced. If we cannot replace it through ordinary funding to the LEA, would it be possible to consider using the private finance initiative to replace that school?

Dr. Howells: Many local authorities are developing public-private partnerships to refurbish and repair their schools and many more are planning to do so. The projects range from individual primary school replacements to repair and maintenance schemes covering whole school estates. It is an exciting initiative and I welcome imaginative proposals from Wakefield LEA to use public-private partnerships to improve the standards in its schools.

Mr. Gray: The heads of governors and headmasters in Malmesbury, Chippenham and Wootton Bassett in my constituency who are currently working on a £21 million PFI bid will have been pleased to hear the Minister's support for the use of PFI in rebuilding schools. Will the Minister have a word with his unreconstructed socialist friends who run Swindon borough council and who are reported in the papers this morning as saying that they are wholly opposed to the Labour Government's use of PFI?

Dr. Howells: They have not told us that and, if they do, I will have a few words to say to them.

Mr. White: As the Minister will be aware, my local authority has to build 15 new schools in the next five years and such schools can be built only with the use of the PFI. Will my hon. Friend consider innovative ways of involving the private sector in a lifelong learning project that is not just about schools?

Dr. Howells: That is an important consideration. We want schools that are rebuilt and refurbished so that they can meet the needs of the communities that they serve. That means we need all sorts of imaginative approaches to PFI and PPP schemes. The initiative can be a positive bonus and guarantee streams of funding for the schools. It can mean that schools will be built more quickly and tailored more precisely to the needs of their communities.

Assisted Places

2. **Mrs. Lait:** How many children whose assisted places have been withdrawn he estimates will return to the state sector in the academic year 1998–99. [34895]

The Minister for School Standards (Mr. Stephen Byers): Fewer than 200 children currently in their last year of primary education will cease to hold an assisted place in the academic year 1998–99. With the money released from the phasing out of the scheme, we will cut class sizes this September for more than 100,000 five, six and seven-year-olds.

Mrs. Lait: I hope that the Minister does not find that that is underestimate. Can he tell me how local education authorities whose schools are already full will be able to find places? Is he aware that, in Bromley, more than 900 pupils from out of the borough cram into already full schools? The trickle that started after the Greenwich ruling had turned into a flood long before selection was introduced a year ago. How can LEAs provide high-quality education when their schools are already at their limit?

Mr. Byers: The hon. Lady will be aware—if she was with us during the long hours of Tuesday night and Wednesday morning—that one of the reasons for the difficulties experienced in Bromley is the system of partial selection that has been introduced by some schools in the area. The measures adopted in the House on Tuesday night and Wednesday morning will enable us to tackle the difficulties and chaos caused by partial selection, as we will be able to operate a fair admissions policy in Bromley and across the country.

Mr. Hanson: Does my hon. Friend agree that those who choose to opt out of the state system should not do

so at the taxpayers' expense, and that the £22 million-plus that he will save by abolition of the assisted places scheme will benefit all the children of Britain and not only a select few?

Mr. Byers: One of the key themes that ran through the general election campaign was that—unlike the Conservative party—the Labour party was prepared to defend the interests of the many and not the privileges of the few. The assisted places scheme was one of the prime examples of defending the privileges of the few. There is no doubt in the minds of most reasonable-thinking people that it is far better to spend public money on the needs of 500,000 five, six and seven-year-olds in large classes than to defend the privileged position of 38,000 people in private schools.

Mr. Dorrell: Will the Minister confirm that his plans for ending the assisted places scheme make absolutely no provision for meeting the cost of providing maintained education for children who might previously have had an assisted place, and that the potential cost of that commitment is £100 million? Will he also confirm that his plans for delivering a maximum class size of 30 for five, six or seven-year-olds will necessitate employment of another 2,300 teachers, at a cost of £60 million? Will he also confirm that those plans for five, six and seven-year-olds will involve capital expenditure that has been estimated at £100 million? Has he yet worked out how to meet that bill for up to £260 million out of total spending on the assisted places scheme of £120 million—or is he planning on taking advice from the Liberal Democrats on how to spend the same money many times over?

Mr. Byers: The right hon. Gentleman himself has clearly taken a leaf out of the Liberal Democrats' Treasury book, because he is playing with fantasy figures.

Mr. Dorrell: Which one is wrong?

Mr. Byers: I am afraid that it is not a matter of which one is wrong—all three are wrong. *[Interruption.]* If the right hon. Gentleman will listen, I shall explain why. I disagree with the £100 million estimated cost of educating in the maintained system young people who will not be able to use the assisted places scheme. I should be very interested to see his figures supporting that contention. As we said very clearly—as the Chancellor of the Exchequer said last week in the Budget—there will be additional capital funding for the assisted places scheme, and we will ensure that our pledge to deliver class sizes of 30 or fewer for every five, six and seven-year-old will be delivered from the money that we will get from phasing out the assisted places scheme. We are not fighting old battles; we are ensuring we can cut class sizes for all five, six and seven-year-olds. We will do it from the money that was used by the previous Government to buy places in the private sector.

Child Care

3. **Mr. Quinn:** What plans he has to increase child care provision in 1998–99. [34896]

The Secretary of State for Education and Employment (Mr. David Blunkett): In the current year, my Department will allocate an additional £42 million for child care provision, including £10 million for the out-of-school child care initiative—which will provide an additional 20,000 places in the coming year. I am pleased to tell the House that I have allocated £5 million to the Further Education Funding Council, to enable it to provide additional places for child care and creche facilities, so that people can have access to further education.

Mr. Quinn: I welcome that reply. Will the Secretary of State give special consideration to sparsely populated areas, such as mine in Scarborough and Whitby? Those areas have to build infrastructure, and will require resources, which were not forthcoming over the many years of the previous Government.

Mr. Blunkett: I am happy to give that assurance. The Under–Secretary, my hon. Friend the Member for Newport, East (Mr. Howarth), and I will examine ways of expanding child care provision in conjunction with nursery provision for four-year-olds—and later for three-year-olds—including the extension of the present disregard under family credit. That is being increased in June from £60 to £100 and will be extended until the September after a child's 12th birthday.

Mr. Keetch: Does the Secretary of State welcome the establishment just a couple of hours ago of the parliamentary all-party group on child care? Does he agree that affordable, high-quality child care is essential for those who want to move from unemployment to education or training? Is he aware of the grave concerns in the child care industry about the lack of people able to provide adequate child care? What provisions are the Government making to bring more people into running child care establishments and to ensure that they are of good quality?

Mr. Blunkett: The critical issue is quality. People must have adequate training. We have been working with voluntary and private organisations, as well as the further education sector, to develop what is sometimes described as the climbing frame of qualifications. The Pre-School Learning Alliance already provides basic training, which can be built on. We are also considering how the one-parent family initiative can help those who are gaining skills in child care as parents to extend those skills to enable them to take on further child care in their community, providing a service for others and a job for themselves.

Mr. Derek Foster: The provisions in the Budget and my right hon. Friend's announcement this afternoon are welcome. The measures are crucial to encourage lone parents into work. Does my right hon. Friend agree that, if the new deal is to succeed and those lone parents are not to be locked into the low-pay sector, education and training will be equally crucial?

Mr. Blunkett: Yes. The £5 million that I have announced this afternoon for the Further Education Funding Council will help to make further education accessible, as will the extension of the disregard, which will be an essential part of the working families tax credit system. Together with the child care provision available

for job clubs and other activity with the Employment Service, our initiatives are giving new opportunities to lone parents throughout the country.

Primary Schools

4. **Dr. Lynne Jones:** If he will make a statement on the special needs of primary schools with a high turnover of pupils. [34897]

Mr. Byers: Primary schools with a high turnover of pupils clearly face particular problems. The Department's draft guidance on education development plans encourages local education authorities to take account of those needs.

Dr. Jones: I take it from that answer that my hon. Friend accepts that it is difficult to raise standards in schools in which the whole population turns over every three or four years. Will he consider looking at the formula for delegated budgets to provide additional resources for such schools?

Mr. Byers: My hon. Friend makes an important point. Teachers in such schools face particular difficulties. It would be irresponsible of the Government to ignore their needs. I assure my hon. Friend that, as we examine the local management of schools and the delegation of budgets, we shall take into account the particular needs of primary schools with a high turnover of pupils.

Mr. Bercow: How does the Minister hope to encourage more people into the teaching profession—which is a laudable objective—when the Government seem intent on weakening the ability of schools to expel the most disruptive pupils? Why does he appear to disagree with Nigel de Gruchy, the general secretary of the National Association of Schoolmasters/Union of Women Teachers, who has said that cases for expulsion should be judged on their merits, not on whether artificial targets will be met?

Mr. Byers: I will not comment on whether I agree with the general secretary. [HON. MEMBERS: "Why not?"] There is a long list of questions on which I disagree with him and it would take far too long to rehearse them to the House.

The hon. Gentleman raised an important point about exclusions. He will be aware that the Prime Minister established the social exclusion unit, which will make recommendations on the concerns about exclusions in a few days' time. Those will take into account some of the matters that the hon. Gentleman mentioned. It will be more appropriate to await those recommendations.

As the School Standards and Framework Bill goes to the House of Lords we will have the opportunity, with their Lordships' agreement, to make changes as appropriate. The Government's view is clear: we want to ensure that children can have high-quality education that is not disrupted by unruly individuals.

Mr. Allan: Will the Minister consider seriously the issue of the clawback of funds when turnover has led to fewer pupils than expected attending a school? At Greystones primary school in my constituency, a clawback of £14,000 has led to a proposed class size of 42. Does he agree that clawback is illogical, because one cannot save money simply because there are slightly fewer pupils? One cannot get rid of a bit of a teacher, so the clawback makes no sense.

Mr. Byers: Obviously, I am not aware of the precise details of the school to which the hon. Gentleman referred, but I can assure him that we are taking action to introduce a far fairer system of funding for schools. A review is being conducted with our colleagues at the Department of the Environment, Transport and the Regions, to ensure that we have a fair, transparent and understandable system of funding from central to local government and then, as our local management scheme takes effect, from local government to individual schools.

We are confident that, by taking that action, we can assure the school to which the hon. Gentleman referred, and schools throughout the country, that they will be treated as a priority and will be funded according to their needs, to help them to raise standards.

Denominational Schools (Transport)

5. **Mr. Nicholls:** What representations he has received concerning denominational school transport. [34898]

The Parliamentary Under-Secretary of State for Education and Employment (Ms Estelle Morris): My right hon. Friend the Secretary of State has received a number of representations about transport to denominational schools from hon. Members, parents, and supporters of Church schools.

Mr. Nicholls: The Minister will have received representations from Devon because the county council broke a consensus that has existed since 1944 and proposed this year to take away support for denominational school transport. I accept entirely that that is not the Minister's fault and that I could not fairly ask her to give a specific answer today, but I put it to her that the breaking of that consensus will trouble Labour Members every bit as much as it troubles Conservative Members. Will she take the opportunity, in due course, to consider whether we can devise ways of ensuring that no county council can ever do that again?

Ms Morris: I have some sympathy with what the hon. Gentleman says, and my Department has been monitoring the situation in Devon carefully, and will continue to do so. I am pleased that the proposal has been deferred for at least 12 months. Local authorities have a statutory duty to take account of denominational preference when constructing school transport policies. It is important that they should continue to do that, within the framework of local decision making. We will continue to monitor the situation not only in Devon but in all local authorities.

Mr. Dorrell: Does the Minister agree that availability of free transport is often the key to converting theoretical choice into a practical option for a family? Will she confirm that the Government are opposed to a reduction in the entitlement to school transport and that, if options such as the one proposed in Devon are considered in other

local education authorities, the Government are ready not only to monitor the situation but to take action to ensure that no such reduction goes ahead?

Ms Morris: The right hon. Gentleman is right in saying that school transport is crucial in families' decisions about where their children should attend school, but it is a bit rich for him to say to the House—

Mr. Dorrell: You are in government.

Ms Morris: We are in government, and that is why Devon was able to defer its decision to cut school transport. It could defer the decision because it received £13 million extra from the Government. One of the reasons why local authorities have had to cut back on transport in the past 18 years is that, year after year, they have had to deal with reduced budgets. That has now changed, and we expect the attitude to school transport policy to change as well. We will take action if local authorities fall down on their statutory responsibility.

Millennium Volunteers

6. **Mr. Hoyle:** How many responses he has received on the consultation document on millennium volunteers; and if he will make a statement. [34899]

The Parliamentary Under-Secretary of State for Education and Employment (Mr. Alan Howarth): By the end of the consultation period we had received 533 responses to the separate exercises carried out in England, Scotland, Wales and Northern Ireland. The responses to our proposals were highly positive. I will publish a summary of responses to consultation in England at the end of April.

Mr. Hoyle: I thank my hon. Friend for that reply. What does he expect to be distinctive about millennium volunteers? When does he expect the schemes to start?

Mr. Howarth: What will make millennium volunteers distinctive will be the provision of high-quality opportunities across the country for young people to make a sustained commitment to a programme of voluntary activity. That will promote active citizenship to the benefit both of communities and of young volunteers, who will learn, develop personally and receive recognition for their achievement. The first schemes will start, as we promised, in the summer.

Mrs. Virginia Bottomley: Is the hon. Gentleman aware that many Conservative Members welcome the millennium volunteers initiative, which follows much of the "Make a Difference" work that we set in hand? Is he also aware, however, of the growing irritation among older people—who make a great contribution to the community and whose needs are not recognised in the new deal—that the Government have little concern for their interests or contributions? I do not want him to think that I have asked that question only because I have reached my own half century.

Mr. Howarth: I strongly suspect that the right hon. Lady may be misleading the House on the last point. Our commitment to encourage a culture of volunteering among young people in no sense disparages the voluntary activities undertaken by people of all ages and the contribution that they make to our society. In proposing a new compact with the voluntary sector, the Government are very fully committed to promoting voluntary activity right across society. We simply think that it is extremely important that we should, as a Government, take steps to ensure the provision of structures and high-quality opportunities for young people to undertake sustained voluntary activity.

New Deal (Training)

7. **Mr. Sheerman:** What measures he has introduced to ensure that the training element provided by employers in the new deal programme is of high quality. [34900]

The Minister for Employment, Welfare to Work and Disability Rights (Mr. Andrew Smith): Quality is crucial to all parts of the new deal—one of the key aspects that sets it apart from previous schemes. I thank my hon. Friend for his close and supportive interest in the new deal and assure him that robust arrangements are in place through personal advisers, the Training Agency, the Further Education Funding Council and the Basic Skills Agency to ensure the high quality that the young and long-term unemployed people deserve.

Mr. Sheerman: I thank my right hon. Friend for that reply. He will know of the tremendous enthusiasm for the programme, especially among employers. He will also know that there is a history of training and entry-to-work programmes very soon getting bad reputations, especially under the previous Government, who did not resource them well. Will he make every effort, week by week, to keep a check on quality and feedback from young people, because as soon as there is a hint of poor quality or poor opportunity, word spreads quickly in their peer group?

Mr. Smith: I can certainly give that commitment. I shall be checking weekly, if not more frequently, in partnership with the bodies to which I referred—the Training Agency, the Basic Skills Agency and the Further Education Funding Council. I should add that—and this is most important—I shall be listening to young people's views. Young people will have drawn up with their personal adviser a personal training plan. Companies will have committed themselves by their signatures to a training agreement. We shall listen to the advice of personal advisers and the feedback from young people. I want to send a very clear message that any falling short of the high quality standards that we are demanding in the new deal will not be tolerated. Any provider that does not meet those standards will not be a new deal provider for much longer.

Mr. Clifton-Brown: Can the Minister estimate the number of people qualified under the new deal who will enter further and higher education? Will he confirm whether the £5 million that the Secretary of State has announced this afternoon to go into that sector in respect of the new deal will fund the full marginal costs of further and higher education colleges? As the Minister will be aware, there is a considerable financial squeeze on such colleges.

Mr. Smith: As the new deal is a demand-led and client-centred programme, the number of people who go

through the full-time education and training option and will be in further education colleges will depend on the assessment of their needs and on the choices that they make. Ample funds have been allocated within the new deal budget across the lifetime of the Parliament to provide for anticipated levels of demand and to meet the quality standards that I have just said are so important. That will mean something like an extra £400 million across the lifetime of the Parliament for the further education sector—direct provision of full-time education and training places—and about another £300 million for those completing the training part of the environmental task force and voluntary sector options. That is a great investment in the quality of training and education that those young people will receive and it will be a great help to the further education sector.

Mr. Blizzard: Is my right hon. Friend aware that, a week tomorrow, the new deal in my constituency will be officially launched, and that locally based firms such as Sanyo, Bird's Eye and Shell are fully involved and welcome the insistence on high-quality training that my right hon. Friend has outlined this afternoon, just as the whole constituency—an area that still suffers more than 9 per cent. unemployment—will welcome the new deal? We are fortunate to have our own delivery unit of the new deal for my constituency. Will my right hon. Friend confirm that the same delivery unit will deliver the new deal for the long-term unemployed in a few months' time?

Mr. Smith: I welcome the work that my hon. Friend and other hon. Members are undertaking to promote the new deal. He is right to bring that new hope and opportunity to young people. It is critical that we obtain the widest possible support from employers, the voluntary sector, environmental groups—indeed, the whole community. I wish him and other hon. Members well with the launch of their new deal locally.

On the second part of my hon. Friend's question, we shall be consulting the national advisory task force and the advisory group and local partnerships on the most appropriate delivery as well as the design of the new deal for the long-term unemployed.

Mr. Willetts: Is not the new deal supposed to help in creating jobs and also to minimise negative effects on other groups? Will he confirm that those two objectives have been proposed to him by the task force as a means of evaluating the new deal? Why have his officials told the Select Committee that they intend to reject those two objectives for the new deal? What do they know about the new deal that he does not?

Mr. Smith: I am pleased to tell the House that the objectives of the new deal are to help into jobs young and long-term unemployed people, and lone parents and disabled people who wish to work, and to improve those people's prospects of staying and progressing in employment. The objective is also to increase the long-term employability of young and long-term unemployed people, and lone parents and disabled people who wish to work, thereby making a positive contribution to achieving sustainable levels of employment and to a reduction in social exclusion. The bottom line is enhancing young people's employability; getting them skills; getting them into jobs; and tackling the dreadful social division that the country inherited from his party.

Mr. Skinner: Will my right hon. Friend bear in mind when he gets attacks or so-called assaults from the hon. Member for Havant (Mr. Willetts) that he is the man whose second brain has forgotten what his first brain did?

Mr. Smith: I am pleased to take my hon. Friend's advice.

Rural Schools

8. **Mr. Tyler:** If he will make a statement on his policy on the closure of rural schools. [34901]

Mr. Byers: Rural schools are a vital part of their communities. We have decided to give them better protection. All proposals for the closure of a rural school will be called in by the Secretary of State for decision. In considering such proposals, there will be a presumption against closure. This presumption will also apply from September 1999 under the new system of school organisation committees and adjudicators.

Mr. Tyler: As the Minister has just said, this provision will apply only until 1999. Does he recall that his statement, issued just before the countryside march, was labelled "an end to wholesale village school closures"? It is perfectly true that his predecessors managed to close 450 village schools—including many in Cornwall—during a comparatively short period, but there is not a permanent end. If, as it seems, the economic case for closure is his consideration, rather than the educational case, will the Minister confirm that the Secretary of State and the Department will supply the extra resources to LEAs to keep that school open?

Mr. Byers: We made it clear when the statement was made that the announcement would affect the Secretary of State's role under the existing framework. Under the School Standards and Framework Bill, there will be a new framework for school organisation from September 1999. However, the Secretary of State will lay down guidance as to how the school organisation committees and the adjudicator will exercise their powers. I can assure the hon. Gentleman that that guidance will make it clear that there will be a presumption against closure. The key fact must always be the quality and the standard of education that is offered in the individual schools. We believe that, by harnessing the benefits of new technology—and through the national grid for learning, which will ensure that rural schools go on-line—we can provide the breadth of educational experience that rural schools need to ensure and guarantee a continuing increase in the standards of provision in rural and other schools.

Mrs. Dunwoody: Is my hon. Friend aware that Cheshire has lost large numbers of rural schools precisely because of the argument that there would be so few pupils that the school would not be able to reach the standard required? The very best computer is not a replacement for a teacher in the classroom.

Mr. Byers: My hon. Friend makes an important point. No fewer than 450 rural primary schools were closed

under the previous Government. The key point of the announcement on 28 February was to ensure that there would be a presumption against closure. That does not mean that there will never be a closure of a rural school. It does mean that a strong case will have to be made by the LEA and only in those exceptional circumstances will the presumption against closure be rebutted by the LEA.

Mrs. Browning: Does the Minister agree that, if he had gone on television on 28 February to announce that, from September 1999, his Government were abolishing the right of proposed closures to go to the Secretary of State on appeal—in effect, that is what he has said will happen—the announcement, on the eve of the countryside march, would have had a different effect? Will he confirm that, from September 1999, Members of this House will still be able to make representations on behalf of their constituents to the Secretary of State if rural primary schools are threatened?

Mr. Byers: It is worth acknowledging that, at the rate of closure under the previous Government, in excess of 40 rural schools would be closed between now and September 1999. In the School Standards and Framework Bill, we are delegating powers to a local level in terms of school organisation procedure. We feel that that is wholly appropriate because those matters are best taken locally. However, they will be taken in line with the guidance provided by the Secretary of State, which will make it clear that there must be a presumption against closure.

Child Care

9. **Mr. Jim Cunningham:** How he intends to support the provision of child care in deprived areas. [34902]

Mr. Alan Howarth: The provision of child care in deprived areas depends on parents being able to afford it. Last week, my right hon. Friend the Chancellor of the Exchequer announced the introduction of a new working families tax credit, including a child care tax credit worth up to 70 per cent. of eligible child care costs up to £100 per week for one child and £150 for two children.

Coupled with our previous announcement of £300 million to expand out-of-school child care provision in every community which needs it over the next five years, and our packages to help lone parents and other unemployed people back into work under the new deal, this will make child care affordable and accessible for many more families, including those in deprived areas.

Mr. Cunningham: I thank my hon. Friend for that reply, but will he set a time scale for the introduction of child care into deprived areas? Often, when lone parents are employed on low wages, two thirds of the family budget goes on child care.

Mr. Howarth: My hon. Friend makes an extremely important point. For the reason that he gives, we are determined that there should be accessible and affordable child care in every community. The rules that the previous Government drew up for the out-of-school child care initiative effectively discriminated against poor communities by insisting that subsidy for child care places could not be provided for longer than 12 months. That requirement failed to recognise the difficulties that there are in developing and establishing child care provision in areas of disadvantage. We must ensure that potential providers of child care in deprived communities have not only the money but the time to establish themselves, and enough continuity of support to break through into sustainability.

SEAX Training Centre, Colchester

10. **Mr. Bob Russell:** If he will make funds available under the welfare-to-work new deal proposals for the SEAX training centre in Colchester. [34903]

Mr. Andrew Smith: Last year, Essex county council announced that the SEAX centre in Colchester would close on 31 March 1998. There are no proposals for new deal funding to be made available. If the centre had been viable—I understand that a management buy-out is under consideration—it would have had the same opportunity to seek new deal work as any other local provider, but I cannot earmark funds for SEAX in the way that the hon. Gentleman seeks, because that is not the purpose for which Parliament has voted new deal money.

Mr. Russell: I regard that answer as very unhelpful. Will the Minister confirm that, as of Tuesday next week, several of my constituents will be out of work? For them, it is not so much welfare to work as work to welfare. Will he confirm that it is the view of all political parties on Essex county council that, if the central Government money was there, the SEAX centre would continue? Will he also confirm that, for 20 years, SEAX has been operating within the democratic framework? Why cannot public money from the new deal find its way into the public sector?

Mr. Smith: I have already explained that, if SEAX were viable, it would be able to bid for new deal money on the same basis as anyone else. Of course it is a matter of enormous concern when anyone faces losing their job.

I mentioned the management buy-out. I have sought assurances that the training and enterprise councils will give advice and guidance to those who are pursuing that. I have also been in touch with the Employment Service specifically to request that everything possible is done to help those who may face redundancy. I understand that several of those people have already found jobs with other training providers, and that prospects are quite favourable for the rest. Of course they have my sympathy.

The hon. Gentleman mentioned the political parties on Essex county council. He may do well to remember that the decision was taken democratically by Essex county council, by an education committee chaired by a Liberal Democrat, and that, when the matter was referred to the full meeting of Essex county council in April last year, the Liberal Democrats voted to block reconsideration of the closure.

Mr. Rammell: The Minister makes an effective point. I believe that hon. Members are becoming disheartened by consistent attempts by Liberal Democrats first to agree to the new deal, then not to say where the money will come from, and then to disown policies that they have agreed with as a county council.

In contrast to that, I ask the Minister to welcome the initiatives that are taking place in my constituency, Harlow, where, in a matter of weeks, the new deal is up

and running and every eligible young person has already undertaken an interview through the gateway process. That is transforming the life chances of those young people, who are now being given the opportunity of independence and dignity through work and training, in stark contrast to a life on dependency, as was often the case under the previous Government.

Mr. Smith: I agree with my hon. Friend. He is right about the hope and opportunity that the new deal offers young unemployed and long-term unemployed people, in Essex as elsewhere. He is right about the considerable achievements in the pathfinder areas, and especially about the value of those initial interviews with personal advisers and the fact that young people appreciate that the programme is on their side and really offers them a future.

Mr. Jenkin: Can I point out to the Minister how regrettable that closure is? The Conservatives on the county council initially opposed the proposal advanced by the Liberal Democrats—

Mr. Bob Russell: And Labour.

Mr. Jenkin: And by the Labour party. However, we were unable to reverse the decision because of the draconian local government settlement that the Government have inflicted upon the shire counties. If the Government were serious about keeping such projects going, they would not be robbing Essex of the grant to which it is entitled.

Mr. Smith: The hon. Gentleman seems to have forgotten who was in government when the decision was taken. I can reassure his constituents and others in Essex that, through the new deal and through other Employment Service programmes working with the 70 other training providers in Essex, we shall succeed where the previous Government failed by raising skill standards and getting people into jobs.

Independent Boarding Schools

11. **Mr. Efford:** What steps he is taking to ensure the welfare of children in independent boarding schools. [34904]

Mr. Byers: All independent boarding schools are required by statute to safeguard and promote the welfare of their pupils, and are subject to regular inspection by local social services departments. We are currently consulting on the recommendations in the Utting report regarding safeguards for children living away from home. We shall then announce what further steps we shall take.

Mr. Efford: I thank my hon. Friend for that answer. In an attempt to minimise the likelihood of further damaged individuals arriving on the Opposition Benches, and following Tuesday night's historic vote to ban caning in private schools, will my hon. Friend join me in expressing concern about the findings of the 1996–97 Office for Standards in Education report, which found that many independent boarding schools have significant weaknesses in relation to pupil accommodation and welfare, and that one quarter of schools do not have sufficient arrangements for checking individuals who have unsupervised access to pupils? Does my hon. Friend agree that parents who are considering sending children to those boarding schools should be made aware of those findings? In considering what future action to take, will he ensure that those matters are investigated properly and adequately?

Mr. Byers: My hon. Friend raises several important points, some of which are contained within the recommendations of the Utting report. It would be inappropriate for me to say at this stage precisely what our response will be, as public consultation on the recommendations closes tomorrow.

However, I can tell my hon. Friend that the Boarding Schools Association, which is the representative body of the independent boarding schools sector, is mindful of the adverse comments made in the 1996–97 Ofsted report and is making changes to the inspection regime to address those issues. I agree with my hon. Friend: all Labour Members were pleased to implement one recommendation in the Utting report and ban the practice of corporal punishment in independent schools.

Mr. St. Aubyn: On 1 May last year, the Conservatives won control of Surrey county council by the largest vote in at least 18 years. Will the Minister promise that his Government will not—to borrow a phrase from the Secretary of State's speech yesterday morning—cock a snook at the democratic decision of Surrey county council to build bridges between independent schools and the state sector? With a new system of partnership provision that draws on money from charitable sources and does not use funding that is needed for teachers and primary schools, it will successfully replace the former assisted places scheme.

Mr. Byers: Less than two hours ago, the hon. Gentleman raised that specific point with me. I offered him the facility of a meeting to discuss the Surrey plan. I said that I would take him through the Government's view and suggest any alterations to the plan that might be necessary in order to meet the Government's requirements. That offer stands, and I am pleased to make it on the record this afternoon. I hope that my word is good enough—even if it is not good enough for the hon. Member for Ribble Valley (Mr. Evans), I think it is probably good enough for the hon. Member for Guildford (Mr. St. Aubyn).

We want to build partnerships, but the Government's view is clear: we do not build partnerships between the independent and state school sectors by funding places to take children out of the state sector. That enforces divisions and does not create a partnership.

Millennium Volunteers

12. **Mr. Bayley:** What discussions he has held with representatives of the voluntary sector on millennium volunteers. [34905]

Mr. Alan Howarth: Representatives of the voluntary sector have been consulted fully on our proposals for millennium volunteers in separate consultation exercises held in England, Scotland, Wales and Northern Ireland.

We shall continue to work closely with the voluntary sector to develop the detailed criteria for the programme, which will be published in June.

Mr. Bayley: Is not the willingness of people to volunteer to help others for love and not for money a mark of a decent and socially inclusive society? If social inclusion means anything, all people ought to have the opportunity to be included. Has my hon. Friend, as part of his consultations, been speaking to bodies that represent disabled people? Will he make sure that young disabled people will be able to participate in the scheme?

Mr. Howarth: I entirely agree with my hon. Friend that working for others in a voluntary capacity is the mark of a civilised, inclusive society. It is essential that disabled people should be able to be millennium volunteers. I much appreciate the positive and practical responses to our consultation that we received from leading disability organisations. My right hon. Friend the Chancellor's announcement last week that people in receipt of incapacity benefit will in future be able to do any amount of voluntary activity removes a major barrier that the benefits system that we inherited has hitherto placed in the way of the social inclusion of disabled people.

Mr. Nicholas Winterton: Does not the independent sector of education possess many voluntary groups that do a great deal of good work in society? Does the Minister agree that the independent sector of education, as well as the maintained sector, plays a full part in community life? The sort of remarks that have been made from the Labour Benches about the independent sector are unjustified, and he should pay tribute to the role that the independent sector of education has played in the life of this country and in helping people to contribute to the voluntary community, which is so important.

Mr. Howarth: The hon. Gentleman is right—a number of schools in the independent sector, as in the maintained sector, have highly developed programmes to encourage voluntary activity among their pupils and students. We want to see much more of that. I commend, for example, the Changemakers charity, which is dedicated to encouraging voluntary activity in schools. If we are to strengthen the culture of volunteering in our society, it needs to begin in the schools.

Mr. Winterton: After all, the Minister and I both went to the same school—Rugby.

School Inspections

13. **Mr. Hope:** What plans he has to ensure that teachers and parents have full confidence in the inspection of schools. [34906]

Mr. Blunkett: As foreshadowed in the "Excellence in Schools" White Paper last summer, the chief inspector has agreed with me a programme of improvement, including a drive for quality, consistency and value for money. One of those proposals is the instigation of the new adjudicator or ombudsman, who will be available to deal with complaints relating to the inspection process.

Mr. Hope: Most schools recognise that external inspections are an important part of the process for improving schools and raising standards. In a recent visit to a primary school in my Corby constituency, I heard staff expressing concern that, if an inspection is done badly, it can not only lead to bad results of the inspection, but can undermine confidence in the inspection system. Can my right hon. Friend reassure me that the external independent adjudicator announced by Ofsted will genuinely provide a means of redress for schools that feel that they have been treated badly, and that it will provide opportunity for greater fairness and openness in the system of school inspections?

Mr. Blunkett: Yes, we are committed to independent inspection and to its part in the driving up of standards, which is so critical to the Government's objectives. I can give the assurances that my hon. Friend seeks. In addition, there will be a new duty on the chief inspector to maintain a list of accredited inspectors so that the teams can be properly monitored and, where there is inadequate inspection, inspectors can be removed from that list.

Dr. Julian Lewis: Is not the single most important thing that the Secretary of State can do to assure parents that schools are being properly inspected to continue giving his full support to Chris Woodhead, the chief inspector, who has done more than any one individual to combat the anti-education doctrines that were so disastrously introduced in the 1960s? Does the right hon. Gentleman agree with me also that Mr. Woodhead has shown a remarkable ability to function effectively in different political environments—almost as great an ability as the Under-Secretary, the hon. Member for Newport, East (Mr. Howarth)?

Mr. Blunkett: All those who seek to join our agenda in driving up standards have my support, just as all those people give their support to us.

Mr. Don Foster: If the Secretary of State has so much confidence in the chief inspector of schools, will he explain why he and his colleagues are not in favour of having an annual debate in the House on the chief inspector's annual report?

Mr. Blunkett: We are in favour of the Select Committee on Education and Employment doing its job. As we said at some unearthly hour earlier this week, that is the process that we intend to follow.

Ms Hodge: I hope that the Select Committee will do its job.

I welcome the announcement of an ombudsman to whom people can go if they have any concerns about the inspection process. When will the appointment be made, who will make it and will Mr. Woodhead be consulted?

Mr. Blunkett: My hon. Friend will expect there to be widespread consultation in the normal fashion. Appointments will be made under the procedures adopted within my Department to ensure that there is fairness, that there is no bias and, particularly, that there is independence

Commonwealth Education Ministers Conference

14. **Dr. Desmond Turner:** If he will host the Commonwealth Education Ministers conference in summer 2000 in the United Kingdom; and if he will make a statement on the bid from Brighton and Hove to host the conference. [34907]

Dr. Howells: The Government have no plans to offer to host the next Conference of Commonwealth Education Ministers in the United Kingdom. Britain will play a full and positive part in the conference wherever the Commonwealth decides that it should be held.

Dr. Turner: May I remind my hon. Friend that all branches of the education profession are enthusiastically in support of the conference and would deeply appreciate it being held in this country, especially in millennium year? We think that this would send a good message to the Commonwealth and would be a hugely popular decision throughout it. Will my hon. Friend reconsider the question of hosting the conference in the United Kingdom?

Dr. Howells: The Government have made their commitment to the Commonwealth clear. We demonstrated that in a practical way at a highly successful Commonwealth Heads of Government meeting at Edinburgh in October 1997. We think that we have played our part. There are 54 nations in the Commonwealth, and we think that the chance to host such conferences should be shared equally.

Mr. Boswell: As a joint chairman of the parliamentary side of the Council for Education in the Commonwealth, may I ask the Minister to accept from me that his answer is extremely disappointing? Will he reconsider it in the light of the high-powered representations that he has received from the Committee of Vice-Chancellors and Principals and others, including Professor Tim Brighouse, that there is a strong wish to bring the conference to the United Kingdom after 41 years? I am sure that lateral thinking will secure adequate funding. Will the Minister remember that, even if Brighton or Daventry are not acceptable, there are some strong and powerful higher education claims round Sheffield, which might just tip the balance?

Dr. Howells: I am always interested in the hon. Gentleman's lateral thinking, especially on questions of funding. Perhaps we could have a cup of tea to discuss it later.

New Deal (Young Unemployed)

15. **Mr. Bradshaw:** What progress is being made in involving employers in the new deal for the young unemployed. [34908]

Mr. Andrew Smith: The new deal is making good progress on employer involvement. Already, we have signed 2,600 new deal employer agreements, 46 of which are with leading national employers.

Mr. Bradshaw: My right hon. Friend will be aware of some concern in Exeter and east Devon at the time that it has taken to find an appropriate local private sector lead for the new deal. Therefore, I welcome my hon. Friend's announcement today that a company has been appointed, but can he assure me that it will build bridges with the local voluntary, private and statutory sectors to ensure that the new deal is a success in Exeter and east Devon?

Mr. Smith: The company which has been appointed, Action for Employment Ltd., is already the lead private sector body on the South Humber new deal delivery unit, where experience shows that it invests considerable time in building precisely those contacts which are so important. One of the criteria against which it was selected, as were other private sector leads, was its proposals for working in partnership with others in the local community, as is so crucial to the success of the new deal.

Mr. Evans: As the new deal is funded by the one-off windfall tax, how will it be funded once that money is used up? When the minimum wage is introduced, with the resulting shakeout in employment with people being made unemployed, how will the Government make sufficient resources available to meet the costs of all those extra unemployed people so that they, too, can take advantage of the new deal?

Mr. Smith: The new deal is in a much more fortunate position than most Government programmes in having assured funding for the whole of the Parliament, and greater flexibility to deploy funds from one year to the next, as is necessary to deliver the programme with the quality and efficiency which we require. As was clear from the Budget, the Government are about making work pay, and the minimum wage will help with that, just as it will help many other poor people make the transition from welfare to work.

Welfare Reform

3.31 pm

The Minister for Welfare Reform (Mr. Frank Field): With your permission, Madam Speaker, I should like to make a statement on the Government's Green Paper, "New Ambitions for our Country: A New Contract for Welfare".

The Green Paper sets out the principles of reform, based on the twin pillars of work and security: work for those who can; security for those who cannot.

Today, we set before the House a comprehensive review of the welfare system, an argument about why it has to change, the eight principles on which change will be based, the success measurements against which progress should be judged over the next 10 to 20 years, and the areas where legislation will be required in the short, medium and long term.

The Green Paper offers the prospect for pensioners of a decent income in retirement. It offers a fresh start to disabled people—civil rights, help getting into work for those who want to, and a better system for making sure money goes to those in need.

To all those of working age, the Green Paper offers greater help into work. It promises children and families greater support. It does that within a system radically reformed to make it more efficient, clearer, fairer and dedicated to rooting out fraud and abuse.

The Green Paper considers how social advance in this country is best achieved and how, at the same time, we can also lift people from poverty and dependence to dignity and independence.

For me, today's statement marks a milestone in a journey that has so far lasted 30 years. The Green Paper draws on my experience with the Low Pay Unit and the Child Poverty Action Group, and on the Social Security Select Committee, but, above all, it draws on what I have learnt from listening to my constituents in Birkenhead about the need for welfare reform. Those who rely on benefits for their everyday existence are the real experts here.

It is a particular honour, then, to play a part in translating ideas into practice. I have, however, learnt a few home truths over the past few decades. The first is that changes to the benefit system affect the lives of people in ways that many of us can only half imagine. The second is that the need for change is overwhelming. The system as it stands promotes fraud and deception, not honesty and hard work. It has led to growing poverty and dependence, not independence. It has fuelled social division and exclusion, not helped in the creation of a decent society.

The economy and society of today are profoundly different from the era when William Beveridge laid the foundation stones of today's welfare state. The world of work, the shape of families, the chances of a long life, and people's attitude to government have all altered in fundamental ways. At the heart of the Green Paper is a new welfare contract between Government and citizen. Together, we must break the cycle of dependency and insecurity, and empower all our citizens to lead a dignified and fulfilling life.

These changes are driven by the need for reform. What is more, the money that we spend must be spent in the best and fairest way possible. For a system to be durable and fair, it must have costs that are manageable and under control. We want to spend more in some areas, such as health and education, and on help for severely disabled people with the greatest needs, but we want to spend less in others, to get the bills for social and economic failure down by cutting unemployment, tackling low pay, raising skills, rooting out fraud and abuse, and encouraging greater self-provision where appropriate.

Our reforms are driven by principle. I now wish to deal with the eight principles in the Green Paper—the key clauses of the new contract. First, the new welfare state should help and encourage people of working age to work where they are capable of doing so. Work offers the best escape route from poverty and dependence, a platform on which to save, and a sense of individual purpose.

We already have the new deals, which are the biggest attack on structural unemployment for decades; a Budget which will make work pay; and a minimum wage to end poverty pay. In addition, the Green Paper shows how the Government will extend the new deal to partners of the unemployed under the age of 25, based on the principle that responsibilities and rights go together, and to all lone parents with school-age children, giving them the opportunity for an interview and help with job search and child care. We also propose to end the 16-hour limit on the amount of unpaid work disabled people on benefit can do; extend the period from eight weeks to a year during which disabled people can have a job and come back on to benefit at the old rate if their health fails; increase the number of personal advisers available to claimants providing individually tailored help; and introduce a single work-focused gateway into the benefits system for people of working age, sweeping away the duplication, waste and bureaucracy of today.

We shall modernise government to achieve closer collaboration between the Benefits Agency and the Employment Service, making it clear that the system's first objective is to get people back into work.

I shall now deal with pensions. The second principle is that the public and private sectors should work in partnership to ensure that, wherever possible, people are insured against foreseeable risks and make provision for their retirement.

In our manifesto, we said that the basic state pension will remain the foundation of pensions provision, and will be uprated at least in line with prices. That commitment remains. We do, however, need to get greater help to the poorest pensioners. The Green Paper shows how that will be done.

However, with an aging population, over time, more will need to be saved for pensions, but the share borne by taxpayers cannot go up, or the costs of the system will become unsustainable. We want everyone to benefit from a second pension, on top of the state pension. That is what our proposals for stakeholder pensions are all about. It is clear that, unless there is more saving towards retirement, we will continue to see into the next century far too many of our pensioners retiring on incomes that do not properly reflect the rising prosperity of the nation.

The Government have launched a review of pensions. We have received many submissions, as part of the review, that recommend an extension of compulsory second pensions to those who are currently not covered and an increase in the minimum compulsory saving rate. We are considering those proposals seriously. Later in the

year, we shall publish the Green Paper on pensions. I can say today that the Government plan to bring forward legislation later in this Parliament.

An additional change is proposed in the Green Paper. Today, people can lose benefit if they have taken out insurance to pay off loans on their car or credit card, and then lose their job. We want more people to help themselves, so that is simply absurd. We will change the benefit rules to ensure that people who insure themselves will no longer be penalised for it.

The third principle is that the new welfare state should provide public services of high quality to the whole community, as well as cash benefits. We have already set out in detail our proposals for education reform, for changing the national health service and for improving the housing stock. I do not need to repeat them. However, in addition, we are proposing a major reform and expansion of the current system of child care in this country, on the basis that help with looking after children can be as important as any cash benefit.

From next month, we shall start the expansion of our network of child care clubs, providing a further 20,000 places across the country and laying the foundation for Britain's first national child care strategy. Our comprehensive programme will be set out in a Green Paper that we shall publish after Easter.

The fourth principle is that disabled people should get the support that they need to lead a fulfilling life with dignity. In our country, everyone has a contribution to make—and that includes, of course, disabled people. Today, I want to announce a substantial programme of reform in that area, based on the following key changes. First, we want better rights for disabled people. We shall bring forward legislation, at the earliest possible time, to establish a disability rights commission to protect, enforce and promote the rights of disabled people.

Secondly, more help will be given to those who can and want to work. It is estimated that hundreds of thousands of disabled people want the chance to work. Thirdly, extra help will be given for those severely disabled people with the greatest need. Fourthly, we pledge that those benefits covering the additional costs faced by disabled people—disability living allowance and attendance allowance—will remain universal, national benefits.

At the same time, we shall be looking at ways to ensure that help goes to the right people. The recent report of the disability living allowance advisory board presented worrying information. It found that in two thirds of cases there was not enough evidence to support the claim, and that one third of awards made for life were made to people whose condition might have been expected to improve. Meanwhile, evidence from the forthcoming disability survey suggests that only around half of those eligible may be taking up their DLA entitlement. The current gateways clearly are not working and need reform. We propose, after consultation with disabled people and groups representing them, to legislate for new gateways that are clearer, fairer and easier for people to use

We all know that the previous Government used incapacity benefit to disguise the real level of unemployment. Since 1979, the number of people on incapacity benefit has trebled, pushing the cost of the benefit up to almost £8 billion, which is more than we spend on the whole police force in England and Wales. We accept that people currently on incapacity benefit have built a standard of living around it, but, for future claimants, we must fundamentally reform the benefit.

The all-work test for entry on to the benefit writes off far too many people. We want to move from the current focus simply on what people cannot do, to focus on what, with the right help, they can do; so we need reform. In place of the current test, we are looking instead to assess the scale of people's employability, and then give them the opportunity to get the help they need to return to work. Taken together with changes already made, the proposal will reduce significantly the numbers who come on to the benefit in the future, and will thereby produce increasing savings over time.

That will be a major reform. Savings will be found, which will allow us to give more help to severely disabled people with the greatest needs. I emphasise that, as with all these proposals, at every stage we shall consult disabled people and organisations that represent them. As a result of our reforms, disabled people will get a better deal with proper rights, opportunities to work and a benefits system that better reflects their needs.

The fifth principle is that the system should support families and children, as well as tackling the scourge of child poverty. It is unacceptable that nearly 3 million children grow up in households without a wage earner. Child poverty shames our nation. The Green Paper outlines a comprehensive package of help for families with children. That will build on our existing measures to help children: a child care tax credit, covering up to 70 per cent. of eligible child care costs; an extra £2.50 on child benefit and on the rates for younger children of families on income-related benefits; and parental leave.

In an ideal world, families would always stay together, but in real life some parents split up, and the children suffer in more ways than one. The Child Support Agency was intended to help children, but, as proper maintenance is secured in only a third of cases, it is clearly failing. We spend £200 million a year simply to run the CSA, and we secure only £500 million maintenance as a result. I can announce today that we will be bringing forward proposals for fundamental reform of the agency to make it administratively more simple, and fairer, and to get rid of a situation in which it is often the parents who keep in closest touch with their children who get hit the hardest.

The sixth principle is that there should be specific action to attack social exclusion and help those in poverty. Our attack on social exclusion will include a new deal for communities, offering targeted help to areas worst hit by economic change. For areas with multiple problems—crime, drugs, poor housing and educational underperformance—there will be an integrated programme of support and renewal. Action zones for education, health and employment will pioneer the innovation and co-ordination necessary to tackle what is a national problem.

In addition, in the next few weeks the social exclusion unit will present its first plans to tackle two of the root causes of social exclusion: truancy and exclusion from school, and sleeping rough on the streets.

The seventh principle is that the system should encourage openness and honesty, and the gateways to benefit should be clear and enforceable.

I have spent a good part of my parliamentary life urging concerted action to tackle benefit fraud, which erodes the whole basis of the welfare contract. Every £1 in the

[Mr. Frank Field]

pocket of a fraudster is £1 less in the pocket of someone in need, so it gives me great pleasure to announce the Government's crackdown on fraud.

Today's report from the Public Accounts Committee shows the scale of the problem we face in just one area—housing benefit fraud. Almost £1 billion is lost in fraud, with suspected fraudsters having a 99 per cent. chance of getting off scot-free. That underlines the importance of the action we are now taking to tackle housing benefit fraud.

We have radically altered the focus of the benefit fraud inspectorate to inspect our own agencies as well as local authorities and ensure that they work together to crack down on fraud. We are strengthening the link between the Benefits Agency and local authorities to make sure that information on possible fraudulent claimants gets passed across quickly. There will be a new framework of guidance for local authorities to check claims for housing benefit properly, to prevent and root out fraud. The Government will use new powers to set targets for local authorities for improvements in tackling fraud and penalise them if they fail to take sufficient action. We are giving local authorities new powers to stop housing benefit getting paid directly to landlords who have committed fraud. Some of those measures may seem draconian, but I have no doubt that they are right.

The measures we are taking to root out housing benefit fraud are part of the comprehensive strategy set out in the Green Paper, based on earlier prevention, more effective deterrence and better detection. Our measures include improving the effectiveness of gateways on to benefit to make them less vulnerable to fraud, a thorough validation of the entire system of national insurance numbers to stop people using false or falsely acquired national insurance numbers to claim benefit and improved sanctions, including, for the first time, powers for the Department of Social Security to fine those defrauding the system.

The eighth principle is that the system of delivering modern welfare should be flexible, efficient and easy for people to use. Our aim is to revolutionise the delivery of front-line services with the creation of an active modern service that is built around the customer, makes best use of information technology and fits new services to new need and demands.

In a world of 24-hour shopping, free helplines and computer banking, people are entitled to a far better service than many of our public services are providing. As a result of our drive to ensure that the Employment Service and Benefits Agency work more closely together, we aim to provide a seamless service with personal advisers for everyone who is trying to return to work. The modern office should include touch screens with information on benefits, jobs, training and child care, as well as telephone information lines for claimants, and claim forms that are tailored to the individual.

At the same time, for those who are not able to work or the retired, we need an efficient and friendly service that is easy for everyone to understand and to use and provides benefits accurately, promptly and with the minimum hassle. Our aim must be to ensure that the services that we provide match the standards of the best companies in the country.

In all, the application of the principles in the Green Paper will break the traditional welfare mould in three crucial respects. There will be a move, first, from a focus on simply paying benefits to enabling people to move into work; secondly, from dispensing cash to also providing services; thirdly, from merely alleviating poverty to ensuring that each and every one of us has opportunities to develop our talents to the full.

Behind our principles and core values lies the idea of The Good Society, which has not only motivated British radicals for centuries, but drawn support from all sections of society. The Government, through an open and inclusive approach to reform, will strive not merely to sustain but to strengthen the appeal to create a better world to hand on to future generations. I invite everyone, wherever they are seated, to join constructively in that debate.

The Green Paper also sets out a vision of welfare in 2020, restructured around the new contract between the Government and individuals and families. The new contract is essentially about duty; duties of the Government are matched by duties for the individual. For example, it is the duty of the Government to provide a proactive, work-focused service, ensuring the easiest possible return to the labour market. It is similarly the duty of all individuals to seek work or training when they are able to do so. It is the duty of the Government to help parents to meet the costs of raising their children; it is the duty of individuals to support their children, and other family members, financially and emotionally. It is the duty of the Government to relieve poverty in old age and regulate pension provision; it is the duty of individuals to save where possible for old age.

There are two no-go areas for the Government. Our commitment to the vulnerable is not negotiable. Likewise, our commitment to reform is not negotiable. What is negotiable is how we can achieve our aims.

There are some people on the right of politics who want to dismantle the welfare state altogether; there are others who baulk at any change. The Green Paper represents a third way—not the end of the welfare state, or a defence of the status quo, but a welfare state to meet modern needs, which supports a decent and fair society founded on social justice.

The Green Paper sets a clear framework for a principled programme of reform. We all have a stake in the debate, but I pledge to the House and the country that we will not depart from the principles that I have outlined, and that, in the years to come, as the new welfare contract is established, we will have a new welfare state that is fit for a modern nation in the new millennium.

I apologise for the length of the statement, and I apologise for the fact that Opposition spokesmen did not receive a copy of it earlier, but, without reservation, I commend the Green Paper to the House.

Mr. Iain Duncan Smith (Chingford and Woodford Green): Today's statement is a significant milestone for the Government, as much as for the House, and it deserves some scrutiny. I welcome the fact that the Minister for Welfare Reform has made the statement. He knows that I and all my colleagues have been asking for a statement on the Green Paper for a considerable time. Without being churlish, we welcome its existence and the fact that it has been announced.

The Green Paper has been a long time coming and, therefore, it raises a series of questions. *[Interruption.]* It is remarkable that it has taken 10 months to arrive and

that the Government say they have been consulting for 10 months. The real question is what have they been doing for 18 years. Have they had no consultation over that time? The reality is that the Green Paper represents not just the sum total of thinking over 10 months, but the Labour party's consultations and thinking over the past 18 years. That is the key point. Regardless of the delay, I welcome the announcement.

At the beginning of the year, we were increasingly worried that, despite all the rhetoric, there was an absence of structure about welfare reform. The reality is that it is important—and it was important—for us to be able to help the Government to create the right structure and to provide the right opportunity for debate. We wanted to be constructive. In January, we offered the Government the opportunity for a constructive dialogue and we laid out our criteria for reform. That was never done for the previous Government, but we did not look back on that with regret. We simply offered the Government the right to have the debate, and we do not shy from that.

We must ask how the Green Paper measures up to the main elements that we set for the Government. The first of the principles is that reform must strengthen the institution of the family. Secondly, it must strengthen personal responsibility and break the dependency culture. Thirdly, reform must strengthen alternative provision of welfare and break the state monopoly of provision, helping to focus welfare on those most in need. Underscoring all that is what the Minister said, which is that it must not depart from those most in need.

As the Minister knows, the late delivery of the Green Paper meant that we could look at it, but not to the extent that we would have liked. However, as I looked at the paper, I began to ask a series of questions about what we had been led to believe was likely to be in it.

First, let us deal with housing benefit. We were led to believe that the Green Paper would set a series of criteria by which benefit fraud, particularly housing benefit fraud, would be dealt with. In fact, there is nothing new in the paper that will suggest to anybody outside or in the House how the Minister intends to take the position forward. There is no specific position.

After so much coat trailing over housing benefit, why is there so little in the document that deals with it? Is it anything to do with the clash with the Chancellor's office after the right hon. Gentleman's article on Sunday? Was it lifted out because of that? Where are all the new proposals that the right hon. Gentleman said would deal specifically with how he intends to reform housing benefit? That underscores the whole change to welfare and the ability to cut costs.

Our second area of concern is disability benefits. We have had a series of scare stories, deliberate leaks and kite flying on disability benefits over the past six months. The Government should show shame, because they set out deliberately to scare a whole group of people without proposing anything at all. They simply set out to make them worried in the absence of any proposals. We asked for the Green Paper because that was happening, but the Government came up with nothing. However, what we have received today is a rehash of earlier announcements on incapacity benefit and other proposals.

As we understand it, the right hon. Gentleman said that the Government will rule out means testing of disability living allowance. I welcome that. However, why has it taken all these months to make that decision? Why could the Government not have ruled out means testing earlier, and made the position absolutely clear—rather than scaring people, at the Chancellor's bidding? I should like the Minister for Welfare Reform to tell us also whether he has ruled out taxing disability living allowance and other disability benefits.

Why raise the scare stories? Why worry everyone? The Government's welfare reform has been a series of missed opportunities. As today's newspapers have said, the debate on disabilities has to progress gradually and should not be subject to knee-jerk reactions and scare stories. Today, the Minister had the opportunity—he has had the opportunity—to make serious proposals for structural change in disability benefit, but there was little in his statement that had not already been rehashed in the Budget.

When the Government came to power, they acted swiftly on pensions. In their first Budget, they damaged prospects for pensions and pensioners. They raided pension funds, and created real problems for pension reform. Almost immediately, the pension brief was taken away from the Minister for Welfare Reform and handed to the Under-Secretary of State for Social Security, the hon. Member for Southampton, Itchen (Mr. Denham), who was to conduct a separate pensions review. A major part of the welfare reform process was therefore excluded from the welfare Green Paper.

The right hon. Gentleman's comments on pensions failed absolutely to deal with the changes to pensions that have occurred in the past 11 months. Why did he not take this opportunity to mention the dramatic changes—the decline in pension values—since the Government's first Budget?

The Government said, when they came to power, that they valued occupational pensions. However, since then—in the Budget hit—they have damaged occupational pensions, so that occupational pensions may be frozen and moved to group personal pensions. The Government endlessly attacked personal pensions, going on about personal pension mis-selling—yet they try to move occupational pensions to personal pensions. As the right hon. Gentleman and the Government support occupational pensions, what will they do to rectify that problem? They have missed today's opportunity.

The right hon. Gentleman said that he valued family structures, and realised that the family is important as the basic structure in building a stable society. We share that belief, and I welcome that statement. However, the Budget contained the seed of a serious problem for marriage structures raising children and looking after elderly relatives. In ending the married couple's allowance, the Labour party has sent a seriously damaging message to those who wish to raise children and look after elderly relatives. Taking money from them has very little to do with supporting those structures.

Why did the right hon. Gentleman, given all his previous views and commitments, not take the opportunity to deal with that problem, and send a serious message to those who look after elderly relatives—who now, after last week's Budget, wonder how they will make ends meet?

The right hon. Gentleman made some proposals on the Child Support Agency, and I welcome his comments about the agency. As he has said on many occasions,

[Mr. Iain Duncan Smith]

CSA reform is a matter on which both sides of the House should agree. We look forward to hearing detailed proposals. Will he explain his specific proposals to deal with the problems in the CSA? We will take every opportunity to support those proposals.

I was intrigued by the right hon. Gentleman's comments on social exclusion. I should like him to explain how, after all his thinking on the matter—for which the Minister without Portfolio, who is on the Treasury Bench, is supposed to be responsible—the Government's sum total of knowledge and determination is in the phrase:

"there should be specific action to attack social exclusion and help those in poverty."

Is that it? After 10 months, is that all that the Government have to say about social exclusion? Is that the sum of the thinking that is driving us forward? They have targeted tackling social exclusion as a means of combating poverty and that is all that they have to say about it.

What about means testing? Year after year, in papers and books, the right hon. Gentleman has said that he was opposed to means testing. He has said nothing today about how he intends to wind back that process or about the taxation of benefits. Where in the Green Paper or the statement is there a personal commitment from the right hon. Gentleman? Nowhere.

The Green Paper gives a series of benchmarks. The Government said in advance that they would set targets. The Green Paper gives only a series of general statements. They say that they want to be measured against certain criteria. The Prime Minister is fond of saying that the Government will be measured against their performance, but they do not want to be measured until after at least another two general elections. The Green Paper gives a target of 2020. The Government want to go to the next election saying, "Don't worry; trust us. We'll get this right not in this Parliament, but perhaps the next—or perhaps not even that but the Parliament after." That is the Government's target for measurement. They are telling the public that the issue does not matter and that they do not want to be measured seriously against their targets. Why does the right hon. Gentleman not tell us how he intends to be measured at the next general election?

The Prime Minister has said that the cost of benefit will be reduced. We have a right to expect that that commitment will be measured at the next election. I hope that the Prime Minister will lean over to his right hon. Friend the Minister for Welfare Reform to tell him that he has the authorisation to tell us that the Government will be judged on that at the next election.

The Green Paper represents a series of missed opportunities after 10 months of promises. Behind the scenes, there has been a battle between the Minister for Welfare Reform and the Chancellor of the Exchequer. Given the vacuousness and avoidance of detail of the Green Paper, the Chancellor won. The Green Paper should have been published more than six months ago, but the Budget had to come first. For the first time in history, we have a Green Paper published after a White Paper—the Chancellor's White Paper. The Chancellor is running the show. The Minister has been taken prisoner. The Prime Minister appointed the Minister on his reputation, to bolster the Government, but he has imprisoned the man.

Mr. Field: May I thank the Opposition for approaching the issue so constructively? [*Laughter.*] I would not want to be on the receiving end if they were being destructive. I shall try to reply to the points that the hon. Gentleman has raised. Some of them are not well founded.

The hon. Gentleman said that there was the odd line about social exclusion; I have made three new announcements today. The lack of concrete proposals about the Child Support Agency says something about how we intend to conduct the process of reform.

We told the House that there would be a specific Green Paper on—

Mr. Duncan Smith: Another one?

Mr. Field: Yes, another Green Paper. The hon. Gentleman has an extraordinary viewpoint. He reminds me of Aneurin Bevan's comment on Neville Chamberlain as Prime Minister. He said that listening to him was like a walk round Woolworth: everything is in place and nothing is priced over sixpence. The hon. Gentleman clearly thinks that every detail in a programme of reform that he acknowledges will take 10 or more years should be in a single Green Paper. That is an absurd view.

There will be a Green Paper on the Child Support Agency. We are anxious that, this time round, the pace of reform and the extent of negotiation should be such that we get it much more right than we did last time. It is easy to be bullish at the Dispatch Box, but if we fail, we screw up people's lives. We do not intend to do that.

The hon. Gentleman asked where was the support for the family. When he has had the chance to read the Green Paper carefully, he will see the careful declarations that we have made in favour of the family as the most secure building block for creating a secure future. [HON. MEMBERS: "Where are the policies?"] Some policies were in the Budget and others are still to come.

The hon. Gentleman said that the pensions portfolio had been taken away from me, but my hon. Friend the Member for Southampton, Itchen (Mr. Denham) had that portfolio from day one. Pension funds are more buoyant now than they were, thanks to what is happening to the economy.

The hon. Gentleman asked what was new in housing benefit. I mentioned the Public Accounts Committee report that was published today. It showed that 99 per cent. or more of those who commit housing benefit fraud get off scot-free. We are empowering the Benefits Agency and giving it the ability to fine. The Conservatives did not decide to do that when they were in government.

I want to mention two other matters that centre on the whole process of reform. I know that it is sometimes important for politicians to win the support of those behind them, but when the hon. Gentleman reflects on how he responded to our announcements on disability reform, he will realise that he has played a part not in damping down disquiet but in whipping it up. We made the clearest declaration that could be made, and all he wanted to do was to try to fan disquiet among disabled people.

The hon. Gentleman has misunderstood the nature of reform. We announced changes and reforms that will need legislation in this Parliament, and we have done something else that is equally important: for the first time, a Government have set out their principles of reform and a series of measurements so that they can lock on to those principles each part of their reform programme as it comes along, so that it can be judged. We want to be judged on that by the House and by the electorate. I guess that the Opposition will be similarly judged.

Mr. Terry Rooney (Bradford, North): I thank my right hon. Friend for his statement and for the challenging document that has been published. He will know that staff morale in the Benefits Agency is at rock bottom. He has inherited staff who are underpaid, undervalued and under-resourced, but they will be needed to deliver the programme that he has set out. How will he proceed with staff development and training?

Mr. Field: I am grateful for my hon. Friend's question. There are two aspects to mention. I have written today to the heads of each agency, emphasising the importance that we give to the modern, active service that I underscored in today's announcement. Staff and others will see in the Green Paper that we regard our staff as one of our most valuable assets and that the 18 years of denigration of people who work in the public service, who have been made to feel that they are somehow a drain on public resources, are at an end. We wish to build up their skills, but, above all, we wish to use their expertise in taking the reform programme forward.

Mr. David Rendel (Newbury): My party and I welcome a great deal of the statement, as far as it goes. Does the Minister accept that, particularly given that the Prime Minister said welfare reform is such a fundamental part of his Government's programme, the statement and the Green Paper will be a great disappointment to many because there is not much either new or radical and there are very few specific proposals? Does he also accept that his statement that

"Our commitment to the vulnerable is not negotiable"

will seem a rather sour sentence to those who become lone parents this year, who will find that their benefits are lower than last year and that they will not gain for some time from the benefits that the Chancellor has promised them?

Does the Minister accept that, although he has talked about targets and has just mentioned measurement, in practice, the measures of success listed in the Green Paper are entirely unquantified? They are simply a question of a little more of this or a little less of that. Therefore, the targets at which the Government will aim are very feeble.

Does the Minister accept that much of the statement, particularly the eight principles, is simply a matter of motherhood and apple pie, which all three parties could easily have accepted a long time ago? Although he has tried to work out where the Government are aiming—we accept that many of the objectives that he has set are the right ones—he still appears from the Green Paper to have very little idea of how he will get there.

Mr. Field: If the charge is that our targets are mere motherhood and apple pie, I would have thought that we would get a warmer response from the Liberal Democrats. One of the tasks that we hope the Select Committee on Social Security will undertake is to look most carefully at the targets, realising that they are for general information and that we will need to move to a stage where they become technical targets that can be exactly measured. I look forward to meeting the hon. Member for Roxburgh and Berwickshire (Mr. Kirkwood) on that very task.

When the hon. Member for Newbury (Mr. Rendel) asked what hope there is for lone parents, I thought that it might have been within him to have said that, in the recent Budget, there was the biggest-ever increase in child benefit and a substantial increase in what are called the applicable amounts for the younger children of those on income-related benefits. It is a pity that he did not find time to commend the Government on that.

Several hon. Members *rose—*

Madam Speaker: Order. Now that the official Opposition spokesmen have made their contributions, I want specific questions from Back Benchers.

Mr. Clive Soley (Ealing, Acton and Shepherd's Bush): I congratulate the Minister on at long last putting the reform of the welfare state into the context of a changing economy and a changing family structure. That is what has been missed. The Conservative party introduced the Child Support Agency, bringing that area into disrepute; it introduced housing benefit, when it was warned that such benefit would spiral out of control—

Madam Speaker: Order. I asked for questions. The hon. Gentleman saw how many hon. Members rose to speak. There is no way that I can call them all and safeguard today's business. I want specific questions. Mr. Soley, will you come to your question?

Mr. Soley: The specific question was just this: will my right hon. Friend, unlike the Conservative party, consult everyone outside the House to ensure that we do not make such mistakes again?

Mr. Field: Yes.

Mr. Nicholas Winterton (Macclesfield): Knowing the right hon. Gentleman well, I suspect that his statement was as much personal as it was Government led. I congratulate him on that. In respect of self-provision for pensions, which he stressed was so important, will he ensure fiscal encouragement on an on-going basis to enable people to make private provision for their retirement?

Mr. Field: Yes.

Mr. Malcolm Wicks (Croydon, North): May I congratulate my right hon. Friend on a serious and significant statement? Given that our poorest citizens are often the very young, including one in three newborn babies, and the very old, including many people in their 80s, what are the key parts of the document that offer hope that, in the future, the young will not be born poor and the old will not be left in the cold?

Mr. Field: I thank my hon. Friend for that question. The document contains proposals on how we intend to cut

[Mr. Field]

the supply route to poverty in old age. Those proposals will be fleshed out in great detail in the pension reforms Green Paper of my hon. Friend the Member for Itchen. Much of what I said in reply to the first question and in my statement shows that we are trying to move welfare from a system that merely pays doles to one that cuts the supply routes to poverty in the first place and massively to extend the opportunities that those who are poor have to leave benefit. On both counts, over time, the Government will make progress on the two priorities that my hon. Friend has highlighted.

Sir Raymond Whitney (Wycombe): Given that we have had a statement without specifics, I am happy to ask a specific question. The Minister suggested strongly that the £8 billion currently spent on incapacity benefit would be reduced and, in a menacing phrase, that people would be helped back to work. By how much will the incapacity benefit budget be reduced?

Mr. Field: I am sorry that I did not put the statement more clearly so that the hon. Gentleman could follow it. What we have said is that those on incapacity benefit now are protected. The benefit is not working in the way in which the House wishes. The key to incapacity benefit is the all-work test. We wish to replace that with an employability test. We wish to accompany that with help for people who wish to work. It is possible to dress up that proposal in the worst possible light, or it is possible to receive it in the way in which I wish it to be received—as one of extending opportunities as well as protecting the vulnerable.

Ms Diane Abbott (Hackney, North and Stoke Newington): Does the Minister agree that if we are to oblige people to make private provision for old age, unemployment or other contingencies, we have to examine the way in which the financial services and private pensions industry works? It cannot be right to oblige low-paid and middle-income families to put money into a private pensions industry that has a history of overblown commissions, overheads and general fraudulent and ramshackle practices.

Mr. Field: I am aware of my hon. Friend's interest and expertise on this matter. When she has a chance to consult the Green Paper, she will see that what she says is one of our targets.

Mr. David Davis (Haltemprice and Howden): The Minister had a well-deserved high reputation as Chairman of the Social Security Select Committee for his robust attitude to fraud and waste. I thank him for his recognition of the Public Accounts Committee's report today. He knows that the total fraud and waste in the system is £4 billion or £5 billion of taxpayers' money a year. Does he recognise that that needs not simply to be managed but to be designed out of all benefits? Can he give the House an undertaking today that all new benefits, including those announced in the Budget, will be designed in such a way as to eradicate the opportunity for fraud and theft?

Mr. Field: I thank the right hon. Gentleman, both for his question and for the role that he plays in the House. I can give without reservation the commitment that he asks for. I underscore the point that he makes. Even on his estimate, fraud costs every family £500 a year.

Mrs. Alice Mahon (Halifax): When my right hon. Friend talks about targeting those who are socially excluded, will he make a special case for children leaving care? They feature most heavily in truancy, exclusion, probation service and other figures. It is a disgrace to a modern society.

Mr. Field: I can happily give my hon. Friend that undertaking. When we are talking about social exclusion, we are anxious that, as our programmes evolve, people living in the area are main players in the programme.

Mr. Archy Kirkwood (Roxburgh and Berwickshire): Will the Minister accept that one of the most difficult challenges is to try to get the balance right between disabled people who have access to the world of work, and those who, because of severe physical and mental disability, have no access to the world of work? He proposes to look again at important matters such as the all-work test. Will he make sure that disabled people are not subject to the same disgraceful lack of consultation as they were afforded when the benefit integrity project was put together?

Mr. Field: I am grateful for the hon. Gentleman's question. Given the size of our reform programme—which was not recognised by the official Opposition—the Social Security Committee may have to sit in continuous session to help us. We will be publishing proposals on this matter, and we are anxious to go before the Select Committee and other bodies to put forward our views, to listen to their views and to try to improve our original ideas.

Mr. Dennis Skinner (Bolsover): When the dust has settled on the Green Paper, my right hon. Friend and others will have to get down to the hard work of ensuring that where there is no work, work has to be found. Consistent with the Green Paper, will he ensure that he and his colleagues make it clear that in those large areas of Britain where shipbuilding has ended, where the coalfields are finished and where the textile mills have closed, and in many of the inner cities—where no work is available—all those who went on other benefits because they were pushed off by the Tories and others will not be left in the dark as a result of their failure to find work where they live?

Mr. Field: Indeed. When the key section of the Green Paper to which my hon. Friend referred was being written, I had him in mind.

Mr. Dafydd Wigley (Caernarfon): Does the Minister accept that his statement has confirmed many of the worst fears of disabled people? Will he confirm that where there are two disabled people of identical condition, it may be that one will receive incapacity benefit and another will not? Will he be paying for better provision for those who are severely disabled by taking money off those who are moderately disabled?

Mr. Field: I respect the right hon. Gentleman, who plays an important part in the House on most topics,

but particularly this one. I am concerned that he should have so misconstrued what I said to make that comment. I look forward to discussing those ideas further in exchanges across the Floor and elsewhere.

Mr. Alan Simpson (Nottingham, South): When the Minister deliberates following the statement, will he give the House the following assurances: in relation to the Child Support Agency, he will consider the option of scrapping the agency as unworkable, and replacing it with a family court system in line with the Scottish model; in relation to housing benefit fraud, he will consider the approach of the Minister he quoted so generously, Aneurin Bevan, and propose a return to rent subsidies, as a system less open to fraud; and, in relation to pensions, he will consider the option of raising the state pension and reconnecting it with earnings, which many in the House and the country would willingly pay for and vote for?

Mr. Field: On my hon. Friend's first question, he perhaps mistakes our approach to reform. We do not come to the reform process with a shopping list of ideas that we are intent on pushing through. Our aim is to have an effective agency to support children whose parents have split up. That is our starting point. The second stage is to consider the proposals and how they meet our objective. My hon. Friend's proposal will be considered along with others before we publish the Green Paper.

Mr. Edward Leigh (Gainsborough): May I congratulate the Minister on the language in which his statement is couched? No doubt the Select Committee will enjoy looking at the devils which inevitably lurk below such visionary language. Given the length of time any pension reform will require, how open and inclusive will he be with the Opposition in the Select Committee? Will he consult them on all occasions? Will he ensure that our successful private provision has as much a place in future welfare provision for a second pension as does state or mutual and friendly society provision?

Mr. Field: I happily give the hon. Gentleman that assurance. We are beginning the process of starting to reform in a different way, by publishing a draft Bill on pension sharing and divorce. No doubt the Select Committee will wish to consider that, with many other proposals that we have. My worry is not that we shall not talk to the Select Committee, but that the Select Committee may get fed up talking to the Government.

Mr. Jeremy Corbyn (Islington, North): Will the Minister recognise that the state pension is cheap to administer and efficient in its delivery; that relinking it with earnings would guarantee many pensioners an escape from the poverty in which they live at present; and that revaluation and promotion of SERPS would provide a very good support system for those who do not enjoy an occupational pension? Has he estimated the cost to individuals and to the state of the huge promotion of individual private pensions through the private pension industry compared to the efficiency of the state system?

Mr. Field: If it is possible to get together the data that would allow a proper answer to the second question, I shall happily bring them together and write to my hon. Friend. However, on his first question about relinking the state pension to earnings, it is important to realise that, this year, as a result of the issuing of the fuel bonus, which went to all pensioners, but was weighted in favour of poorer pensioners, poorer pensioners have had a bigger increase in their income than they would have had if we had returned to the earnings link.

Mr. Steve Webb (Northavon): While I welcome the Green Paper, which looks forward to 2020 which is both necessary and welcome, will the Minister accept that virtually none of today's pensioners will still be around in 2020, and will he accept, therefore, that there is—on a cursory glance, at least—nothing new for today's pensioners in that paper?

Mr. Field: Let us consider what the Government have already done for pensioners. We have reduced VAT on fuel and, by now, we have paid every pensioner their winter fuel bonus. The previous Government did nothing in 18 years to find those pensioners who were eligible to, but did not claim, supplementary benefit—now income support—but such a programme is now under way. All that has been achieved in 10 months. I believe that that shows something about the priority that we attach to pensioners.

Ms Rosie Winterton (Doncaster, Central): I very much welcome my right hon. Friend's statement, but I am sure that he will acknowledge that the prospect of welfare reform raises many genuine concerns. Can he tell the House how he intends to ensure that consultation is wide ranging and inclusive of people outside Parliament in addition to those inside?

Mr. Field: I thank my hon. Friend for that question. The aim of the Green Paper is to set the beginnings of a major reform programme. We hope that, in 10 years or so, people will look back and say, "That was the decisive moment when things began to change in this country, and it was managed in such a way that we all felt safe." That is the aim. It is, of course, crucial that we make our programme of consultation as inclusive as possible, not only to reassure people, but to improve the reform process and make the measures more effective, so I very happily give my hon. Friend the pledge that she seeks.

Mrs. Ann Winterton (Congleton): Will the right hon. Gentleman rule out taxing disability living allowance?

Mr. Field: Given that the Green Paper not only sketches the immediate programme and says what legislation we shall introduce, but looks 20 years ahead, and does not mention that, I think that the hon. Lady should be satisfied.

Mrs. Anne Campbell (Cambridge): May I congratulate my right hon. Friend on a set of principles that is both radical and workable? I also welcome his support for information systems, such as the one launched by the Secretary of State in Cambridgeshire last July. Will he assure us that he will not go for the expensive

[Mrs. Anne Campbell]

infrastructure option, and will he take it from me that cheaper options are available, through the internet, which will give him a workable system very quickly?

Mr. Field: I am grateful to my hon. Friend not merely for that question but for the pioneering role that she has played in this area. Her points are well noted and, as the debate unfolds, I think that she will see her influence.

Mr. Andrew Rowe (Faversham and Mid-Kent): The Minister knows—because he was kind enough to meet a delegation—of my concern about seasonal workers. Such workers are indispensable to many industries, but particularly the soft fruit industry. Will the right hon. Gentleman give an assurance that the difficulties that those workers experience fitting into the benefit system will be a priority in his review?

Mr. Field: I must disappoint the hon. Gentleman. I cannot say, with all that we must consider, that it is a key priority. However, he is making plans for me to visit his constituency—he has presumably asked the question in order to put it on the record—where I shall see the problem at first hand. When I have that experience—I shall not pick the fruit, but I shall watch others do it—I shall take my ideas back to the Department and then inform the hon. Gentleman of what we can do.

Mr. Ian Pearson (Dudley, South): Given that the Child Support Agency is wrecking the lives of many thousands of people, can the Minister assist those people by informing the House of his rough timetable for change?

Mr. Field: We shall certainly publish the Green Paper as soon as possible. It is important that the departmental team works up and discusses a whole range of ideas before we issue that paper. All hon. Members have families in their constituencies who are on the receiving end of the CSA which is not working, so we know the urgency of that task.

Mr. Simon Burns (West Chelmsford): The Minister will clearly remember that the Government have always said that their aim is to reduce the share of national income that is allocated to welfare. Is the right hon. Gentleman aware that every concrete proposal in his statement will increase the social security budget? How will he seek to redeem that pledge, as my hon. Friend the Member for Chingford and Woodford Green (Mr. Duncan Smith) asked? When will the share of national income spent on welfare begin to be reduced? Will that occur during the lifetime of this Parliament?

Mr. Field: The position is clear: our aim is to reduce expenditure on economic and social failure and move it to creating opportunities. The hon. Gentleman clearly accepts that position as he, quite rightly, opened a new deal project in his constituency.

Several hon. Members *rose—*

Madam Speaker: Order. Thank you, Mr. Field. We shall now have the business statement.

Business of the House

4.42 pm

The President of the Council and Leader of the House of Commons (Mrs. Ann Taylor): With permission, Madam Speaker, I shall make a statement about the business for next week.

MONDAY 30 MARCH—Consideration in Committee of the Scotland Bill (seventh day).

TUESDAY 31 MARCH—Consideration in Committee of the Scotland Bill (eighth day).

WEDNESDAY 1 APRIL—Until 2 pm, there will be debates on the motion for the Adjournment of the House.

Remaining stages of the Regional Development Agencies Bill.

THURSDAY 2 APRIL—Opposition Day [10th Allotted Day] (first part). Until 7 pm, there will be a debate on the international arms trade on a motion in the name of the Liberal Democrats.

FRIDAY 3 APRIL—The House will not be sitting.

The provisional business for the following week will be as follows:

MONDAY 6 APRIL—Opposition Day [11th Allotted Day]. There will be a debate on an Opposition motion. Subject to be announced.

TUESDAY 7 APRIL—Second Reading of the National Lottery Bill *[Lords]*.

WEDNESDAY 8 APRIL—Until 2 pm, there will be debates on the motion for the Adjournment of the House, which will include the usual three-hour pre-recess debate.

Second Reading of the Crime and Disorder Bill *[Lords]*.

The House may also wish to be reminded that on Wednesday 1 April, there will be a debate on renewable sources of energy and the energy framework programme, in European Standing Committee B. Details of the relevant documents will be given in the *Official Report*.

The House will wish to know that the House will rise for the Easter recess on Wednesday 8 April until Monday 20 April.

[*Wednesday 1 April:*

European Standing Committee B—Relevant European Community documents: (a) 13035/97, annexes I, IV and VI—Energy Framework Programme (1998–2002); (b) 13035/97, annex V—Energy Framework Programme: SAVE II; (c) 5140/98, Renewable Sources of Energy; (d) Unnumbered, Renewable Sources of Energy: Council resolution. Relevant European Legislation Committee reports: (a) HC 155-xxi (1997–98); (b) HC 155-xxii (1997–98); (c) HC 155-xviii (1997–98); (d) HC 155-xxii (1997–98).]

Mrs. Gillian Shephard (South-West Norfolk): I thank the Leader of the House for her statement. It is helpful to have the Easter recess dates confirmed. She also attempted last week to give some idea of the spring bank holiday recess dates, but, understandably, she had to be very circumspect about her promises in that regard.

I understand that the arrangements for the Rural Development Agencies Bill have been agreed by programme in accordance with the hopes and desires of the Modernisation Committee. I am delighted about that.

I do not want to worry the right hon. Lady, but that debate will take place on 1 April—so let us hope that everything will be okay.

The right hon. Lady said that the House could expect an early statement on the Narey report on the prison service in Northern Ireland. Given the extreme seriousness of the situation in the Maze prison, I wonder whether the right hon. Lady is in a position to announce today when that statement might happen. I am sure that she will wish to consider when we might debate the contents of today's statement on welfare reform, as there is a great deal to discuss.

Will the right hon. Lady arrange for an early debate on the kaleidoscope of voting systems that the Government have introduced in different parts of the country? There are about six different systems at present, and the number appears to be rising. I wonder whether the Government realise that the salami-slicing approach that they are adopting to constitutional change is eroding accountability. That is the inevitable result of such an approach. I do not think that the Labour party pledged to do that before the election. I do not believe that the Government intend to weaken parliamentary democracy, and I think that a debate on those issues will enable the Government to clarify their position—not least perhaps to themselves.

I have had occasion in the past to raise the question of the disfranchisement of the people of West Renfrewshire as a result of the continued absence from the House of the hon. Member for that constituency. I believe that there has been a rare sighting of the hon. Gentleman this week. Will the right hon. Lady make a statement about how she views the plight of the people of West Renfrewshire? Does she intend to do anything to help them?

Will the right hon. Lady arrange for a debate on the responsibilities of Ministers? As she knows, a Transport Minister failed to turn up for a debate, an Environment Minister walked out of a debate half an hour before it finished, and an Agriculture Minister spent the entire time in the Smoking Room during an important debate relevant to his portfolio. It is also alleged that the Minister for Competition and Consumer Affairs writes questions for hon. Members to put to him.

However, the Government's contempt for the House reached new heights on Wednesday. My hon. Friend the Member for Ribble Valley (Mr. Evans) had the Adjournment debate on farming in Ribble Valley. Imagine his surprise when not only could no Agriculture Minister be found to answer the debate—two of them had understandable reasons for not attending and I suppose that the other was still in the Smoking Room—but the Environment Minister pulled out at short notice and the response to a debate on agriculture was finally read out by the Minister for School Standards. It may be that the Minister knows more about agriculture than do Agriculture Ministers—he certainly knows more about that subject than he does about multiplication.

Such treatment of a Member of Parliament's legitimate concerns and those of his constituents is a calculated insult not only to those constituents but to the farming industry, to people who live in the countryside and, most importantly, to the House. I hope that the right hon. Lady will state her strong disapproval of that contempt.

Mrs. Taylor: I shall start with the right hon. Lady's first question. I announced last week when I hoped we would have a spring or Whitsun recess. I still hope that we can have a week's recess at Whitsun, but that is totally dependent on the progress of business. I am keeping the situation under review.

The right hon. Lady commented on the fact that we shall discuss the Regional Development Agencies Bill on Wednesday. We have been able to get agreement that it should be taken under a programme motion. That is another step forward in the experiment with programme motions, and I hope that, through negotiation and discussion with all interested parties, we can make a success of that day's debate.

I can confirm that my right hon. Friend the Secretary of State for Northern Ireland expects to be able to publish the Narey report soon. I hope that it will be possible for her to make a statement to the House on that. The right hon. Lady will understand that serious and sensitive issues are involved, and that it is therefore not possible at this stage to confirm the precise arrangements.

The right hon. Lady asked me, quite reasonably, when we will have a debate on welfare following the excellent statement—which was very well received—from the Minister for Welfare Reform, my right hon. Friend the Member for Birkenhead (Mr. Field), a short time ago. There will be many opportunities to discuss aspects of the proposals in that Green Paper, and I shall bear in mind her suggestion that there should be a full debate in the House. Of course, it will be open to the Opposition to choose that subject for debate, as other hon. Members might be able to express their views better than the shadow Minister did today.

The right hon. Lady spoke about the erosion of accountability, but was gracious enough to say that she did not think it was intentional. When we have devolution for Scotland, devolution for Wales and a Greater London authority—proposals for which were, again, well received yesterday—we will improve accountability. Those proposals are generally welcomed.

The right hon. Lady referred to the absence of Ministers from the Ministry of Agriculture from the Adjournment debate on farming initiated by the hon. Member for Ribble Valley (Mr. Evans). The hon. Gentleman himself acknowledged that there were extremely good reasons why the Minister of State, who would normally have replied to that debate, could not be present. My right hon. Friend the Minister of Agriculture and the Parliamentary Secretary had been in Brussels that day, representing the UK at the Fisheries Council. I know that the reply given to the hon. Gentleman was an excellent one, which is exactly what we would expect from the Minister concerned.

Mr. John Home Robertson (East Lothian): Is my right hon. Friend aware of the decision of the Scots Court of Appeal on the Vannet *v.* Milligan case, which seems to indicate that in certain circumstances the interim diet procedure may have no statutory basis? Does my right hon. Friend share my concern that that could affect up to 1,000 cases, and that some serious prosecutions may therefore fail on a pure technicality? Is there any possibility that the statutes could be amended to deal with the problem?

Mrs. Taylor: I am aware of the issue. The Secretary of State for Scotland and the Lord Advocate are urgently

[Mrs. Taylor]

considering the implications of the judgment and what action may need to be taken as a result. We as a Government are consulting other parties so that we can take any action that is necessary as quickly as possible.

Mr. Paul Tyler (North Cornwall): Can the Leader of the House confirm a persistent rumour that tomorrow the Government intend to interrupt business to make a statement about the merger of the Rural Development Commission and the Countryside Commission? Can she further confirm that it is intended to introduce amendments to that effect in the late proceedings on the Regional Development Agencies Bill, although the matter was not discussed in Committee at any stage? Can she explain why such an extraordinary rabbit-out-of-a-hat decision has been taken without proper discussion, particularly with the commissions concerned and all those in the countryside who value the work of those two extremely important agencies?

Can the Leader of the House tell us when she expects the Modernisation Committee to turn its attention to the treatment of private Members' Bills in this place, about which there is extreme concern in all parts of the House? I particularly draw her attention to the fact that the right hon. Member for Bromley and Chislehurst (Mr. Forth), to whom I have given notice that I intend to raise this matter, has set himself up as a one-man censor of all private Members' Bills. He proposes to block them all on principle, because he believes that the way in which the House deals with them is unsatisfactory. Although many of us may agree with him on that, it is extraordinary that he should, for example, be so dismissive of the case put by the Suzy Lamplugh Trust, which has an important interest in the Private Hire Vehicles (London) Bill.

Finally, can the Leader of the House tell us whether the frequent conversations that the Prime Minister, according to his own staff, has with Mr. Richard Murdoch, extend to the issue of media monopolies in this country? *[Interruption.]* I mean Mr. Rupert Murdoch.

Mrs. Taylor: My right hon. Friend the Prime Minister dealt with that yesterday. I have nothing further to add to any speculation about conversations with any Murdoch, regardless of which one it might be.

There is no proposal to interrupt the business tomorrow with a statement of the kind that the hon. Gentleman suggests.

On modernisation and the important question how the House deals with private Members' Bills, the hon. Gentleman, as a member of that Committee, knows that we have spent some time considering what our priorities should be. In addition to the reports that have already been published, we have made our priorities electronic voting and European scrutiny, and then we will go on to discuss the parliamentary calendar—the parliamentary day, the parliamentary week, the parliamentary year. That will keep the Committee busy for some time, but we made it clear in our first report on the legislative process that private Members' Bills and perhaps private Members' time were matters to which we wanted to return.

Mr. Llew Smith (Blaenau Gwent): Will the Leader of the House consider a debate on the recent research findings of Dr. Andrew Wakefield linking problems of the gut and autism and a possible association with the measles, mumps and rubella vaccination? I am sure she is aware that I and others were promised by the Department of Health that a seminar would be organised on the subject, and that parents of children damaged would be allowed to attend. She will also be aware that that did not happen.

This week the Medical Research Council still published its conclusions, which were open to scrutiny by the media, but Members of Parliament like me were initially refused permission to attend. After a major row, the organisers backed down, but said that, although as a Member of Parliament I could attend the press conference, I could not ask questions. Can the Leader of the House appreciate the irony of the situation, when the media can question what is in reality a Government statement, while Members of Parliament are refused the opportunity?

Mrs. Taylor: My hon. Friend will no doubt find opportunities to raise the issue, such as at Health questions. He asked for a debate on the matter, but I regret that I cannot find time for that. I can only advise him to try to get an Adjournment debate if he wants to pursue that interest further at this stage.

Mr. John Wilkinson (Ruislip–Northwood): Can the right hon. Lady persuade the Home Secretary to make a statement to the House next week on the effect of the Schengen agreement and the Dublin convention among European Union members on the control of would-be asylum seekers and would-be refugees entering this country? Is she aware that, since the beginning of the year, some 900 have come via the Eurostar route through the channel tunnel without any documents? Such documents would be required by British law from passengers travelling on air carriers.

Unless the system is brought under control, people will get extremely upset, especially in the London boroughs that would have to accommodate the would-be asylum seekers. The Home Secretary is writing to his counterpart in Belgium, and representations are being made to the K4 committee of the European Union tomorrow. At the very least, we deserve a statement on the matter.

Mrs. Taylor: The hon. Gentleman raises a serious matter. We have been aware of the problem for some time. As he points out, the Home Secretary is seeking urgent solutions with the Belgians. It is Home Office questions on Monday, and I do not think that the hon. Gentleman would have too much difficulty in finding an opportunity for a question then.

Mr. Jim Dobbin (Heywood and Middleton): Is my right hon. Friend aware of early-day motion 1146, which highlights the serious problems caused by substandard builders?

[That this House deplores the activities of Kiely Homes also known as Kiely Developments, Manor Homes and Heritage Homes, 'new build' property developers who operate mainly around the Greater Manchester area; notes that they continually flout planning regulations, repeatedly fail to achieve the required quality of property development expected and indeed encourage unsuspecting homebuyers to purchase sub-standard homes; notes their

policy is to offer free conveyancing to be done by a solicitor of their choice, paid for by them for doing the work; and urges that the law be amended to require mortgage providers to check with the planning authority that all planning regulations and standards have been met before a mortgage is granted on any new property in order to protect the home buyer and the law be amended to ensure mortgage providers require property developers to produce an up-to-date copy of the insurance policy and guarantees for the homes being purchased.]

The motion also refers to companies in my constituency and around the Manchester area, which are enticing first-time buyers, young families and retired people to purchase substandard properties on substandard developments. The principal directors of those companies are the Kiely brothers. There are seven, I believe. National insurance companies are refusing to offer insurance cover on those properties. Will my right hon. Friend possibly offer some time in future to debate this serious issue, with a view to encouraging legislation to protect first-time buyers from these cowboy builders?

Mrs. Taylor: I can well understand why my hon. Friend is concerned about this matter. He will be aware that all new homes must comply with the statutory building regulations. I understand that the firm in question has been removed from the registers of both the main providers of new home warranties, the National House-building Council and Zurich Municipal. That would normally mean that a mortgage lender would be unwilling to advance a loan on such homes.

My hon. Friend has raised an issue that I well believe concerns his constituents, and has asked me to find time for a debate on the matter. I cannot do that in Government time but my hon. Friend might like to apply for an Adjournment debate.

Mr. Nigel Evans (Ribble Valley): Is it possible to arrange an early debate on tourism in the regions so that I can talk about the importance of conferences to towns such as Blackpool, for instance, which is only 20 miles away from my constituency? Some disparaging comments have come from the right hon. Lady's party.

If Blackpool is good enough for 16 million visitors a year, surely it should be good enough for the people's party. It has a wide variety of hotels catering for people with all sorts of income. I admit that some of the rooms may not be up to the standard of the Lord Chancellor's apartments, but they cater for a wide variety of people.

If we have the debate for which I have asked, perhaps we could bring out all these matters. Perhaps as well we could seek an apology from the right hon. Lady or the Prime Minister. Some of the comments that have been made could damage the conference trade in Blackpool and cost some people their jobs.

Mrs. Taylor: I must take issue with the hon. Gentleman about his suggestion that disparaging remarks have been made by my colleagues on the Government Benches. That is simply not true. There have been criticisms of the conference facilities, but not of the town nor of the accommodation. Like many other people, I went to my first conference in Blackpool, and I hope to be going to others in Blackpool in future.

Mrs. Maria Fyfe (Glasgow, Maryhill): Are there any plans to have statements on either Monday or Tuesday of next week? If not, is it possible to avoid that happening? As my right hon. Friend will know, there is a great deal still to be discussed on the Scotland Bill, and only a short time to get through the remaining clauses.

Mrs. Taylor: On those days when consideration has taken place of the Government of Wales Bill or the Scotland Bill, we have been willing to consider injury time when there have been statements. That is what we have been discussing as a means of avoiding the problem to which my hon. Friend has drawn attention.

Mr. Keith Simpson (Mid–Norfolk): Will the Leader of the House explain why there will be no Defence questions in April? We shall have to wait until May. It seems highly unlikely that we shall have the usual single-service debates on the Army, Navy and Air Force. Will we have to wait for the defence review, which may or may not be published before the summer recess, before we have an opportunity rightly to question Ministers on the declining morale in our armed forces, which are awaiting the outcome of the review?

Mrs. Taylor: I think that the hon. Gentleman will find that he is wrong. My question paper shows that there will be Defence questions on 6 April.

Mr. Tam Dalyell (Linlithgow): May I welcome what my right hon. Friend said about a statement on the Narey report on prisons in Northern Ireland? Would this be the opportunity for my right hon. Friend the Secretary of State for Northern Ireland to make a statement on the cases of Guardsmen Fisher and Wright, whose lives have now been threatened in a way that is regarded, rightly, by the Government, as very serious, by imprisonment in Northern Ireland?

Under the cloak of parliamentary privilege—I do not want to be sued, as *The Daily Telegraph* was threatened with being sued, and had to pay up money, as was the case with General Sir David Scott-Barratt—may I say that I have read the transcript of the trial of Guardsmen Fisher and Wright? I am absolutely appalled, as anybody would be, by the justice system in Northern Ireland, and by the behaviour of certain lawyers.

Is it not incumbent on people on Green Benches, who have sent troops to do a job, rightly or wrongly, in Northern Ireland, at least to ensure individual justice? Will my right hon. Friend take into account that it is not simply the generals and the "toffs", so-called, of the Scots Guards who are concerned? Many of the ex-warrant officers and non-commissioned officers, like one of my constituents, Jack Smith, are pressing that justice be done to these two individuals.

Mrs. Taylor: I shall make sure that my right hon. Friend the Secretary of State for Northern Ireland is aware of my hon. Friend's comments. I was talking specifically about a statement on the Narey inquiry.

Mr. Michael Jack (Fylde): Following on from the comments of my hon. Friend the Member for Ribble Valley (Mr. Evans), I ask the Leader of the House to try to find time for a debate on early-day motion 1147.

[Mr. Michael Jack]

[That this House condemns the apparent decision of the Labour Party to abandon Blackpool as a venue for its Annual Conference; deplores the reported comments of a Labour spokesman alleging 'concern at the quality of the hotels of Blackpool'; applauds the commitment of the Conservative Party to the town as witnessed by the presence of the Conservative Conference there in every alternate year for the last 35 years; welcomes its continued intention to visit Blackpool regularly; notes the high quality and excellent value of Blackpool's hotels and guesthouses; and calls on the Labour Party to change its decision.]

The Prime Minister said during the election that Blackpool would be safe in Labour's hands. The announcement this week poses some questions on that statement.

Today, I spoke to First Leisure about the criticisms that have been made of the conference centre, and it rebutted them. It pointed out that £10 million has been spent over the past 10 years. It pointed out also that all the requirements of both parties with reference to improving these facilities have been put in place. First Leisure is at a loss to understand what the real reason is for Labour's decision not to hold its conference in Blackpool. I make a request for a debate so that we might ascertain the real reason for Labour wanting to go from Blackpool.

Mrs. Taylor: There seems to be some disparity between the information that the right hon. Gentleman has and the experience of many of us who go to conferences in Blackpool. While we might like the place and the people there, there are problems with the conference facilities, and all the requirements for improvements have not been met. I think that many people in Blackpool would like to see improvements in their conference facilities.

Mr. Dennis Skinner (Bolsover): If my right hon. Friend manages to find time for a debate on tourism, will she bear it in mind that I could make a contribution to it that would make it clear, as the only Member present in the Chamber who was present at the meeting of the NEC on Tuesday, that I battled on behalf of Blackpool? I lost temporarily by two votes, and as you, Madam Speaker, know, that caused me to be a little late for Question Time. I was battling away to win that little skirmish.

Does my right hon. Friend appreciate that, as a result of my efforts and of other efforts made yesterday at the parliamentary Labour party meeting, we shall be going back to Blackpool? We are going to Blackpool this year, and by 2002, after the second Labour election victory, we shall be celebrating at the Winter gardens at Blackpool.

Mrs. Taylor: I think that my hon. Friend has made the point, and that there is no need for any further debate.

Mr. Andrew Rowe (Faversham and Mid–Kent): Does the Leader of the House agree that the shift in Government policy represented by the White Paper on development was considerable, and much trumpeted by her party? The responses to that White Paper have now been gathered in. Will she ensure that there is a debate in Government time, which would allow the nation to appreciate the quality and the substance of those responses?

Mrs. Taylor: I cannot promise at this stage that that debate will take place, and certainly not in the near future, but I shall bear the possibility in mind.

Mr. Michael Fabricant (Lichfield): May we have a debate on the growing politicisation of the civil service? May I draw the attention of the Leader of the House to a letter I received this morning from Brian Macklin, who is a pensioner and one of my constituents? He tells me that, in a round robin that all pensioners have received from the Benefits Agency, there is reference to the "unprecedented exercise" to help with winter fuel bills. It seems that such letters are being written by civil servants, but civil servants who have replaced the press officers who were fired in many of the agencies and Government Departments in Whitehall so recently by the Minister without Portfolio and his cohorts. Given that Parliament is being increasingly sidelined, can we ensure that such a debate takes place?

Mrs. Taylor: The letter was factually correct. Had the Conservative Government given pensioners the help with fuel bills that they have had this winter, the hon. Gentleman might have had a point, but the quotation to which he referred complies with the facts, so I see no problem with the letter.

Mr. Andrew Stunell (Hazel Grove): Is the Leader of the House aware that, on Wednesday, the European Commission imposed a temporary 15 per cent. anti-dumping levy on the import of greycloth into the EU, which is threatening jobs in my constituency, and in the past 18 months there have been two other attempts to impose that duty? Will the right hon. Lady ask the Secretary of State for Trade and Industry to make a statement on this serious situation, which is threatening jobs in the finishing and fabric-making industry, not just in my constituency but elsewhere in Britain?

Mr. Skinner: You should not have voted for that Common Market.

Mrs. Taylor: Trade and Industry questions will be on Tuesday, when the hon. Gentleman may have the opportunity to raise the matter, but I shall bring his remarks to my right hon. Friend's attention.

Points of Order

5.11 pm

Mr. Bernard Jenkin (North Essex): On a point of order, Madam Speaker. Following my question to the Prime Minister yesterday about anti-corruption proceedings against the Lord Provost of Glasgow, the hon. Member for Glasgow, Maryhill (Mrs. Fyfe) said that I had accused the Lord Provost of corruption, when in fact, as the Prime Minister confirmed in his answer, it was the Labour party in its proceedings which made that accusation. The hon. Lady said that I was saying things in the House that I dare not say outside for fear of being sued, and that my conduct was deplorable.

I know that you dealt with that point of order, Madam Speaker, but I want to draw your attention to the fact that I was not informed that the hon. Lady intended to raise that point of order, and I wondered whether you had dealt with that matter with her.

Mrs. Maria Fyfe (Glasgow, Maryhill): Further to that point of order, Madam Speaker. I want to put on the record an apology for any offence given to the hon. Member for North Essex (Mr. Jenkin) in not notifying him that I intended to raise the matter. However, the Lord Provost of Glasgow has not been charged with or accused of corruption, but with impropriety under the Labour party's internal rules. Therefore, it was wrong to link corruption with the name of that man or my city.

Madam Speaker: I am not responsible for hon. Members' comments in the House, but I remind both hon. Members and the House that good temper and moderation are the characteristics of our parliamentary language, and that thought should remain with us at all times.

Mr. Nick Hawkins (Surrey Heath): On a point of order, Madam Speaker. Have you had any indication of any inclination on the part of the Secretary of State for Culture, Media and Sport to come to the House to make a statement about his advisory panel on the question of listed sports events? That is a matter of concern to all hon. Members. I and my fellow deputy chairmen of the all-party sports group from the Government party and the Liberal Democrats are all calling for a debate in Government time. In the light of the recent report to the Secretary of State, has the right hon. Gentleman given any indication of an intention to make such a statement, so that we can challenge the recommendations of that panel, with which we disagree?

Madam Speaker: No, I am not aware that the Secretary of State is seeking to make a statement. Had that been the case, we would have been informed earlier in the day.

Orders of the Day

Government of Wales Bill

[2ND ALLOTTED DAY]

As amended (in the Committee), further considered.

[Relevant documents: Memorandum from the President of the Council contained in the Twenty-Seventh Report from the Joint Committee on Statutory Instruments, Session 1997–98 (HC 33-xxvii); First Report from the Welsh Affairs Committee, Session 1997–98 on The Impact of the Government's Devolution Proposals on Economic Development and Local Government in Wales (HC 329-I).]

Clause 62

REGIONAL COMMITTEES

5.13 pm

Mr. Nigel Evans (Ribble Valley): I beg to move amendment No. 14, in page 30, line 35, leave out from 'for' to end of line 43 and insert

'each of the regions of Wales.

(2) These regions shall be the same as the electoral regions at the last ordinary election.'.

Madam Speaker: With this, it will be convenient to discuss the following amendments: No. 242, in page 30, line 36, leave out from 'to' to end of line and insert

'which the Assembly must have regard when deciding on matters affecting North Wales.'.

No. 243, in page 30, line 38, leave out from 'to' to end of line 39 and insert

'which the Assembly must have regard when deciding on matters affecting the region.'.

No. 244, in page 30, line 41, at end insert—

'(aa) Mid Wales, and

(ab) West Wales, and'.

Mr. Evans: This will be a relatively short debate because the guillotine falls at 6 o'clock. That reinforces our request for an extra day to debate the many issues necessary to ensure that the Bill is improved. It is a great shame that we have only 45 minutes in which to debate two groups of amendments.

This is an important debate. I am interested not in point scoring, but in clarity and good legislation. I said yesterday that I am not a supporter of devolution in this guise, but I concede that it will happen, so we must make the best of it.

No one denies that a major stumbling block to the success of the assembly is that it may fail to unite Wales. The referendum result showed the difference between the east and west of Wales, and we know that there is a distinct difference between north and south Wales. As a south Walian, I say that with some feeling. Nor must we forget mid-Wales.

If the assembly is to have all-Wales support, a device must be invented that will give voice to and address all concerns. That might prevent the feeling that the south-east of Wales will dominate Wales: the fear that, with a twin-town axis—that was a movie about Swansea, but I am talking about Cardiff and Newport—that will have the loaf while the rest of Wales has the crumbs.

[Mr. Evans]

The Government have invented the concept of regional Committees, which is a step in the right direction, although they are pretty toothless. However, it shows that they recognise the need for some sort of body to give voice to the regions.

The next question is how many regions there should be and how they will be made up. The Bill is vague. Clause 62(3) states that there should be a regional Committee in north Wales and in the other regions of Wales. That is vague. In some cases, vagueness is a help, but in this case I do not think that it will be, and it might turn into a bit of a nightmare.

Clause 62(5) spells out the composition of the regional Committees. Paragraph (a) states that the members of a regional Committee will be the constituency Members of the Assembly—that is right—and paragraph (b) says that the members will also come from the top-up areas.

If we asked 10 Welsh Members to divide a map of Wales so as properly to reflect the regions of Wales, we would probably end up with 10 different maps, so there will never be a perfect solution to the problem. We are simply seeking a common-sense solution.

How did the Government approach the problem of the top-up candidates for the regions? They have adopted the old European parliamentary constituencies, which now mean nothing with regard to the European elections but are a handy device for deciding on the top-up Members of the Assembly, giving a regional flavour.

We could not adopt the new European region of Wales, because five Members of the European Parliament will represent the whole of Wales. Those five MEPs might even all come from the south-east of Wales, giving no regional reflection. We might have suspected low turnouts in previous European Parliament elections, but at the next European election, the turnout might be even worse, because the Welsh electorate will have been marginalised.

We want to ensure that all the regions of Wales have a voice on the new Welsh assembly. The Government have recognised the convenience of the old European parliamentary regions for the top-up candidates. Our amendment makes it clear, out of the muddle that will exist, where the regions will be, because we have used the same European constituencies. That also answers the problem of the top-up candidates who will be sitting on the regional Committees. There will be no problem of the old European constituencies straddling two areas.

If we use four rather than the five regions for the Committee of the Regions, the top-up Members of the Assembly will have regions that straddle different areas. How can that be rectified? The assembly may elect top-up Members to the various regional Committees, but that would be rather messy and cumbersome when the device of the five old European constituencies is already at hand. Each of the top-up Members would therefore naturally fall into those regional Committees. There would be no confusion about where the loyalty of some of those top-up candidates should lie, and responsibility would certainly not be given to the 40 Members of the Assembly who have constituencies to vote on where the regional Members of the Assembly will sit.

The way in which the five European areas are split may not be perfect, but if that system is good enough for the top-up for the Welsh assembly, it should be good enough for the regional Committees. The proportion of the Welsh electorate in those areas varies from 17.9 to 21.6 per cent., so it does not differ widely, and the number of assembly seats is extremely comparable.

This is a common-sense and constructive amendment, which would ensure that the assembly helped to alleviate one of the major problems that arose immediately after the referendum, when people said that they feared that the south-east would dominate the assembly. If anything, those fears have been exacerbated since Cardiff was chosen as the site for the assembly. After all other areas had been asked to put in their bids, the Secretary of State announced that he had chosen the capital of Wales, Cardiff, for compelling reasons.

We must come up with a system that gives a voice to the regions via the regional Committees in a way that will be accepted by the whole of Wales. There must be no gerrymandering whatever. The European constituencies already exist, and I commend the amendment to the House.

Mr. Richard Livsey (Brecon and Radnorshire): Amendments Nos. 242 and 243 would require the assembly to have regard to the decisions of regional Committees when taking decisions affecting the regions. In Committee, we discussed amendments that would have allowed the assembly to delegate functions to the regional Committees. I still believe that that is the best way to proceed if we are to allow some decisions to be taken locally, representing the interests and needs of local people.

The Government have not adequately addressed the issue of regional Committees, which is why we tabled these amendments. In Committee, the Under-Secretary of State said:

> "The Regional Committees are designed to enable the regions to feed back specific advice to the Welsh assembly when it makes its decisions."—[*Official Report*, 2 February 1998; Vol. 305, c. 801.]

There is no requirement in the Bill for the assembly to follow that advice.

Amendments Nos. 242 and 243 would provide that the decisions of regional Committees had an influence on the assembly's decisions. The Government have failed to give any powers to the regional Committees. With appropriate powers, those Committees could be the cornerstone of an effective, inclusive assembly, representing the views of the whole of Wales. Page 27 of the White Paper says that the regional Committees

> "will ensure that the views of the different regions of Wales can be heard."

I am sure that that statement was sincere. Our amendments would ensure that the views were not only heard but acted on.

Amendment No. 244 would ensure that mid and west Wales, as well as north Wales, had their own regional Committees. It is vital that those areas have separate regional Committees, to ensure that rural Wales has a strong voice in the assembly. The Bill singles out north Wales as an area that should have a regional Committee, and we certainly agree with that. However, the claims of mid and west Wales are equally strong.

Amendment No. 14, tabled by the right hon. Member for Devizes (Mr. Ancram), and to which the hon. Member for Ribble Valley (Mr. Evans) spoke, would create regions based on the current European parliamentary constituencies.

Mr. Evans: What would the hon. Gentleman do about the appointment to regional Committees of Members of the Assembly in the top-up areas? Would he have some Members trying to sit on two Committees, or allow the assembly to vote in favour of those Members sitting on the regional Committees?

Mr. Livsey: The hon. Gentleman asks a fair question. It is important that the Members on the regional Committees should represent those regions and be elected from within them, as that would give them democratic viability. That is the sort of set-up that we want.

Mr. Evans: The problem lies in areas where the old European regional constituencies straddle two of the areas that the hon. Gentleman is discussing. How would he resolve that problem?

Mr. Livsey: The answer is simple: we do not support amendment No. 14, because we believe that the configuration of the European constituencies is not appropriate. For example, the Wales Mid and West constituency covers a huge area—it goes to within 10 miles of Llandudno and includes Llanelli. That is not a suitable configuration. The hon. Gentleman and I are talking about different configurations.

Mr. Evans: The hon. Gentleman is missing the point. Twenty Members of the Assembly will be elected via the European regions. If we use four rather than the five European regions for the Committee of the Regions, so that the regions have a voice in the assembly, how will the hon. Gentleman deal with the fact that some Members representing those regions will cover more than one area?

Mr. Livsey: I should have thought that that could be simply dealt with by the fact that those Members would come within the new configuration—

Mr. Evans: They do not.

Mr. Livsey: They do not at the moment, but we want arrangements to be put in hand to ensure that they represent north, mid and west Wales. Members of the Assembly will be elected from those areas.

We do not want a southern-dominated body. A National Assembly for Wales should structure its regional Committees to represent the whole of Wales. It might create regional Committees representing roughly equal numbers of people, but population is not the only factor that needs to be considered. The size of the region represented by the Committee is also important. If a region the size of mid and west Wales is created, it will be difficult for the regional Committee to represent the interests of all its residents, because it is such a diverse area.

I therefore urge the Government to accept the Liberal Democrat amendments, to ensure that the regional Committees have enough influence and size to command the full support of the people they represent. Amendment No. 14 would not do that.

The Parliamentary Under-Secretary of State for Wales (Mr. Win Griffiths): Despite the strictures of the hon. Member for Ribble Valley (Mr. Evans) about lack of time, we have added time to these debates since the first timetable was agreed. To judge from the brevity of the arguments made in this debate, we shall make good progress despite the later than expected start.

As the hon. Gentleman explained, amendment No. 14 specifies that the five European constituencies would be the regions in which to have the regional Committees. Amendments Nos. 243 and 244 would place a duty on the assembly to have regard to the regional Committees' advice in deciding matters affecting their regions. Amendment No. 244 stipulates that there must be regional Committees for mid Wales and west Wales, as well as for north Wales and any other regions of Wales. We have no proposals for the boundaries of those regions.

The hon. Member for Ribble Valley said that clause 62 allows for a regional Committee for north Wales and other parts of Wales. We wish to make progress through taking advice, as this debate is followed across Wales, from the work of the assembly advisory group. After Easter, it will consult on its proposals for regional Committees. We could use either the four regions of the Welsh Development Agency—there would be a certain sense in that—or we could consider seven regions across Wales, as the advisory group proposes. All members of the Welsh Affairs Committee, including Conservative Members, recommended the WDA boundaries as the basis for the regional Committees. In such circumstances, we are not inclined to accept amendment No. 14.

Mr. Evans: A map of Wales could be divided in all sorts of ways, and all sorts of bodies are probably lobbying the Minister on their preferred option. The WDA system uses four areas. I do not expect him warmly to embrace amendment No. 14, but I hope that he recognises that it is a serious attempt to solve the problem. I seek an assurance from him: will he consider carefully the fact that sensible representation would be achieved by ensuring that top-up Members represented their regions of Wales on the regional Committees?

5.30 pm

Mr. Griffiths: I was about to deal with the hon. Gentleman's point about the fact that the four WDA regions or the seven regions proposed by the advisory group would not be contiguous with the European constituencies that will be used for the assembly top-up. We realise that a little ingenuity will be required to decide how overlaps should be dealt with. I assure him that I do not think that it is beyond the wit and wisdom of humanity, and of the Government and other people who are concerned about those issues, to come up with a solution that makes sense for the assembly and for the regions.

Amendments Nos. 242 and 243 are unnecessary because clause 62 creates regional Committees to ensure that there is a regional voice. They will report back to the assembly and regard will be taken of what they say. The regional Committees could not conceivably maintain their credibility if their views were disregarded in assembly decision making.

Given that the Government are aware of the problems with representation mentioned by the hon. Member for Ribble Valley, and given our willingness to accept the

[Mr. Griffiths]

spirit of the remarks made by the hon. Member for Brecon and Radnorshire (Mr. Livsey), I hope that the amendment will be withdrawn.

Mr. Evans: I listened carefully to the Minister. Hon. Members acknowledge that regional Committees are an attempt to deal with the problem of competition between areas. Wales is an entity, but there is tremendous suspicion between north and south Wales, and between east and west Wales. Newport and Cardiff have attracted the lion's share of inward investment in Wales, which has also caused suspicion.

Mr. Win Griffiths: I thank the hon. Gentleman for giving way, because I want to reinforce what we have said on many occasions: we are very much aware of the need to spread economic development and prosperity further west in the south, in the north and in mid-Wales. I want to reassure the hon. Gentleman on that point.

Mr. Evans: I am grateful to the Minister for that reassurance, because there are pockets where unemployment is much higher than the average in Wales. Such areas will be keen to ensure that inward investment, or even indigenous expansion, will take place not only along the M4 corridor, but around the A55.

Mr. John Smith (Vale of Glamorgan): The differences across Wales are not coterminous with European parliamentary seats. Therefore, it would be sensible to take that issue into account after the assembly is established and create regional Committees that reflect those differences.

Mr. Evans: I thank the hon. Gentleman for that remark, but our starting point must be an acknowledgement that there is a problem. Following the referendum result, we must ensure that people are not afraid that the establishment of the assembly will result in a lot of inward investment being sucked to certain areas and in major decisions being made with an eye to Newport and Cardiff and not to other areas. The Minister mentioned the WDA and the need to ensure that inward investment continues in future. The previous Secretary of State for Wales, my right hon. Friend the Member for Richmond, Yorks (Mr. Hague), the leader of the Conservative party, recognised the importance of inward investment.

The next step forward is to deal with representation on the regional Committees. The WDA, which operates on the economic front, has considered the issue, and we must ensure that there is a real voice for all the regions of Wales on the political front. We shall never reach a perfect solution, because there is no perfect solution. The hon. Member for Vale of Glamorgan (Mr. Smith) has experience of living in a certain area, and his map of regional Committees for Wales might differ from one drawn by me, because I was born in Swansea and lived around that area of Wales.

We must decide on a starting point, but I fear that the assembly may not make the right decisions if it is left to draw its own lines on the map. We are trying to solve the problems of the role of the regions and of top-up Members, who must have a clear role on the Committees. Top-up Members of the Welsh assembly should represent the region that they were elected to represent and should not straddle two areas or sit on a Committee that represents another region, which would be absurd.

Hon. Members recognise the problem that I am discussing and know that we must be a little more determined and burn a lot of midnight oil before the problem can be solved. Therefore, I shall not press amendment No. 14. I hope that common sense will prevail and that the Minister will take my comments on board.

Mr. Livsey: I thank the Minister for the spirit in which he responded to our amendments. I especially note what he said about the WDA regions, which have an attraction. We in mid-Wales are concerned about the smallness of the area should Meirionnydd be lost as part of it. The critical mass of population would fall under 200,000, which would be a problem. Meirionnydd's gross domestic product figures are similar to those for other areas of mid-Wales, and I should be grateful if he took account of that. Although we have discussed the matter, I cannot speak for the hon. Member for Meirionnydd Nant Conwy (Mr. Llwyd).

Given the spirit of the Minister's response, we should like to withdraw our amendments.

Mr. Deputy Speaker (Mr. Michael J. Martin): Order. We need worry only about amendment No. 14 at this stage. Does the hon. Member for Ribble Valley (Mr. Evans) want to withdraw it?

Mr. Evans: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 65

MAKING OF ASSEMBLY GENERAL SUBORDINATE LEGISLATION

Amendments made: No. 133, in page 31, line 39, leave out

'or the Assembly First Secretary'

and insert

', the Assembly First Secretary or such other person as may be authorised by the standing orders'.

No. 134, in page 32, line 3, leave out

'by the deputy presiding officer or the Assembly First Secretary'

and insert

'otherwise than by the presiding officer'.

No. 135, in page 32, line 17, at end insert—

'( ) The Assembly First Secretary may not delegate his function of signing Assembly general subordinate legislation.'.

No. 136, in page 32, line 18, leave out

'to a committee of the Assembly or a member of the Assembly's staff'.—*[Mr. Win Griffiths.]*

Clause 68

PRESERVATION OF ORDER

Amendment made: No. 166, in page 33, line 30, at end insert

'and for withdrawing their rights and privileges as Assembly members for the period of their exclusion.'.—*[Mr. Win Griffiths.]*

Clause 69

OPENNESS

Amendments made: No. 137, in page 33, line 34, leave out

'in circumstances specified in the standing orders'

and insert

'where the standing orders otherwise provide'.

No. 138, in page 34, line 10, leave out

'in circumstances specified in the standing orders'

and insert

'where the standing orders otherwise provide'.—*[Mr. Win Griffiths.]*

Clause 70

ACCOUNTABILITY

Amendments made: No. 139, in page 34, line 20, leave out subsection (2).

No. 140, in page 34, line 28, leave out

'in circumstances specified in the standing orders'

and insert

'where the standing orders otherwise provide'.—*[Mr. Win Griffiths.]*

Clause 71

INTEGRITY

Amendment made: No. 167, in page 35, line 18, at end insert

', and

(b) for withdrawing his rights and privileges as an Assembly member for the period of his exclusion.'.—*[Mr. Win Griffiths.]*

Schedule 4

BODIES AND OFFICES COVERED BY SECTION 73

Mr. Cynog Dafis (Ceredigion): I beg to move amendment No. 53, in page 77, line 17, at end insert—

'7A. The British Council.'.

Mr. Deputy Speaker: With this, it will be convenient to discuss the following amendments: No. 54, in page 77, line 22, at end insert—

'12A. The Commission for Racial Equality.'.

No. 55, in page 77, line 26, at end insert—

'16A. The Economic and Social Research Council.'.

No. 56, in page 77, line 26, at end insert—

'16B. The Engineering and Physical Sciences Research Council.'.

No. 57, in page 77, line 27, at end insert—

'17A. The Equal Opportunities Commission.'.

No. 58, in page 77, line 33, at end insert—

'21A. The Health and Safety Commission.'.

No. 59, in page 77, line 33, at end insert—

'21B. The Health and Safety Executive.'.

No. 60, in page 78, line 3, at end insert—

'27A. The Medical Research Council.'.

No. 61, in page 78, line 12, at end insert—

'35A. The Natural Environment Research Council.'.

No. 62, in page 78, line 13, at end insert—

'36A. The Office of Electricity Regulation.'.

No. 63, in page 78, line 13, at end insert—

'36B. The Office of Gas Supply.'.

No. 64, in page 78, line 13, at end insert—

'36C. The Office of the National Lottery.'.

No. 65, in page 78, line 13, at end insert—

'36D. The Office of the Rail Regulator.'.

No. 66, in page 78, line 13, at end insert—

'36E. The Office of Passenger Rail Franchising.'.

No. 67, in page 78, line 13, at end insert—

'36F. The Office of Telecommunications.'.

No. 68, in page 78, line 13, at end insert—

'36G. The Office of Water Services.'.

No. 69, in page 78, line 13, at end insert—

'36H The Post Office.'.

No. 70, in page 78, line 21, at end insert—

'43A. The Teacher Training Agency.'.

No. 71, in page 78, line 21, at end insert—

'43B. The United Kingdom Atomic Energy Authority.'.

Mr. Dafis: The amendments would add those bodies to the list of bodies in schedule 4. I thank the hon. Members for Brecon and Radnorshire (Mr. Livsey) and for Montgomeryshire (Mr. Öpik) for adding their names to the amendments: that is much appreciated.

One of the reasons for establishing the assembly was to make quangos in Wales democratically accountable. Under schedule 4, only some of the quangos will be covered by clause 73. They can be required to attend the proceedings of the assembly to give evidence and to produce documents that are in their possession or under their control.

Will the Secretary of State explain why the list in schedule 4 does not include the bodies mentioned in the amendments? It is not because they need to be free from political influence: they do not belong to the same category as those listed in part IV of schedule 3.

I have tabled the amendments to emphasise how important it will be for the assembly to have a serious influence over the activities of some of the powerful bodies referred to in the amendments. It is more important that the assembly should be able to influence the Rail Regulator, the Office of Passenger Rail Franchising or the water and electricity regulators than the Apple and Pear Research Council. We do not have a significant apple and pear industry in Wales. I should like to see it expand, but at present those other bodies are more important.

It is much more important for the assembly to be able to call the Engineering and Physical Sciences Research Council and the Natural Environment Research Council than to be able to call the Apple and Pear Research Council. I have to admit to a glaring, inexplicable omission in our list: I have left out the Biotechnology and Biological Sciences Research Council. That is the main funding body for the Institute for Grassland and Environmental Research, and it is the only research institute that is located in Wales. My contention that it should be on the list is now on the record.

[Mr. Dafis]

The assembly will want to know why, apart from the Biotechnology and Biological Sciences Research Council, research council spending in Wales is so low. Is it because the standard of research in Wales is too low? If so, the assembly should know why, and it would be reasonable for the research councils to advise it on how that could be rectified. Is it because of cronyism? Research councils are, by and large, located in south-east England, so perhaps that has something to do with the fact that research funding in Wales is so low. It will be important for the assembly to check on the extent to which research priorities are relevant to Welsh needs.

It will be essential for the assembly to maintain a dialogue with research councils to develop a strategy for high-quality higher education and research in Wales.

5.45 pm

Mr. David Hanson (Delyn): Does the hon. Gentleman envisage circumstances in which, if asked, any of those bodies would not supply evidence or comment to the Welsh assembly?

Mr. Dafis: I shall come to that issue.

The assembly has a duty to promote equal opportunities, yet the Equal Opportunities Commission cannot be required to appear before it or its relevant Committee. It has a duty to have regard to sustainable development, yet it cannot require Opraf to appear before it, and that could be essential to the development of a sustainable transport policy. Other bodies also have a key role in sustainable development.

The assembly can call the Sugar Beet Research and Education Committee, but it cannot call the Post Office, whose actions are crucial for accessibility and for the development of communications; the same applies to the Office of Telecommunications. The assembly will want to consult the British Council on how Wales is projected and Welsh culture is interpreted overseas.

I imagine that, like the hon. Member for Delyn (Mr. Hanson), the Secretary of State will say that those bodies will be prepared to appear before the assembly, and that the assembly's status as an elected national body for Wales will give it influence. I want the Secretary of State to say what the hon. Gentleman almost said: that it would be unthinkable and unacceptable for those bodies, when it came to the crunch, not to behave in exactly the same way as those listed in schedule 4.

If the assembly is to set about the task of building a new and successful Wales, it must have the power to influence the bodies that have, in turn, such an influence on life in Wales.

Mr. Lembit Öpik (Montgomeryshire): The Liberal Democrats support the amendments. They are not controversial, and the assembly's structures are such that we should expect it to call those bodies to give evidence. That would be helpful, because it would establish a coherent relationship between the assembly and the bodies in question. Some of them may find themselves in a difficult situation, and would welcome the fact that the assembly can invite them to important debates on topics such as the national lottery or the railways, which are often controversial. The assembly would appreciate the importance of having the mandatory right to summon the United Kingdom Atomic Energy Authority, given the tensions that that industry arouses.

The Minister has shown great magnanimity in accepting Opposition proposals on a Cabinet structure, and we hope that he will show the same generosity of spirit, common sense and inclusivity and accept the amendments.

Mr. Ted Rowlands (Merthyr Tydfil and Rhymney): Has the hon. Gentleman's attention been drawn to clause 74, which gives the Secretary of State the power by order to add to this list as and when? The Food Standards Agency, which deals with matters of considerable concern to us, could be added at some future date. Does not that clause satisfy the aims of the amendments?

Mr. Öpik: Yes, those bodies could be added at a future date, but we can add them now. None of them is controversial.

Mr. Livsey: I am comparing yesterday's amendment paper with today's. The amendment referring to the British Waterways Board has somehow disappeared. I am sure that my hon. Friend would be concerned about that, because there is a canal in his constituency, as there is in mine. I am in dispute at the moment, because water is leaking into the houses of some of my constituents. I hope that the British Waterways Board will also be added to the list in schedule 4.

Mr. Öpik: My hon. Friend simply reiterates the fluid nature of the debate. I hope that amendments on the important matter of water are not drying up.

I applaud the Secretary of State for his magnanimity, which I hope stretches to accepting our proposals.

Ms Julie Morgan (Cardiff, North): I understand the points raised by Opposition Members. The organisations listed in amendments Nos. 53 to 71 are of great importance to Wales and the effective functioning of the assembly. Organisations such as the Equal Opportunities Commission and the Commission for Racial Equality will be fundamental to its day-to-day work as they already work closely with local government and other bodies to provide equal opportunities for everyone in Wales. It is absolutely essential for the assembly to have a good working relationship with such bodies and, by tabling the amendments, Opposition Members have flagged up that point. No doubt, other bodies will participate in joint projects with groups within the assembly.

As the bodies mentioned in the amendments are not the responsibility of the assembly and many of them have a wider British remit, it may not be possible to list them in the schedule. However, the amendments have flagged up the tremendous importance of the assembly working closely with such bodies as they will help determine the quality of the assembly and the way in which it will operate. Although I support the spirit behind the amendments, it may not be appropriate to add them to the schedule.

Mr. Bernard Jenkin (North Essex): There are 10 minutes left and I congratulate the hon. Member for

Ceredigion (Mr. Dafis) on introducing the amendments *[Interruption.]* I apologise for mispronouncing his constituency—this is not my lucky Report stage.

The amendments add to schedule 4 a list of bodies, increasing the number of organisations subject to summons by the assembly. The Opposition share the objective that the assembly should have a good working relationship with all such bodies. However, it seems a curious way of starting a good relationship on the right foot to require the power to summons them by force to meetings of the assembly.

I do not agree with the hon. Member for Montgomeryshire (Mr. Öpik) that the amendments are not controversial. In schedule 4, the Government have sought to ensure that bodies that are answerable or partly answerable to the assembly—those that fall under its competence—can be summoned to give evidence to the assembly, but that those that are answerable to the United Kingdom Parliament or are not in the purview of the assembly's powers should not be summonable. That seems a good principle to observe. The hon. Member for Cardiff, North (Ms Morgan) drew attention to the importance of the Equal Opportunities Commission and the Commission for Racial Equality, but seemed to agree that making them summonable to the Welsh assembly was not necessary in enabling them to influence the assembly's work, nor in enabling the assembly to influence their work.

At no point in the White Paper is there any suggestion that the assembly should have the power other than to invite bodies to give evidence to its meetings. In that respect, the Bill seems to be a perfectly reasonable fulfilment of the White Paper; therefore, we shall not support the amendments.

Mr. Win Griffiths: I well appreciate why the hon. Member for Ceredigion (Mr. Dafis) wanted to add to the list of bodies that can be summoned to give evidence to the assembly on their affairs and activities. The amendments propose that 19 or 20 bodies—or 20 or 21 bodies, depending on which day's amendment paper one has—should be added to the list. However, as my hon. Friend the Member for Cardiff, North (Ms Morgan) pointed out, we have to bear it in mind that schedule 4 lists bodies for which the Secretary of State has a statutory responsibility, and which will therefore become part of the assembly's responsibility. As the bodies listed in the amendments are not the responsibility of the Secretary of State, they will not fall within the ambit of the assembly when it is created next year. However, as my hon. Friend the Member for Cardiff, North pointed out, that is not to say that the assembly will not have an interest in their work or that bodies such as the Equal Opportunities Commission and the Commission for Racial Equality will take no interest in the work of the assembly.

The hon. Member for Ceredigion challenged me to suggest that it would be unthinkable for such bodies not to respond positively to a request from the assembly to give evidence on their work in Wales. It is very likely that they would want to respond positively to show what they were doing in Wales and, in some cases, to offer the assembly advice on implementing policies to meet their needs and demands.

The hon. Member for Brecon and Radnorshire (Mr. Livsey) mentioned that the British Waterways Board seems to have fallen off the list, perhaps into the hole through which water is leaking into his constituents' homes. I am sure that we can retrieve it, but we cannot accept the amendments.

Mr. Dafis: The hon. Member for Merthyr Tydfil and Rhymney (Mr. Rowlands) suggested that bodies other than those in the amendments might be added to the list under the provisions of clause 74. Can the Minister confirm that that can be done and, if so, through what mechanism?

Mr. Griffiths: As the House knows, over the years since the Welsh Office was created, various responsibilities have been added to its portfolio by Conservative and Labour Governments. If, at some future date, the Government of the day decided that other duties should be vested in the Secretary of State for Wales or the Welsh assembly, that could happen.

Mr. Rowlands: Surely it would be done by order under clause 74(5).

Mr. Griffiths: My right hon. Friend the Secretary of State was just passing me the relevant part of the Bill.

The hon. Member for Ceredigion raised an important point about the spending of research councils. That is certainly a matter in which the assembly could justifiably take an interest.

Although, for legal and technical reasons—despite the fluidity of the debate—I have to consign the amendments to a watery grave, I hope that the spirit in which we have debated them has demonstrated that the assembly is likely to receive a positive response in terms of inviting bodies to give evidence to it.

Mr. Dafis: I am grateful to the Minister for his useful response to the amendments and his confirmation that, in future, bodies can be made accountable under the provisions of clause 74. That negates the point made by the hon. Member for North Essex (Mr. Jenkin), who suggested that, if the assembly had the right to call upon certain bodies to give evidence, that would destroy the good relationship between the assembly and those bodies. Although some of the bodies already mentioned in schedule 4 have a UK-wide remit, that is no reason for not making them accountable to the assembly. That is a point to bear in mind for the future.

The assembly should invite such bodies to give evidence not only to find out what they are doing, but in certain circumstances to tell them in no uncertain terms what they ought to be doing in Wales and to urge them to develop strategies that are compatible with those of the assembly so that it can implement policies accordingly.

Dr. John Marek (Wrexham): I share the hon. Gentleman's concern. There are problems with Opraf, for example. Despite the fact that I and many other hon. Members pleaded about connection requirements, Opraf decided to do nothing. As a result, it is almost impossible to catch a convenient train between north and south Wales.

Mr. Dafis: All that I would say is that the democratic legitimacy that the assembly will have as a nationally elected body will surely give it purchase on those bodies. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 74

WITNESSES AND DOCUMENTS: SUPPLEMENTARY

Amendments made: No. 84, in page 36, line 46 leave out ', or fails' and insert 'or fails,'.

No. 85, in page 37, line 5 leave out ', or fails' and insert 'or fails,'.—*[Mr. Jon Owen Jones.]*

Clause 79

OFFICIAL SECRETS

6 pm

Sir Teddy Taylor (Rochford and Southend, East): I beg to move amendment No. 1, in page 38, leave out lines 26 and 27.

Mr. Deputy Speaker: With this, it will be convenient to discuss amendment No. 2, in page 38, line 26, leave out 'Assembly', and insert 'Executive Committee'.

Sir Teddy Taylor: We have been told throughout the long debates on the Bill that these are important days for Wales, so I hope that the House will appreciate that this is a terribly important day for me—this is the first time in my 34 years in the House of Commons that Front-Bench spokesmen have joined me in tabling an amendment. The amendment is, therefore, obviously of great significance, and I hope that the House will listen carefully to my arguments. The amendment would remove clause 79, which states:

"An Assembly member is a Crown servant for the purposes of the Official Secrets Act 1989."

Hon. Members will have been reassured by the fact that I have tried hard not to speak in the debates on the Bill, as I appreciate that the people of Wales probably feel that a Member of Parliament representing Southend-on-Sea, who came from Glasgow, is not the best person to advise them on their constitutional welfare.

I genuinely believe, however, that the amendment must be debated and considered, as it relates to the much wider issue of democracy and the rights of elected persons to safeguard their constituents' welfare and, equally important, to search out, identify and expose errors, misjudgments or even scandals of the Executive. Because of the importance of that function, the basis of our conduct in Westminster is that we have parliamentary privilege, which enables us to voice any opinion and to raise any issue that we think appropriate. There is no restriction on our conduct; the Official Secrets Act does not apply to us.

Moreover, the Act does not apply to local government councillors, and it will not apply—perhaps because they are angrier—to Members of the Scottish Parliament. However, the Bill proposes that Members of the Assembly should be subject to it. That is a horrifying democratic restriction, which my hon. Friend the Member for Aldridge-Brownhills (Mr. Shepherd) believes must be removed.

Why on earth was the clause inserted in the Bill? In questioning the Secretary of State for Wales and his colleagues, the only answers that we have been able to secure are, first, that the officials did not want to leave out anything that might be necessary and, secondly, that the clause was designed to take account of the fact that the Welsh assembly would do important work. Even if that were the whole argument, is it really the case that the work will be more important than the work done in the Westminster Parliament, which is the elected body that handed over a limited part of its functions to the assembly?

Before hon. Members dismiss my arguments, I hope that they will consider the full implications of the Official Secrets Act. Under section 3—which relates to information from international bodies, such as the European Union—Members of the Assembly could be prosecuted for revealing information that was marked restricted, confidential or secret. The previous Foreign Secretary—who was a Conservative—argued strongly in the House that there would have to be a "harm test" before the Act applied. That was a load of rubbish, of course. As my hon. Friend the Member for Aldridge–Brownhills and I both pointed out, section 3(3) has two paragraphs, one relating to the damage test and the other stating simply, of the document or information,

"the fact that it is confidential".

Unless the amendment is made, if a Member of the Assembly came across a piece of paper from an international body, such as the European Union, that suggested to that person that there was an abuse, scandal or policy that was damaging to Wales, the Member of the Assembly would find that he was obliged to make no reference to it—he could say nothing. Other measures in the Official Secrets Act are so tight, restrictive and debilitating that to want to apply them to a democratic assembly seems little more than insult.

Those are the views of a Conservative Back Bencher, to which hon. Members may not want to pay too much attention. However, I assure Labour Members that the views are not mine alone. In the debate on the Official Secrets Bill, some splendid Labour champions of liberty spoke. Roy Hattersley, the then shadow Home Secretary, said:

"Under the Bill, anything remotely related to security, no matter how trivial, will be covered."—[*Official Report*, 21 December 1988; Vol. 144, c. 475.]

The current Secretary of State for Health, who was then a champion of freedom and liberty, made a passionate speech, saying:

"In Winston Churchill's words . . . the Official Secrets Act was

'intended for spies, crooks, traitors and traffickers in official information.'

The Official Secrets Act was not intended to protect the Government from scandal being revealed or to prevent them from being found out when they lie, deceive or disinform, as all Governments do. Surely we as a Parliament have not sunk so low that we want to introduce new laws to protect official wrongdoing."—[*Official Report*, 13 February 1989; Vol. 147, c. 79.]

I hope that the Secretary of State for Wales will ensure that the Secretary of State for Health pins up that extract from *Hansard* on his ministerial wall.

Lord Irvine, the Lord Chancellor—he was then shadow Lord Chancellor—wrote in a journal a complex, lofty and rather confusing article with the intensely democratic title

"Law Reform for All". He said that the Act failed to recognise the public interest to know of Government abuses of powers, and argued that there was no public interest defence for whistle blowers. I am sure that, as a fundamentalist for civic liberty, he would have been as appalled as others have been about reports of public contractors being asked to submit themselves to the Official Secrets Act before they stuck the wallpaper on to the ceiling.

Mr. Eric Forth (Bromley and Chislehurst): Will my hon. Friend analyse why Members of the Scottish Parliament will not be covered by such a provision, despite the fact that—I hope that no one will take offence at this—the Scottish Parliament will have much wider legislative powers than are proposed for the Welsh assembly? Does it not seem bizarre that neither Members of the House of Commons nor Members of the Scottish Parliament are covered by such a provision, whereas Members of the Assembly will be?

Sir Teddy Taylor: My right hon. Friend is absolutely right, but I think that he knows the answer. The Scottish people—I am one—would not put up with that kind of thing. I am told that Welsh people have many good qualities—they tend to be more polite, to be less angry and perhaps to wake up to things a little later than Scotsmen, although they have plenty of wisdom and ability.

Mr. Elfyn Llwyd (Meirionnydd Nant Conwy): They play better rugby.

Sir Teddy Taylor: They are very good at rugby, but they should do something when their democratic rights are threatened, as the Scots would have done. In Committee, we heard nothing about the provision. After I had tabled the amendment, the Welsh nationalists tabled a more limited one—I am delighted that they have noticed what is going on. Frankly, we have to tell people that the matter is important.

As the new Labour Government are, we are told, made up of passionate believers in free speech, in democracy and in the right of democratic representatives to go all the way, I can only think—especially as the Secretary of State for Wales is so courteous—that the inclusion of clause 79 in the Bill was a bureaucratic error. It must be removed.

Colleagues will know that, throughout my parliamentary career, I have been wholly opposed to a devolved assembly. However, as on so many other things, I am afraid that I have been outvoted and am in a minority. The only thing that keeps me going in the House of Commons is the passionate hope that I am wrong and that the majority are right in their support for policies such as devolution, which I think is rubbish, Euro-integration, which I think is dangerous, agricultural support, which I think is wasteful, and proportional representation, which I believe is the destruction of democracy. I am worried about all those things. I hope that I am wrong and the majority are right.

Whether or not people agree with me—the great majority never seem to agree with me on anything here—we know that Welsh devolution is going ahead. I hope that, despite my fears, it will benefit Wales and its people. Surely, if we are to have a Welsh assembly and we believe in it, its Members must be free. They must not be curbed or abused and they must not be restricted by the Official Secrets Act.

I appeal to the House to look at this solitary and simple amendment, which is the only amendment tabled by my hon. Friend the Member for Aldridge–Brownhills and me, and accept that it is the right way forward for Wales and democracy. I know that hon. Members sometimes table amendments because they are funny, because they want to cause a political row or something like that. I can assure the Secretary of State, whom I respect as a courteous man, that there is a fundamental principle involved. If we do not take this provision out of the Bill, the Welsh assembly men will be deprived of their entitlement to look after their constituents, to look after Wales and to watch the Executive carefully and properly. I hope that the House will look carefully at amendment No. 1 and approve it, particularly since I have support from my Front Bench and from previous Labour Cabinet members who spoke in debates on the Official Secrets Act.

Mr. Llwyd: I want to speak to amendment No. 2 which is in my name and that of my right hon. and hon. Friends. I agree, at least in part, with the comments of the hon. Member for Rochford and Southend, East (Sir T. Taylor), so this is also an historic day for me.

By the way, I do not think that the difference between the Scottish Parliament and the National Assembly for Wales is due to the character of the Scots or the Welsh and it ill behoves a Euro-sceptic to analyse characteristics of that kind. The true answer is that one is a legislative body and the other is not, and it need go no further than that.

I was pleased to agree with several of the opening remarks of the hon. Member for Rochford and Southend, East. I agree with the analysis that Members of the Assembly will be hampered to a great extent. That has to be wrong, because they will serve the people who have elected them.

Clause 79 would make every member of the national assembly Crown servants for the purposes of the Official Secrets Act. As the hon. Member for Rochford and Southend, East said, eloquently, previous parliamentarians have looked carefully at that Act. When he was shadow Home Secretary, Roy Hattersley made some cogent and informative remarks which were quoted by the hon. Member for Rochford and Southend, East. The hon. Gentleman also referred to the comments of the present Secretary of State for Health who said, very stringently, that the Official Secrets Act was intended for spies, crooks, traitors and traffickers in official information. I do not think that Members of the Assembly will fit that bill. Therefore, the Bill is flawed to that extent.

Sections 1 to 6 of the Official Secrets Act set out certain categories of information which are protected. Nevertheless, in this place we are protected by parliamentary privilege and by article IX of the Bill of Rights. In both those cases we are able to express any and all opinions that we see fit on behalf of our constituents and in the process of legislating. I believe that clause 79 is dangerous and I am at a loss to fathom why it is in the Bill.

I pay considerable homage to the hon. Member for Cardiff, West (Mr. Morgan), who has assisted us by sending certain important letters to hon. Members on both

[Mr. Llwyd]

sides of the House. That has informed the debate and made it far easier for us to undertake it. I hope that the Minister will reveal the way in which the Government will be moving, because the current position is ridiculous. It means that Members of the Assembly will be bound by the Official Secrets Act. A Member who is bound by the Act is not worth a candle. They will be precluded from saying or doing many of the things that they would wish to say or do.

One of the criticisms of the Official Secrets Act was that it failed to achieve its purpose. It did not increase public access to official information. Applying the 1989 Act in this case would close down any dialogue and would be a democratic abuse. I hope that the Minister will provide some form of safeguard when he responds to this short, but important, debate.

6.15 pm

Mr. Rowlands: The hon. Gentleman referred to the documents and correspondence in circulation. One of the points that he drew to our attention, rather interestingly, is that our privileges here are determined by article IX of the Bill of Rights. It says:

"the freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament".

Might not the simple solution be to apply article IX to assembly men and women?

Mr. Llwyd: The hon. Gentleman is right. If that were the case, there would be no problem. Perhaps my amendment and that of the hon. Member for Rochford and Southend, East are a rather convoluted way of going about things. If the Minister were to assure us that article IX would apply, as the hon. Member for Merthyr Tydfil and Rhymney (Mr. Rowlands) said, there would be no problem. I hope that the Minister will make an announcement, because failure to do so will be challengeable in any event. There is a body of learned opinion to support—

Mr. Owen Paterson (North Shropshire): I remind the hon. Gentleman that the prospectus for the referendum was the White Paper, "A Voice for Wales". Page 28 of that document says:

"The Assembly will operate under maximum openness and public accountability."

Is this clause not a total contravention of that?

Mr. Llwyd: I am afraid that it is. Again, I find myself agreeing with a gentleman with whom I do not often agree.

Mr. Forth: It is a funny old world.

Mr. Llwyd: Yes it is. The word "inclusiveness" is the big word in connection with the Welsh Bill.

I shall come to a conclusion because I know that other hon. Members want to speak and there is a lot of work to be done today. However, I want to flag up one more important point, which was made by Liberty. That body said that clause 79 may be challengeable under article 10(1) of the European convention on human rights. No doubt I part company here with the hon. Member for Rochford and Southend, East, who is already in a violent fit of temper. The article states:

"Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authorities and regardless of frontiers."

Freedom of expression, as secured in that article, is an essential foundation of any democratic society. I agree with that. I hope that the Minister will give assurances that those serving in the national assembly will not be hampered in this way. I hope that we will be able to discuss whether to withdraw the amendment.

The Parliamentary Under-Secretary of State for Wales (Mr. Peter Hain): I apologise for rising so early in the debate, but I thought that it might assist the House if I were to respond to some of the points now. As a long-standing advocate of the principle of freedom of information and a campaigner against official secrecy laws applied in a draconian fashion, there is no way in which I would have been party to any assembly Member being gagged; nor was it ever the intention of my right hon. Friend the Secretary of State so to do. He has been similarly committed to the principle of freedom of information for a very long time.

I congratulate the hon. Member for Rochford and Southend, East (Sir T. Taylor) on the way in which he moved amendment No. 1. I also note the way in which Opposition Front Benchers have signed up lock, stock and barrel to his position. That shows how far the Conservative party has moved recently on the matter.

I also pay tribute to the work—in the House and elsewhere—on the principle of official secrecy done by the hon. Member for Aldridge–Brownhills (Mr. Shepherd). He serves as an example on the issue to us all.

Amendment No. 1 would remove clause 79 from the Bill, which would then say nothing about the position of assembly Members in relation to the Official Secrets Act. Conversely, amendment No. 2—which was ably spoken to by the hon. Member for Meirionnydd Nant Conwy (Mr. Llwyd)—would simply limit the category of Crown servants bound by the Act to members of the Executive Committee. That is an entirely different proposition, as I shall explain shortly.

Ministers of the Crown and civil servants are Crown servants. My right hon. Friend the Secretary of State—like me and my hon. Friend the Under-Secretary—is bound by the Act in his official capacity. As we have explained previously, his functions are to be transferred to the assembly. It was thought appropriate that the position of assembly Members performing functions on behalf of the Crown, and in place of the Secretary of State, should be made clear. Clause 79 therefore declares that all assembly Members are Crown servants for purposes of the 1989 Act.

Clause 79 reflected the committee structure that was proposed before acceptance by the House of the new clauses—the motions on which were moved by my right hon. Friend the Secretary of State—on a cabinet structure, which has created an entirely new situation. It is necessary to amend the Bill to reflect that new situation.

Although I agree strongly with the hon. Member for Rochford and Southend, East that assembly Members must be free to express their views—it is a fundamental

principle of the House, as I am sure it will be of the assembly—his statement that the 1989 Act does not apply to Members of Parliament is not true. If an hon. Member discloses an official secret other than in proceedings in Parliament—such as in a newspaper article or in a speech outside the House—he or she may be subject to prosecution, like anyone else. That principle was established in the Duncan Sandys case, in 1938.

Mr. Rowlands: I am following my hon. Friend's argument. The 1989 Act does not apply in this place. Therefore, why will it apply in the assembly?

Mr. Hain: I shall deal with that point in a moment. However, I should make it clear now that the assembly is a Crown body and is, therefore, in a different position from the House.

The Government are therefore inclined to accept in principle the thought behind amendment No. 2. We should like to examine technical ways in which the amendment might be recast, so that the underlying principle—on which we agree—is better applied. If the amendments in this group are not pressed, we propose to table our own amendment in another place to deal with the points, which we accept.

I hope that hon. Members do not overstate the matter dealt with in the amendments. The 1989 Act covers information in spheres such as security, intelligence, foreign affairs, defence, crime or special investigations and international confidences—matters which, for the most part, are light years away from the assembly's responsibilities, as listed in schedule 2. Therefore, on only rare occasions might information covered by the Act go to any assembly Member, whether he or she was an Executive Committee member or an ordinary assembly Member.

Mr. Oliver Letwin (West Dorset): Before the hon. Gentleman moves on, I should like to take him back to the moment at which he said that it was necessary to amend the Bill because of the change from committee to cabinet structure. Is he saying—following yesterday's comments by the Secretary of State—that he would wish to reintroduce the clause on official secrets if the assembly chose to return to a committee structure?

Mr. Hain: If the assembly returned to a committee structure, Executive Committee members would be covered by the Act. Consideration might have to be given to extending by order the Act's coverage to subject Committee members, but that would be a matter for consideration by Parliament and by the assembly. I should have thought that the entire issue would be examined in an entirely fresh light—particularly given the manner in which this group of amendments has been tabled and spoken to.

Sensitive information might be provided to an assembly Member, for example, on police investigations into allegations of child abuse in Wales. An assembly Member, perhaps with responsibilities for social services on a subject Committee, would properly have to have that information. However, he or she should be under an obligation not to disclose that information publicly. The idea is not a novel one. The principle that Back Benchers should sometimes receive sensitive information has been applied in the House, where—under the Intelligence Services Act 1994—they serve on the Intelligence and Security Committee. Hon. Members who serve in that capacity are, of course, covered by official secrecy legislation.

I should also distinguish between official secrecy legislation and confidential information—perhaps dealing with commercial matters, such as an inward investment project—which might be passed to an assembly Member. Such an assembly Member, perhaps in his or her capacity as a subject Committee member, would be expected to apply the principle of confidentiality.

Sir Raymond Powell (Ogmore): I am trying to follow my hon. Friend's argument. Perhaps some hon. Members do not wish to become Members of the Assembly because they are confused about whether—in Cardiff, unlike this place—they will be covered by official secrecy legislation. I am confused when we talk about freedom of information and the freedom to express ourselves, whether in this place or in the Welsh assembly.

Mr. Hain: I tell my hon. Friend that there is absolutely no confusion. Members of the Welsh assembly will be as free in their new assembly in Cardiff as he is in this place to express a view. Page four of the freedom of information White Paper "Your Right to Know"—a very important document, which will be followed by legislation in the House—states:

> "In Wales, the Act will cover the National Assembly for Wales (as a Crown body) and other public authorities."

The freedom of information Act will have the principle of freedom of information at its heart.

Now that we are moving towards a clearer division in the assembly between those with daily Executive responsibilities and those who will play a rather different role on the subject Committees, we will have to amend the Bill along the lines suggested by amendment No. 2.

Mr. Rowlands: My hon Friend has been extremely helpful. However, only yesterday, we added to the Bill a new clause that will allow the assembly to delegate functions not only to the Executive Committee but to Committees of the assembly. Does that mean that the 1989 Act will apply to Committee members the moment functions are delegated to a Committee?

Mr. Hain: No, because those functions would not infringe on the responsibilities covered by the Act. If they did, the principle would apply to any assembly Member, as I have already explained.

Sir Teddy Taylor: Would I be remiss in thinking that something has to be done? Would not the sensible thing be to pass amendment No. 1, get rid of clause 79 and table a new, detailed proposal in the other place?

Mr. Hain: In the nicest possible way, I remind the hon. Gentleman that that is what I have said. We shall table an amendment in the House of Lords to reflect many of the views that have been expressed this evening, because we agree with them. We have to devise the right form of words.

The assembly will not hide behind the Official Secrets Act. It will be a new democratic institution of participatory democracy. The underlying principles will

[Mr. Hain]

be openness and "inclusiveness" to build a new, vibrant democracy in Wales. *[Interruption.]* The right hon. Member for Devizes (Mr. Ancram) scoffs. We are introducing the democracy that he and his Government repeatedly thwarted during the 18 years of miserable rule from which Wales suffered.

Those with Executive responsibilities in the assembly should continue to be regarded as Crown servants for the purposes of the Official Secrets Act, as Ministers are. We accept that the category of Crown servant for the purposes of the Official Secrets Act should apply only to members of the Executive Committee and not to ordinary Members of the Assembly. We shall bring forward amendments accordingly. Given that assurance, I hope that leave will be sought to withdraw the amendment.

6.30 pm

Dr. Marek: I signed amendment No. 2, which was tabled by Plaid Cymru Members. I am pleased that the Minister has agreed to do something about the problem. However, it will continue to exist because the assembly will be a Crown body. To the Treasury, the Prime Minister and the Cabinet, a Crown body means a Government body. The United Kingdom Government decide what is an official secret.

It is difficult to think of examples on the spot, but I shall try. Let us suppose that the Budget for a financial year is being decided in the UK Cabinet with the help of the Secretary of State for Wales. Will UK civil servants impart information about the Government's public expenditure programme and how much money will be passed to the Welsh assembly before the final decision is made, without being certain that the people to whom they pass that information will be bound by the Official Secrets Act? I suspect that they will not, but if I am wrong, I shall gladly give way to my hon. Friend.

Mr. Hain: I hope that I can set my hon. Friend's mind at rest. The exchange of information outside the protected categories between Whitehall Departments and the assembly will be covered in concordats.

Mr. Michael Ancram (Devizes): Oh!

Mr. Hain: I thought that that would excite the right hon. Gentleman. If a party requires confidentiality, that will have to be written into the concordats and properly respected. Business between the assembly and the Government could not operate in any other fashion. A breach of a concordat's provision on confidentiality would not amount to a breach of the Official Secrets Act.

Dr. Marek: Let us consider matters that would be subject to the Official Secrets Act, such as the disposition of defence facilities in the Principality. Even if the members of the Executive Committee of the national assembly decided, in the interests of the people of Wales, that the information should not be secret, they could not make it public because they would be bound by the Official Secrets Act, which would be interpreted by the UK Government. I foresee continuing problems.

I thank the Minister for the effort that he has made. The national assembly will have a Cabinet form of government and will get classified information from time to time, as do Members of Parliament. Members of Parliament treat such information with respect and use their judgment. I believe that Members of the Assembly will do the same.

The Government have sought to tie down the national assembly as much as possible. The Bill is so tightly drawn that no Member of the Assembly will be able to speak up or use their judgment on any classified information. The Government have promised to table an amendment to alter that. As the Bill stands, the Executive Committee—the Welsh Cabinet—may not be able to make certain information public, even if it wants a debate or wants to receive representations.

Sir Raymond Powell: Is my hon. Friend satisfied that the Bill will come back from the other place in the amended form that we would like?

Dr. Marek: Yes. The Minister clearly promised to get rid of the clause. I have full confidence in him. There will be a clause restricting the operation of the Official Secrets Act to the Secretaries and the First Secretary of the national assembly. However, I am still worried that we have not sorted out this important issue. I pay tribute to those who raised it. I hope that the House of Lords pays careful attention to it.

Mr. Öpik: Most of the arguments have already been made. If the clause remains in the Bill, it will set a dangerous precedent. A vital part of the role of any elected Member is to blow the whistle on corrupt or unacceptable practices. The danger of enshrining the Official Secrets Act as proposed is that a corrupt leadership could easily use it to cover bad practice. However willing some of the incorrupt Members of the Assembly were, their hands would be tied because they would have to break the law to bring forward issues of concern.

As the hon. Member for North Shropshire (Mr. Paterson) said, clause 79 goes against the principles of openness set out in the freedom of information White Paper. He also referred to the White Paper "A Voice for Wales". The Government must realise that the debate is not merely academic. The amendment that they table in the House of Lords must be open. Unless political parties intend to field

"spies, crooks, traitors and traffickers in official information"

as candidates for the assembly, there is no need to be paranoid about who stands, even if the Conservatives return to politics in Wales.

The Minister said that he shared the concerns underlying the amendments. I know that he is a great friend of freedom of speech. I am encouraged by his assurance that the Government have taken heed of the debate and will consider tabling an amendment in the House of Lords. We would prefer them to follow the principles of amendment No. 1, rather than amendment No. 2, and leave the matter open, because it is easier to protect information than to trust the public and Members of the Assembly to do so.

We have repeatedly discussed the assembly as a new and inclusive form of politics that will leave corrupt practice behind and create a co-operative spirit in which people are assumed to be sincere, so we must ensure that the Official Secrets Act is not used in a way that tarnishes the high expectations.

We must begin by acting in good faith, and whatever the Government come up with must be framed in that spirit, or they can expect fierce conflict with supporters of free speech, the resistance of Opposition Members, and the cynicism of the Welsh public.

Mr. Tam Dalyell (Linlithgow): This is Pandora's box, a can of worms, or whatever one cares to call it. Imagine an Official Secrets Act trial taking place in Cardiff, Swansea or somewhere else. I do not know whether the Minister has ever sat through an Official Secrets Act trial. For 11 days at the Old Bailey I attended the trial of a present resident of Wales, Clive Ponting. One has to see it in operation to believe how complex such a trial can be and how many extraneous matters can be introduced.

I offer this warning: given the politicians that the Members of the Assembly will be, and that there is another Parliament—the British Parliament—there will be an overwhelming temptation to leak, at the expense of the Treasury in Great George street, to further political grouses and dissatisfactions. That temptation will lead to the cutting of corners. I predict that, sooner or later, there will be flagrant breaches of official secrets legislation.

We are not discussing something up in the air, in fairyland, but a grave reality that will come about. In those circumstances, I beg my right hon. and hon. Friends to be careful.

Mr. Hain: Does my hon. Friend agree that it is not unknown for Whitehall Departments to leak against one another?

Mr. Dalyell: It certainly is not, and I suspect that my hon. Friend knows more about that than I do.

Mr. Hain: To set my hon. Friend's mind at rest, let me assure him that I was talking about the previous 18 years of Conservative rule.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich): I apologise for intervening in the debate. One has some reticence about getting involved in a matter that is so important to the land of my fathers. Because the matter is so fundamental, and the clause is so obviously wrong, might not it be more comfortable for the House of Commons if the Minister were to withdraw the clause altogether, with a view to introducing something else? I am one of those depressing people who, like my hon. Friend the Member for Linlithgow (Mr. Dalyell), have been here a long time and fought a few battles, and I know that hon. Members are sometimes told that they did not object when they had the opportunity.

Mr. Dalyell: It is the first time in 33 years that my hon. Friend has been reticent. She expressed my thought so eloquently that I shall leave it at that. She has made the point better than I could.

Mr. Evans: It is a tremendous privilege to follow the hon. Members for Linlithgow (Mr. Dalyell) and for Crewe and Nantwich (Mrs. Dunwoody). She may be reticent, but there is nothing depressing about her. Both hon. Members were absolutely right. As the Minister said, there may be a temptation to leak that goes alongside the necessity to spin in Whitehall under new Labour.

We have had some revelations today. Apparently, Whitehall Departments leak against one another; I am sure that that does not happen in the Welsh Office. Given all his campaigning in various parts of the world on behalf of openness and against tyrannical and oppressive regimes, why has it taken the Minister four months to realise that the clause, in a flagship piece of legislation, is wrong? Did it come to him as a complete revelation—as happened to the Secretary of State when he realised after 40 years that Cardiff was the capital of Wales—that the clause ran counter to everything that he believes?

6.45 pm

Mr. Letwin: Does my hon. Friend agree that we could help the Minister by explaining that this reveals something deep about the Bill? The reason why he introduced such a clause, opposed as he is to any constraint on freedom, is that the assembly was conceived in the first place as a substitute for the person of the Secretary of State, without the slightest idea of its being an ordinary democratic body holding the Executive to account. On the contrary, it was conceived as an Executive organ. That is a confusion which the removal of the clause, much though that may do, will not entirely remove.

Mr. Evans: We are trying to be as helpful as we can to the Minister, and my hon. Friend's contribution followed exactly that line. In many respects, we understand why the clause was included; my hon. Friend hit the nail on the head.

I was interested to hear what the Minister said about the Secretary of State's intentions. If I remember rightly, he said that the Secretary of State would never want to gag Members of the Assembly or anyone else, but I remember what happened in the referendum campaign, when the hon. Members for Ogmore (Sir R. Powell) and for Blaenau Gwent (Mr. Smith), who were opposed to devolution, were gagged. They were prevented from making a full and free contribution to the debate. There were all sorts of threats, including a controversial dialogue between the hon. Member for Blaenau Gwent and the Secretary of State.

We will put that to one side and say that a line has been drawn in the sand and that Ministers have had a revelation. The clause is to be taken away, as the hon. Member for Crewe and Nantwich suggested. The amendment would achieve that, and allow the Minister and his Department to consider carefully the privileges of Members of the Assembly.

The hon. Member for Ogmore suggested that the confusion about what rights and privileges Members of the Assembly are to have may explain why so few hon. Members want to go to Cardiff. I am a bit of a cynic, and I think that there may be all sorts of other reasons why Members of Parliament—with the notable exception of the hon. Member for Cardiff, West (Mr. Morgan)—do not want to play a part in the Welsh assembly.

Mr. Livsey: Will the hon. Gentleman give way?

Mr. Evans: No, because I intend to make a short contribution, and I know that other hon. Members want to speak.

[Mr. Evans]

My right hon. Friend the Member for Devizes (Mr. Ancram) spoke yesterday about the Cabinet structure that will come into being in the Welsh assembly. The change that is in process, with the Cabinet structure and the Members of the Assembly underneath it, means that the clause is no longer needed. The problem is what will happen in future. The proposed structure is not a complete Cabinet structure, and powers may to and fro between the Cabinet and the assembly. We therefore need to know exactly what the relationship will be. The Minister may remember the quacking dog and barking duck. The imprecise nature of the proposed Cabinet means that the Official Secrets Act may need to be reinvented.

We in this House all hold dearly our privilege of freedom of speech. We are here to speak up on behalf of our constituents and address any wrongs. We would be very aggrieved if we thought that we would be gagged in any way and prevented from being able to speak up properly. Yet clause 79, unamended, would have done just that.

The Minister mentioned "Your Right to Know". In the preface to that White Paper, the Prime Minister says:

"The Government is pledged to modernise British politics. We are committed to a comprehensive programme of constitutional reform. We believe it is right to decentralise power; to guarantee individual rights"—

and stresses—

to open up Government".

He continues:

"The traditional culture of secrecy will only be broken down by giving people in the United Kingdom the legal right to know."

Clause 79 would have been completely against that.

The hon. Member for Merthyr Tydfil and Rhymney (Mr. Rowlands) spoke about article IX of the Bill of Rights; he made an interesting suggestion. Members of a Welsh assembly will not have exactly the same freedoms and privileges that we enjoy in the House of Commons.

Mr. Rowlands: Just to test the water, I wonder whether a resolution of the House simply saying that freedom of speech and debate in the procedure of a National Assembly for Wales ought not to be impeached would be sufficiently powerful, given that the House is the supreme court of Parliament.

Mr. Evans: I do not mind at all being the conduit of that message. It will be interesting to see whether the Minister is able to respond to that suggestion.

The debate has been very instructive. We know that there has been much controversy over the inclusion of clause 79. We are somewhat reassured by the Minister's saying that the Government are prepared to look again at the matter and table amendments in the House of Lords, but we need to know a little more about Welsh Office thinking. It has had four months to address the matter since the Bill, including clause 79, was presented. It is only because Opposition Members and Labour Back Benchers have kicked up a fuss that the Welsh Office ministerial team has been forced to think again. What assurances can the Minister give that the team will come up with the right solution for the Welsh assembly?

Mr. Rhodri Morgan (Cardiff, West): We have been only partially reassured by the Minister's remarks. I have taken a considerable interest in this issue. I pay tribute to the hon. Member for Aldridge–Brownhills (Mr. Shepherd), who originally gave me material as a fellow member of the Select Committee on Public Administration, which I then circulated to all Welsh Members. I did not send it to any Conservative Members because none of them represents a Welsh constituency. I assumed that the Conservative party would have its own network. I am glad that Conservative Members have a copy of the hon. Gentleman's informative material. He probably gave it to me before he disappeared to Canada because he thought that if he sent it to all Welsh Members they would dismiss it as material from a Conservative Member. As a Welsh Member, I was able to suggest that the material was of considerable interest.

The material is fundamental to the Welsh assembly's ability to work and the way in which its Members will be able to scrutinise what is being done in the name of the people of Wales, who elected them. If any parliamentary assembly cannot scrutinise what the Government of the day—if that is what one wants to call the Executive of the Welsh assembly—are doing, it is not able to carry out its fundamental duty. Clearly, there will be times when the Welsh assembly acts in an executive capacity, and times when it scrutinises. It cannot scrutinise the Executive unless its Members have the right to free speech conferred by the 1688 Bill of Rights.

It is not stated that article IX of the Bill of Rights applies to the Welsh assembly; we have assumed—perhaps too comfortably—that it will apply anyway. There are cases of people in Commonwealth Parliaments being accused of disclosing material. I think that a Member of the Canadian Parliament was accused of disclosing in a speech official secrets relating to where uranium was stored in Canada. He took the case—presumably—to the Judicial Committee of the Privy Council, and it was declared that article IX had supremacy over the Canadian official secrets Act. He was told that he was in the clear because he was carrying out his duty as a Member of Parliament.

We just hope that article IX applies to the Welsh assembly. Perhaps we should consider whether it should be stated that it applies. If there is no need to include it in the Bill, why is there a need to include the Official Secrets Act 1989, which would apply even if the assembly reverts to a committee system? It is not sufficient for the Minister to say that the Official Secrets Act clearly applies to Ministers because they carry out ministerial roles and that, if the powers of the Secretary of State for Wales are transferred to the Welsh assembly, the same duties not to disclose information under the Official Secrets Act are also transferred to all 60 Members of the Welsh assembly.

Not all the Secretary of State's obligations and responsibilities are automatically transferred to the Welsh assembly. For instance, not all 60 Members can turn up at No. 10 Downing street at 9 o'clock every Wednesday morning and say, "Hello Tony, we have turned up for the Cabinet meeting." They will not have one 60th of a little red box. The package of duties and responsibilities of the Secretary of State for Wales transfer to the Welsh assembly only as far as common sense dictates.

It is noticeable that the powers, duties and responsibilities of the Secretary of State for Scotland are transferred to the 129 Members of the Scottish Parliament, yet I can find no reference in the Scotland Bill to the Official Secrets Act applying to any Member of the

Scottish Parliament, Ministers or anybody else. There is reference to the promissory oath and the oath of allegiance—also, coincidentally in clause 79 of the Scotland Bill.

I ask the Minister to strengthen his assurances to recast the contents of clause 79. We want the principle behind it to disappear from the Bill. Perhaps something needs to be inserted about oaths, along the lines of the Scotland Bill. If I am wrong about there being no reference to the Official Secrets Act in the Scotland Bill, I would be happy to be corrected. There is no reason why we need it in the Government of Wales Bill. It is not the detail of clause 79 that is wrong but its fundamental principle. It restricts freedom of speech and the ability to carry out a primary role of scrutiny that any parliamentary assembly must have if it is to be taken seriously by the electors.

Mr. Gareth Thomas (Clwyd, West): I agree with the sentiments expressed by the hon. Member for Rochford and Southend, East (Sir T. Taylor) in his very good-natured and cogent speech. His remarks were echoed by my hon. Friend the Member for Cardiff, West (Mr. Morgan).

In the light of the Government's programme of constitutional reform, which includes the very important freedom of information legislation, which will give the public a statutory right to know, and the Human Rights Bill, clause 79 is entirely incongruous, and something must be done about it. I am pleased that the Minister has given assurances. Clearly, a great deal of work has to be done to strike the correct balance between the right of individual Members of the Welsh assembly to scrutinise and the public interest in ensuring security of information.

Public security requires on occasion that the Official Secrets Act bites. I am pleased that the Minister has said that an amendment will be moved in the other place. It is an interesting fact that had the Human Rights Bill that is now going through Parliament been in force, it is likely that the Secretary of State would have had to declare to the House that nothing in the Bill was incompatible with the European convention on human rights. Clause 79 is incongruous and more work needs to be done.

Sir Teddy Taylor: In the light of the clear assurance given by the Minister, for which we are grateful, I have confidence that, in view of the strong feelings expressed by hon. Members on both sides of the House, something will be done, I will with reluctance—

It being Seven o'clock, MR. DEPUTY SPEAKER *, pursuant to the Order [15 January] and the Resolution [25 March], put forthwith the Question already proposed from the Chair.*

Amendment negatived.

MR. DEPUTY SPEAKER *then proceeded to put forthwith the Questions necessary for the disposal of the business to be concluded at that hour.*

Clause 84

DESTINATION OF RECEIPTS ETC.

Amendments made: No. 86, in page 40, line 14, leave out from beginning to 'received' in line 18 and insert—

'( ) Sums received by the Assembly shall be paid into the Consolidated Fund (but subject as follows).

( ) Sums received by the Assembly—

(a) under section 80 or 82, or

(b) under any other provision of this Act or any other enactment for the making of payments or loans to the Assembly by a Minister of the Crown or a government department,

are not required to be paid into the Consolidated Fund.

( ) Sums'.

No. 87, in page 40, line 26, at end insert—

'( ) Sums received by the Assembly shall not be paid into the Consolidated Fund if they are required by any provision of this Act or any other enactment to be dealt with in some other way.

( ) Sums received by the Assembly are not required to be paid into the Consolidated Fund if they are authorised (but not required) by any provision of this Act or any other enactment to be dealt with in some other way (and are so dealt with).

( ) The Treasury may direct that sums received by the Assembly which are, or are of a description, specified in the direction are not required to be paid into the Consolidated Fund.'.—*[Mr. Jon Owen Jones.]*

Clause 92

STAFF ETC.

Amendment made: No. 88, in page 43, line 32, leave out subsection (3) and insert—

'(3) No arrangements shall be made—

(a) for any of the functions of the Auditor General for Wales or of the Assembly to be exercised by the other or by a member of the other's staff, or

(b) for the provision of any administrative, professional or technical services by the Auditor General for Wales or the Assembly for the other.'.—*[Mr. Jon Owen Jones.]*

Clause 94

AUDIT OF AUDITOR GENERAL'S ACCOUNTS

Amendments made: No. 141, in page 45, leave out lines 11 to 13.

No. 168, in page 45, line 16, leave out from '1989' to 'his' in line 17 and insert

', or

(b) he is a member of a body of accountants, established in the United Kingdom or another EEA State, which is for the time being approved by the Assembly;

and "EEA State" means any State which is a Contracting Party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992, as adjusted by the Protocol signed at Brussels on 17th March 1993.

(3A) The Assembly may delegate to the Audit Committee the function of approving bodies of accountants, or of withdrawing approval from such bodies, but may not otherwise delegate those functions.

(3B) If a person appointed as the auditor ceases to be a person who could be so appointed,'.—*[Mr. Jon Owen Jones.]*

Clause 97

PREPARATION AND AUDIT OF ASSEMBLY'S ANNUAL ACCOUNTS

Amendment made: No. 89, in page 48, line 9, leave out from 'that' to 'in' in line 10 and insert

'the expenditure to which the accounts relate has been incurred lawfully and'.—*[Mr. Jon Owen Jones.]*

Clause 98

ACCOUNTING OFFICERS

Amendments made: No. 169, in page 48, line 28, leave out 'under section 139(3)(a)' and insert

'in pursuance of any provision of this Act'.

No. 90, in page 48, line 35, leave out

'in the instrument by which he is designated'

and insert 'by the Treasury'.

No. 170, in page 48, line 37, leave out 'under section 139(3)(a)' and insert

'in pursuance of any provision of this Act (other than this section)'.

No. 91, in page 48, leave out line 39 and insert

'the responsibilities which are from time to time specified by the Treasury.'.—*[Mr. Jon Owen Jones.]*

Clause 99

ACCOUNTS OF ASSEMBLY SUBSIDIARIES ETC.

Amendment made: No. 171, in page 49, line 30, leave out

'in which the Assembly holds an interest'

and insert

'or other undertaking (as defined in section 259(1) of the Companies Act 1985) of which the Assembly is a parent undertaking (within the meaning of section 258 of that Act)'.—*[Mr. Jon Owen Jones.]*

Schedule 5

HER MAJESTY'S CHIEF INSPECTOR OF SCHOOLS IN WALES

Mr. Hain: I beg to move amendment No. 106, in page 79, line 5, leave out

'as the Chief Inspector, or'.

Mr. Deputy Speaker (Sir Alan Haselhurst): With this it will be convenient to consider Government amendments Nos. 107 to 109.

Mr. Hain: These amendments are merely designed to remove any doubt over the employment status of Her Majesty's chief inspector of schools in Wales and the English equivalent.

The current chief inspector in Wales was appointed as a civil servant. That arrangement has worked well. Accordingly, schedule 5 originally provided that future incumbents of that post were also to be civil servants. However, the current chief inspector in England is not a civil servant, and both appointments were made under the School Inspections Act 1996. An express provision to the effect that the Welsh chief inspector must be a civil servant could call into question the power to make an appointment on non-civil service terms as in England.

The amendments effectively preserve the status quo, and leave the issue of civil service status to be decided not by statute but by the terms of the chief inspector's appointment, allowing flexibility in both Wales and England to choose the best approach in each case, and removing any obstacle that might otherwise preclude the most suitable individual from being appointed to the post of chief inspector. Furthermore, the amendments do not affect the status of the chief inspector's staff, who will remain civil servants in any event.

I might add that amendments Nos. 108 and 109 mirror with respect to the chief inspector the provisions of amendments Nos. 89 and 180, which the House debated yesterday. They are needed here as they were needed there. We need to clarify the duties of the Auditor General for Wales as regards the chief inspector's accounts, which is the purpose of amendment No. 108. We need to allow the assembly Audit Committee to take evidence for the Public Accounts Committee from the chief inspector's accounting officer—hence amendment No. 109.

Amendment agreed to.

Amendments made: No. 107, in page 79, line 6, at end insert—

'( ) Whether service as the Chief Inspector is service in Her Majesty's Home Civil Service shall continue to be a matter which falls to be determined in accordance with the terms of the Chief Inspector's appointment, but the Chief Inspector shall in any event be a person to whom section 1 of the Superannuation Act 1972 (superannuation schemes for civil servants) applies.'.

No. 108, in page 79, line 35, leave out from 'that' to 'in' in line 36 and insert

'the expenditure to which the accounts relate has been incurred lawfully and'.

No. 109, in page 80, line 10, at end insert—

'( ) If requested to do so by the House of Commons Committee of Public Accounts, the Audit Committee may—

(a) on behalf of the Committee of Public Accounts take evidence from the accounting officer for the Office of the Chief Inspector, and

(b) report to the Committee of Public Accounts and transmit to that Committee any evidence so taken.'.—*[Mr. Dowd.]*

Schedule 6

FORESTRY COMMISSIONERS

Amendments made: No. 110, in page 81, line 44, leave out 'an order' and insert 'any subordinate legislation'.

No. 111, in page 81, line 46, after second 'the' insert 'revoked'.

No. 180, in page 83, line 20, at end insert—

'( ) If requested to do so by the House of Commons Committee of Public Accounts, the Audit Committee may—

(a) on behalf of the Committee of Public Accounts take evidence from the Forestry Commissioners' accounting officer for Wales, and

(b) report to the Committee of Public Accounts and transmit to that Committee any evidence so taken.'.—*[Mr. Dowd.]*

Clause 110

POWERS TO VARY RETROSPECTIVE DECISIONS

Mr. Jenkin: I beg to move amendment No. 21, in page 53, line 17, leave out 'or limiting'.

This is a probing amendment, to enable us to have a discussion about a major innovation in the arrangements for court scrutiny of decisions and actions of the Welsh assembly. The traditional role of the courts has been to decide what the law is, and no more; to establish the intentions of Parliament as expressed in statute.

One assumes that, with the Welsh assembly passing orders and the Scottish Parliament passing primary and secondary legislation, the courts will continue to play that impartial role.

We had a debate before 7 o'clock that uncovered something of a fog and a muddle about the overlap between the Official Secrets Act and the status of the Welsh assembly as an extension of the Executive rather than a legislative body. We have in clause 110 a major innovation in the nature of administrative law. It is quite usual for orders that are passed by the House to be subject to judicial review.

For example, it is common for the implementation of social security legislation by the Benefits Agency or the Government to be challenged by someone claiming entitlement to benefits to whom the Government never intended the benefit to be payable, and for the courts to decide that the construction of the legislation means that the applicant is entitled to the benefit. Benefits are often claimed retrospectively. The applicant may appeal for benefit going back to a start date years before the court decision. By deciding in favour of the applicant, the court effectively places a liability on the Government to pay the applicant back to the start date.

The court decides what the law is since the order came into force and what the law was, and implements the effects of that decision. Some people regard that as a decision with retrospective effect. The court would simply say that it decides what the law is and that the fact that it has retrospective effect has nothing to do with it. The question of what is a court decision with retrospective effect and what is not is a subjective judgment.

It is a matter of concern that the retrospective effects of court judgments have crept into this legislation. It will be for people interpreting it to decide what is meant by a court decision with retrospective effect. It could be argued that, by giving the courts the power to limit or remove retrospective effects, we are giving them precisely the powers that they do not have at present—the power to change the state of the law retrospectively with regard to decisions they make.

The point about judgments with retrospective effect is that they are a political matter requiring political judgment. We have seen the effects of retrospective court judgments on the law of this country in the decisions of the European Court of Justice. The classic and most disruptive case that we have suffered in Britain so far is the Barber case, in which judgments were made about sex equality in pensions provision that had huge consequences for the funding of pensions in Britain. It was only because the previous Government—when renegotiating the Maastricht treaty—decided to incorporate new legislation to limit the effects of that decision that we did not have to change the entire structure of pensions in this country retrospectively. That was a political decision.

In the case of social security orders, Governments will often produce an order quickly to trammel up the consequences of a court judgment, arguing from a political standpoint that it was never the intention of the Government or of Parliament to legislate in the way that the court has interpreted.

The clause transfers the judgment, usually made by Ministers in Parliament, about limiting or dealing with retrospective effects to the courts. One could argue that an obligation is placed on the court to make that judgment. The clause states that the court has the power "to make a provision of subordinate legislation".

Dr. Marek: I do not want to appear rude, but it would be helpful if the hon. Gentleman could say whether he is in favour of his own amendment or not. Ministers are subject to judicial review, and it is right that that should be so. Equally, the assembly—acting through Committee or Government—ought to be subject to some sort of judicial review. He is seeking to narrow the scope of judicial review by removing the words "or limiting". I should have thought that the court ought to keep as much power as possible.

Mr. Jenkin: I fear that the hon. Gentleman is mistaken. We have no desire to limit the scope of judicial review applicable to Ministers of this Government, the Welsh assembly or anywhere else. It has become a fixture of the United Kingdom constitution that everyone making administrative decisions is subject to review by the courts. The clause is not about whether there should be judicial reviews or not—that is dealt with by clause 109 and schedule 7.

We are discussing whether the clause gives additional powers to the courts not just to interpret the law and to establish what it is, but to change it so that the effect of their decision may have retrospective effects. That is an innovation in terms of judicial review, except with regard to European Union law, where the European Union courts have that discretion. Therefore, in a matter of EU law, our courts have that discretion.

The anomaly that the clause is in danger of creating is that the same orders passed through this House with regard to England, and through the Welsh assembly with regard to Wales, will be subject to different methods of interpretation. The assembly might decide to take the text of an English order and translate it into a Welsh order, with identical wording and legal effects. In two identical cases of judicial review, the English courts might make a decision without the ability to remove or limit the retrospective effects. A decision under the proposed procedure might have a completely different effect, because the court could decide to make a provision of subordinate legislation which might remove or limit the retrospective effect.

In principle, we think that legislation should be advanced on the basis of rational argument, debated between accountable and elected people and decided by legislative authorities, not the courts. This provision removes the right of redress from the original litigant. An appellant in a case related to a social security order who wins the right in law to claim 12 years' back payment of a particular benefit may find that the court arbitrarily decides to remove his right to have it. It is one thing for Parliament and Ministers to decide who should receive money and who should not, but that has never been the role for our courts.

In an area of shared competence such as agriculture, cases may emerge involving farmers applying for hill livestock compensatory allowance. The order for the renewal of the payment may be made in the future for

[Mr. Jenkin]

England with an order through this House and, for Wales, with an order through the Welsh assembly. Identical law could be interpreted differently with differing effects, which could be to the advantage or disadvantage of Welsh people.

It is incumbent on the Government to explain why they think the courts should have legislative discretion in these matters. If the courts are going to have it, why should not all courts in the United Kingdom have the discretion to deal with the retrospective effects of decisions of this nature?

7.15 pm

Mr. Denzil Davies (Llanelli): I congratulate the Opposition on tabling the amendment. Some of us tabled a similar amendment in Committee, but the guillotine prevented us from debating it.

This is an important clause. A litigant who brings an action and succeeds in persuading a court that the Welsh assembly has acted unlawfully—that is, outside its power in relation to subordinate legislation—could normally expect to receive damages or the restitution of any money paid to the Government. However, clause 110(2) enables the court to deny potential litigants who would have litigated but did not because the initial litigant took the matter to court. It denies the consequences of the initial judgment. The court can say, "Although, in principle, you are right, in this case you cannot have the money." There may be other consequences, and a lot of money may have to be paid to others who may be able to claim.

I suspect that the antecedents of this part of the Bill lie in the Barber decision of the European Court of Justice. That was a special case, because, if the court decides whether there is a retrospective effect or not, possibly hundreds of people can claim. There is no legislature standing behind the European Court of Justice, so a legislature cannot overturn the decision—in other words, this House could not have overturned the decision of the European Court of Justice in the Barber case, because the court extends beyond the competence of this House. Quite properly, it was agreed at Maastricht that the Council of Ministers could limit the Barber decision in this way.

Mr. Jenkin: The difference between the European Court of Justice and our courts is that the European Court of Justice must fill in the gaps of vaguely worded legislation, so that situation arises more often. There is not the same need for a measure of this nature in our very detailed law as there is in European law, which is so vaguely drafted.

Mr. Davies: I do not think that that was the problem in the Barber case. Not long ago, there was a case in which the House of Lords held that people who deposited money with a building society could recover some tax. That would have caused the British Government to pay out vast sums of money.

I believe that, following the judgment in another case that would have cost the British Government a great deal of money, the House legislated in a Finance Bill in effect to deny that consequence. The House had the power to do so, but the House has no power to overturn decisions of the European Court of Justice. Therefore, it was necessary for the Council of Ministers to come up with an arrangement that enabled it to limit the consequences of a decision of the European Court of Justice; that was done by treaty.

I suspect that clause 110 has its origins in the clever way that things were done in respect of the Barber Case. I am not arguing against that. As the hon. Member for North Essex (Mr. Jenkin) said, it is right from time to time for the House to legislate and, in effect, overturn the decision of a court—perhaps not in respect of the litigant, but in respect of all the other potential litigants. That is perfectly proper, and it has been done.

However, that is a political decision, taken in the House by elected representatives, who openly overturn the decision of the court. As the hon. Member for North Essex said, in this case we are being asked to pass a measure that would enable a court to say: "Yes, Mr. Jones, plaintiff, we hold for you; but no, Mr. Jones, plaintiff, you will not get the money, because we, as a court, have determined, in accordance with section 110, that we are allowed to remove or limit whatever is meant by 'retrospective effect'".

I would not wish to go into an Austinian discussion of the jurisprudential position of courts—whether they always decide retrospectively, by plucking out of the air law that has been there all the time. I do not know what "retrospective effect" means, but I believe that the intention is to deny other potential plaintiffs, or even the plaintiff in the case, the money that they would otherwise be given.

That can be done. It is distasteful if a democratic assembly does it, but I understand that, because of the effects on public money, it might have to be done from time to time. However, I see no reason why a court should be allowed to do that.

There is a good subsidiary point. As I understand it, if a court in the United Kingdom decided that an order of this Parliament was unlawful, there would be no power for the court to deny the litigant or other potential litigants the money; but if the order was an order of the Welsh assembly, apparently, section 110 could be prayed in aid, and the "Attorney General", no less—the Attorney-General of England and Wales, presumably—could come along and say, "Please do not apply the Welsh order, because it will cost us a lot of money."

This is another nonsense. I hope that the Minister will tell us that he will go away and reconsider the clause, with a view to doing something in the House of Lords.

Mr. Letwin: Mr. Deputy Speaker, by your leave, before I make my remarks on amendment No. 21, I should like to place it on the record that I made a factual mistake last night. Many schools in English postal districts do indeed, as the Minister suggested, lie in Wales. As the hon. Member for Brecon and Radnorshire (Mr. Livsey) pointed out to me, they lie in his constituency, so I apologise to the House.

Amendment No. 21, to which my hon. Friend the Member for North Essex (Mr. Jenkin) drew attention and on which the right hon. Member for Llanelli (Mr. Davies) spoke with his customary acuity, draws attention to a point that goes beyond the scope of the points that my hon. Friend raised.

It has sometimes been said during our debates that those of us who are not Welsh Members should hesitate before speaking about some aspects of the Bill.

Amendment No. 21 brings out extremely clearly why English Members should attend very closely to the contents of the Bill and to each clause in it; for if clause 110(2)(a) were to remain, the precedent effect of the Bill on English legislation would be very great.

I am convinced that the right hon. Member for Llanelli is right to say that, somewhere in the bowels of the Government legal machinery, a great guru enunciated some general principle that clauses of this type were henceforward to be inserted wherever possible, to prevent the repetition of Barber. It is of the utmost importance, therefore, that we place on the record in this debate the fact that there are profound objections to such a provision.

It must be admitted that the phrase used in the governing clause, so to speak, of subsection (2) is permissive rather than compulsory. It says, not that the court or tribunal must make an order, but that it "may" make an order. The Minister might—I want to fend off that possibility—be tempted to argue that there is nothing constitutionally objectionable about the clause, because it leaves it open to the discretion of the court whether to take advantage of the permission. However, if he were tempted to do so, he should resist the temptation, because it is objectionable that a court should be put in a position where it would have even the discretion to deprive people who had a legitimate expectation, which had been falsified by the incorrect application of an order, of that expectation, as the right hon. Member for Llanelli said.

Mr. Jenkin: As my hon. Friend will see from the amendment paper, in amendment No. 19, which was not selected, we toyed with the idea of removing the discretion to make the clause read "shall", not "may", precisely because the courts are being put in the position of deciding whether to let the Executive off the hook. That seems extraordinary. In a heated and controversial case, judges might be under severe political pressure to decide in a certain way.

Mr. Letwin: I entirely take that point, and I suppose that that would have been the ultimate probing amendment, which would have pushed the Government into acknowledging what they were, in effect, doing to the court.

I take the argument a step further, because something is happening that is even more remarkable than my hon. Friend the Member for North Essex or the right hon. Member for Llanelli made out. In this case, what is being provided for is not that a court should take a view about the implementation of an order in a judicial review, but that it should take a view about the vires of an assembly, a legislative body, having made a statutory instrument in the first place.

Mr. Hain *indicated dissent.*

Mr. Letwin: The Minister shakes his head; perhaps I mistake. I thought it was clear from clause 110(1), to which subsection (2) obviously refers, that we are talking here about

"where any court or tribunal decides that the Assembly did not have the power to make a provision of subordinate legislation".

Therefore it seems clear, on a layman's reading—I am happy to give way if the Minister wants to correct me—that the court is being asked to decide not whether the subordinate legislation has been applied appropriately by an executive agency but whether the subordinate legislation is within the vires that have been granted to it by the primary legislation, and presumably, the transfer of functions order, under which the Welsh assembly operates.

Unsurprisingly, because it follows clause 109, which deals with devolution issues, clause 110 is part of the bizarre and byzantine structure with which we are confronted in many aspects of the Bill, but especially in clause 110, in which the courts—ultimately the judicial committee; in this case, any appropriate court—have been prayed in aid to determine whether a quasi-Parliament is acting properly.

That is emphasised by the retrospection issue. It is of great importance whether the Minister, in his closing remarks, is willing, first, to defend the proposition in subsection (2)(a), to which amendment No. 21 refers; secondly, to defend the general proposition that the courts should have been put in the position of making judgments about the propriety or impropriety of legislation; and, thirdly, to grant that that should never be seen as having a precedent effect.

Mr. Denzil Davies: I do not know whether I am following the hon. Gentleman's argument. The courts do it all the time—in fact, they do it to the House. Some of us have always had reservations about judicial review and the lengths to which it can go. The courts may strike down subordinate legislation of this place if they believe that it is unlawful and not within the ambit of the primary legislation.

Mr. Letwin: There have been such cases. However, in those circumstances, if Parliament did not agree with the import of the court's decision, it could produce new primary legislation to contradict the court. That option is not available here.

We are saying that the court is being placed between the assembly and Parliament. There is nothing objectionable about that, so long as the Minister is willing to make it clear that that will not set any kind of precedent for subsequent English legislation. The Minister must deny specifically that the retrospection limitation will have a precedent effect for English legislation. It would be even better if he would accept the amendment and remove that effect from Wales, and hon. Members who represent Welsh constituencies should be concerned about that.

7.30 pm

Mr. Hain: I begin by accepting the graceful apology offered by the hon. Member for West Dorset (Mr. Letwin), although I must admit that the sight of him scampering out of the Chamber in search of a Welsh school in Herefordshire was a delicious one. I caught my breath for a moment for fear that he might discover one for which I had responsibility.

In moving the amendment, the hon. Member for North Essex (Mr. Jenkin) made some fair points. I shall also reflect upon the detailed points raised by my right hon. Friend the Member for Llanelli (Mr. Davies). I think we shall find that there is no reason to alter the clause, but I shall consider his comments nevertheless.

[Mr. Hain]

Clause 110 deals with cases where a court or tribunal decides that the assembly did not have the power to make a provision of subordinate legislation that it purported to make. It provides a power for the court or tribunal to remove or limit any retrospective effect of the decision, or to suspend its effect. The Government believe that it is important that courts and tribunals have the power to vary the retrospective effect of such decisions. That is necessary, because the court or tribunal will be declaring invalid legislation which, until that point, had been considered to be perfectly valid on the advice of counsel when it was tabled.

Clause 110 affords a court or tribunal the power to protect those who had been acting in a straightforward manner on that basis. It also allows the court or tribunal to preserve the legal effects of anything already done in reliance on the erroneous legislation. The hon. Member for West Dorset asked whether it is permissive, and to that extent it is. However, the court or tribunal must be given the discretion to consider when—not whether—to exercise that power.

Clause 110(3) already offers protection to persons who are not party to the proceedings, by requiring the court or tribunal to have regard to the extent to which they would otherwise be adversely affected by its decision. I do not want to offer predictions about when it will be necessary for a court or tribunal to use the power conferred by clause 110, but it might help the House if I give a hypothetical example.

Mr. Jenkin: The Minister said very emphatically that the clause allows the court to decide when—not whether—to limit or remove retrospection. However, clause 110(3) states:

"In determining whether to make an order under this section".

It is perfectly clear that it is whether and not when. I do not know why the Minister believes that it is when rather than whether.

Mr. Hain: I was trying to explain that discretion in respect of retrospection is about the precise timing of any compensation. I shall give an example.

Let us assume that the assembly makes some regulations. Some two or three years later, a court may rule that the regulations were not within the assembly's powers. The court might then have to decide whether it should make an order declaring that the assembly's regulations were ultra vires, but only from the date of the application made by the person who brought the case as opposed to the date on which the regulations were made. That is the sort of practical problem that clause 110 seeks to address. I assure the hon. Member for North Essex that it is not a question of letting the assembly—or any assembly Members responsible—off the hook. It is simply a question of applying this matter sensibly.

Amendment No. 21 would restrict the discretion of a court or tribunal in its ability to vary the retrospective effect of its decision that subordinate legislation of the assembly was ultra vires. It would mean that the court or tribunal could remove the retrospective effect but not limit it. Amendment No. 21 ties the hands of the court or tribunal to an all-or-nothing approach, which I do not think is sensible. I appreciate that this may be a probing amendment, but I believe that its outcome would be highly undesirable. I should add that clauses 93(2) and 93(3) of the Scotland Bill use wording similar to clause 110.

Mr. Denzil Davies: My hon. Friend has explained that the court will be allowed to limit the ultra vires effect of the order to the date of the court's pronouncement, and that the ultra vires effect would not go back to the date of the promulgation of the order. I understand that. That will be the case in relation to subordinate legislation or an order made by the Welsh assembly.

The Minister has now said that that will also be the position in respect of Scotland. Does he agree that that would not be the position in respect of subordinate legislation made by this place that is considered unlawful by the court? The situation is different so far as the House is concerned. Do the Government propose to introduce the same sort of legislation to limit the ultra vires effect in the case of this place?

Mr. Hain: No, for the reasons that I am about to give. My right hon. Friend may come back to me if he wishes. I must clarify one comment that he made. The declaration that the assembly's decisions might be ultra vires in respect of a regulation applies not simply, as my right hon. Friend suggested, from the date of the court's decision, but from the date that the application was made.

The hon. Member for North Essex asked why that power is not available to all courts. I shall answer that question, and then deal with the points raised by my right hon. Friend.

We must recognise that the constitutional changes in this legislation and in the Scotland Bill demand innovative arrangements for settling disputes about the powers of the assembly or of the Scottish Parliament. Schedule 7 introduces the concept of "devolution issues" on which the assembly's use of its powers can be challenged. The assembly's subordinate legislation will be a matter for the assembly, but we accept that it should be subject to review by the courts.

As the hon. Member for West Dorset said, the position in England is different, because the Government could promote an Act of Parliament to cure the problem caused by a court's decision that subordinate legislation was ultra vires. That answers my right hon. Friend's point. However, the assembly would not be able to take such action, so clause 110 is a sensible response to the chaos that could otherwise reign if the assembly's subordinate legislation were found to be ultra vires.

The amendment is unacceptable because it fetters the courts' discretion in a way that could have undesirable and unforeseen effects for individuals. Therefore, I invite the hon. Gentleman to withdraw it.

Mr. Jenkin: The more I listen to the Minister trying to justify the clause as it stands, the less happy I become. In his argument, he declared that the clause was necessary to give the court the power to remove or limit retrospective effects of decisions, because the court has the power to declare invalid an order. That is the meat and drink of judicial review. That is what the courts do in many cases of judicial review when, for example, people are claiming payments—the right hon. Member for Llanelli (Mr. Davies) referred to Mr. Jones, but it could be Mr.

Smith in London, or Mr. McTavish in Scotland. That has been the case for as long as there has been judicial review. There is no distinct justification for the clause, simply because that is what the court might do in this case.

The Minister says that it is necessary for the court to decide whether the payment should be made at all, whether it should be made from the date on which the application was made, or whether payment should be available to all litigants from the date of the promulgation of the order. That discretion does not exist in other courts. That is the extraordinary innovation that we are creating in the Bill and, as the Minister points out, in the Scotland Bill, in which we have not reached the relevant clause, so we have not yet raised the matter in that context.

Mr. Denzil Davies: Does the hon. Gentleman agree that the right way of dealing with the matter would be to give power to this House to overturn the retrospective effect of the court decision? I am sure that that could be done. My hon. Friend the Minister said that the problem arose because the Welsh assembly would not have legislative powers, but Parliament could do that, as it does now, from time to time.

Mr. Jenkin: The more I consider the matter, the more the logic of the right hon. Gentleman's argument is apparent. The entire clause should be removed from the Bill. This House is responsible for the legislation that we put through. If the court decides that the assembly is using powers that Parliament has not given it, it is a matter for this House to decide, along with the other place; it is not for some hybrid court in some hybrid decision to create extra powers for the assembly that this Parliament never intended.

Mr. Letwin: Does my hon. Friend agree that the critical difference between the provision as drafted and what is proposed by the right hon. Member for Llanelli (Mr. Davies), towards which my hon. Friend is clearly inclined, is that if Parliament were making the decision, it would be made on the basis of national interest—a political judgment, in the best sense—whereas the court is, so to speak, at sea? The court has no guidance on the basis on which it is to make a decision.

Mr. Jenkin: What would happen is what is beginning to happen in judicial review cases, where we might feel that the courts are becoming involved more in political issues. Political and judgmental arguments are increasingly being put to judges. The classic example in European law is the case of objective tests of justified or unjustified sexual discrimination, which are economic and political arguments, not matters of law. We think that courts should be concerned with matters of law, not with matters of economic and political judgment.

Another of the Minister's comments raises alarm. It makes me wonder whether such a provision will appear not only in the Scotland Bill, but in English legislation—whether it will pop up in other Bills where it is more convenient for the Executive to put the onus on the courts for mistakes of administration, than for the Executive to have to come to Parliament to seek powers to deal with the incompetence that they have demonstrated.

We shall withdraw the amendment for the time being—

7.45 pm

Mr. Alan Williams (Swansea, West): Before the hon. Gentleman does so, may I make an appeal through him to my hon. Friend the Minister? He has got it wrong. I do not see why my constituents and his should be disadvantaged in the process through which law is made, as against constituents in England. Please, please take the clause away and bring back a different solution to the problem.

Mr. Jenkin: I shall give way to the Minister if he wishes me to do so.

The right hon. Member for Swansea, West (Mr. Williams) makes clear the disadvantages. It is to the disadvantage of the citizens of Wales, as opposed to the citizens of the United Kingdom, that the provision appears in the Bill. I come back to the hill livestock compensatory allowances, for example. Why should a Welsh farmer be subject to the decision of a court or tribunal that can say, "Yes, Mr. Farmer, you are right. We should have paid you this amount of money, but we are under pressure from the Welsh assembly, which is in hot water over the matter, not to create a political crisis. For convenience, we will not pay you, and we will deny other farmers in the same position the right to apply for the same moneys. The courts in England are not subject to the same pressures, because they do not have the power to limit or remove retrospective effects"?

Mr. Hain: As in many other cases, when the hon. Gentleman or his colleagues have intervened on aspects of the Bill, he is creating a mountain out of a molehill. There is no intention to do anything of that kind. This is a sensible response—in the context of devolution, which is a new constitutional settlement for the United Kingdom—to deal practically with the issues raised by possible regulations that might be ultra vires.

Mr. Jenkin: I am grateful to the Minister for that intervention, because we have noticed a pattern of behaviour on his part. When we make points that he finds it difficult to answer, he thanks us for the courtesy and graciousness with which we have advanced our arguments, instead of just slagging us off, but when he comes back and says that we are making a mountain out of a molehill, we know that we have hit the jackpot and that he has run out of things to say.

I repeat that the Minister's justification for the clause is that the court or tribunal in these cases has the power to declare invalid an order. That is what courts do in judicial review cases. He says that it is not a matter of letting the assembly off the hook, but that is what the courts will be doing if they limit or remove retrospective effects. They will be making matters easier for the assembly, by saying to it, in effect, "Don't worry, you have been using a power that you did not have, but we will deal with the consequences for you." That would work to the disadvantage of ordinary people in Wales who were doing no more than claiming their rights under the law.

Mr. Alan Williams: In my days in government in the 1970s, I withdrew an order that was due to come before the House the following week because three people producing a particular version of a product—it was a

[Mr. Alan Williams]

consumer safety order—appeared. They had not been consulted, they should have been consulted and they would have had the right to take the Department to court because we had not gone through the proper processes. It was right that I withdrew the order, but if I were in the assembly, I could be told that it was wrong, but I could still go ahead and introduce the order, in the knowledge that there was a chance that the court might rescue me from the consequences of that action.

Mr. Jenkin: We can all think of cases. For example, when the Lambeth and Lewisham health authority was suspended in the early 1980s, and it was decided that that was ultra vires, what sort of pressure would a court be under in those circumstances, if the Secretary of State could make a case that the ultra vires nature of the order should not invalidate the suspension of the health authority? That is what I mean by the possibility of the provision letting the Executive off the hook.

I give notice that my noble Friends in the other place will want to return to the matter. We shall certainly raise the matter in the Scotland Bill, and keep a watching brief to make sure that the Government do not surreptitiously slip this constitutional innovation into other legislation for their own convenience.

I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Schedule 8

RELATIONS WITH LOCAL GOVERNMENT: SUPPLEMENTARY

Amendments made: No. 150, in page 89, line 28, leave out from 'Council' to end of line 30.

No. 151, in page 91, line 16, leave out from '(5)(b)' to end of line 18.

No. 152, in page 91, line 43, leave out from 'scheme' to end of line 45.

No. 112, in page 92, line 2, leave out 'specified' and insert 'set out'.—*[Mr. Jon Owen Jones.]*

Clause 112

RELATIONS WITH VOLUNTARY ORGANISATIONS

Amendment made: No. 92, in page 55, line 11, leave out 'specified' and insert 'set out'.—*[Mr. Jon Owen Jones.]*

Clause 115

SUSTAINABLE DEVELOPMENT

Amendment made: No. 142, in page 56, line 14, leave out from 'scheme' to end of line 16.—*[Mr. Jon Owen Jones.]*

Clause 117

PROVISION OF INFORMATION TO TREASURY

Dr. Marek: I beg to move amendment No. 226, in page 56, line 42, at end insert—

'(2) 'The Treasury shall reimburse the Assembly for any costs in providing information under this section.'.

There are about 10 minutes available to us and another three groups of amendments on the list. Let us see whether we can deal with more than one amendment, because the next two are worthy of some debate.

Amendment No. 226 seeks slightly to curtail the power of the Treasury, and its influence is all-pervasive in the Bill, which we have been considering over nine days. This straightforward amendment seeks to place a responsibility on the Treasury to pay for the work and effort that will be required in acceding to Treasury wishes when it asks for information. Of course, the Treasury could ask for all sorts of information in many ways. Indeed, it probably does so now.

I suspect that the Treasury probably tries to moderate its demands, to ensure that the information that it requests will be valuable and that disproportionate cost will not be involved. However, that may change once we have a national assembly whose responsibility will be in Wales. Once the Treasury has given a block grant to the assembly, it may say, "This information may be useful to us, but it will cost a lot of money. However, the assembly will have to pay for it, so let us ask for the information anyway."

As good parliamentarians, we should try to curtail the Treasury's powers, which are all-pervasive. It rules our lives every day, from morning to evening. I hope that the amendment will find some favour at least on the Back Benches, if not on the Front Benches.

Mr. Evans: I have read the amendment, and I am not awfully keen on it. It would place the onus on the Treasury. I suspect that there are rather busy people in the Treasury who will not invent work for themselves merely to create a raison d'etre for being there. They have other important things to do.

We have heard so much about how reasonable everybody will be, to ensure that the assembly will work. I suspect that those involved will not ask for information from the assembly, apart from information that is absolutely necessary for the proper scrutiny and proper working of the assembly.

I suspect—I am a suspicious sort of fellow—that we see the first inkling of what will happen when people start to point the finger at the assembly, wondering whether they are getting value for money or whether the money is being spent here, there and everywhere. The hon. Member for Wrexham (Dr. Marek) and others may be saying, "Part of the problem is the Treasury. It is the Treasury again that is to blame, because it is asking for so much information and not making a contribution for all the extra work that that involves."

I fear that, if accepted, the amendment could cause a precedent, in that we shall all have to start to bear the cost of all the work that we create. I have in mind all the parliamentary questions that we table—we understand how much it costs to table a written or oral question. If we have to bear the cost of all the information that we want, I suspect that the office cost allowance will increase so disproportionately that it will hardly be worth asking the questions in the first place.

Mr. Hain: I am not sure that the office cost allowance comes within the terms of the amendment and the debate upon it. I shall let that point pass, eloquently though it was made.

The Welsh Office provides a range of information to the Treasury, which supports the Treasury's management of public finance and its responsibilities for macro-economic policy. For instance, the Welsh Office supplies information about the split of its expenditure and that of the public bodies that it funds, between capital and revenue, information about European Union receipts and information to confirm figures held on the Treasury's database.

To ensure that the Treasury will continue to receive that information after devolution, we decided exceptionally to include a provision in the Bill to require the assembly to provide information to the Treasury that it needs for the exercise of its functions.

I can assure my hon. Friend the Member for Wrexham (Dr. Marek), who takes a keen interest in Treasury matters—I know that he was an eloquent Opposition Treasury spokesman—that the Treasury will not impose greater burdens on the assembly in requesting information than it now imposes on the Welsh Office. The cost of providing that information is already provided for in the administrative costs of the Welsh Office. It is unnecessary to provide for the Treasury to reimburse the costs of providing such information, as my hon. Friend suggests through his amendment.

I think that we want to get on with an arrangement between the assembly and the Treasury that is practical common sense and not bound up with the quasi-contractual framework that my hon. Friend suggests for the provision of ordinary information. I invite my hon. Friend to withdraw the amendment.

Dr. Marek: If the Treasury sought to ask only for information that was necessary for it to carry out its functions, I would not have any problems. However, the clause is drawn more widely than that, and allows the Treasury to cause a great deal of time and money to be spent by the national assembly if it, the Treasury, so wishes.

First, I invite my hon. Friend the Minister to look at the clause again. If he wants in another place to suggest that the Treasury ask only for information that is necessary for it to carry out its functions—in other words, to narrow the clause—I shall be happy. Secondly, as I am not in a position to insist that my hon. Friend should adopt that approach, and as we want another few minutes on St. David's day, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Schedule 9

MINOR AND CONSEQUENTIAL AMENDMENTS ABOUT ASSEMBLY

Amendment made: No. 113, in page 92, line 21, leave out from 'paragraph' to end of line 26 and insert

'2(2) (excluded departmental records), at the end insert "or

(e) to Welsh public records (as defined in the Government of Wales Act 1998)."

(3) In Part I of the Table at the end of paragraph 3 (boards and establishments under government departments)—

(a) at the end of the entry relating to National Health Service Authorities insert "and Authorities for districts or localities in Wales, or for areas in or consisting of Wales (including National Health Service trusts all of whose hospitals, establishments and facilities are situated in Wales)",

(b) at the end of the entry relating to Family Practitioner Committees insert "for localities in England", and

(c) in the entry relating to health service hospitals, after "1977" insert ", in England".

(4) In paragraph 5 (Chancery records), after "England" insert ", other than any which are Welsh public records (as defined in the Government of Wales Act 1998),".

(5) In paragraph 6 (records in Public Record Office), at the end (but not as part of paragraph (c)) insert—

"other than any which are Welsh public records (as defined in the Government of Wales Act 1998)."

(6) In paragraph 7(1) (power to add further categories of records), after "provisions of this Schedule" insert "and not being Welsh public records (as defined in the Government of Wales Act 1998)".'.—*[Mr. Jon Owen Jones.]*

Mr. Llwyd: I beg to move amendment No. 182, in page 92, line 32, at end insert—

'The Banking and Financial Dealings Act 1971 (c.80)

In section 1 to the Banking and Financial Dealings Act 1971 (bank holidays), after the end of subsection (5) insert—

"(5A) Subject to subsection (5B), the powers conferred on Her Majesty by subsections (2) and (3) above may, as respects Wales, be exercised by the National Assembly for Wales ('the Assembly').

(5B) A proclamation by the Assembly in reliance on its powers under subsection (5A) shall be made by order.

(5C) Section 66 of the Government of Wales Act 1998 (disapplication of procedural requirements) shall not apply to an order under subsection (5B).".'.

As well as the name of my right hon. Friend the Member for Caernarfon (Mr. Wigley), the amendment is tabled in the names of the hon. Members for Wrexham (Dr. Marek), for Brecon and Radnorshire (Mr. Livsey) and for Montgomeryshire (Mr. Öpik). Even for those of us who do not have an intimate knowledge of the Banking and Financial Dealings Act 1971—we are few, I appreciate that—this is simply an amendment to enable the national assembly to declare a bank holiday when it decides to do so.

I have in mind a campaign that was run successfully about two years ago by—this is for *Hansard*—pupils of the ysgol y Morlwyn, Blaenau Ffestiniog, in the constituency of Meirionnydd Nant Conwy. They brought to the previous Government's attention—extremely effectively, although the then Minister could not give in at the time—a persuasive argument.

I shall be brief, because I know that others wish to support this excellent amendment. I submit it seriously because I think that it is right and appropriate that a national assembly should have the power of decision over such matters. We are in some circumstances celebrating various feasts in Wales that are entirely irrelevant to us as Welsh people. St. David's day, for example, should be a bank holiday, among others.

Mr. Evans: I can imagine why the people of Wales would like to have a bank holiday on St. David's day. Does the hon. Gentleman envisage the assembly saying—he talked about bank holidays that are irrelevant to the people of Wales—that it would replace 1 May with 1 March as a bank holiday?

Mr. Llwyd: That is a ticklish question. I do not know the answer. It is up to the national assembly, in any event. I will not prejudge what that august body will do in due course.

[Mr. Llwyd]

I have dealt with the purpose of the amendment. I hope that it gains some support. I also hope sincerely that the Minister will be able to give me an assurance in due course.

Mr. Paul Flynn (Newport, West): I warmly support the amendment. Two years ago, Wales, on one of the rare occasions in its history, spoke unanimously with one voice, and councils representing the entire Welsh population said that they wished to have St. David's day as a national holiday, for the very good reason that St. David's day has been celebrated in every corner of Wales as a major event for many years now.

I remember being shocked by an entirely untrue story told by a famous broadcaster, whom I shall not name, who attended the same school as I did where we celebrated many saints, including St. Patrick. He claimed that St. David's day was an important event because that was the day when we made our preparations for celebrating St. Patrick's day three weeks later. That was grotesquely untrue. St. Patrick's day was an entirely religious affair and St. David's day was the day when we had fun, dressed up in the morning and had plays and pageants, and the great pleasure in the afternoon of a half day off. St. David's day is recognised in Wales—

It being Eight o'clock, MR. DEPUTY SPEAKER, *pursuant to the Order [15 January] and the Resolution [25 March], put forthwith the Question already proposed from the Chair.*

Amendment negatived.

MR. DEPUTY SPEAKER *then proceeded to put forthwith the Questions necessary for the disposal of the business to be concluded at that hour.*

Amendments made: No. 114, in page 93, line 14, leave out

'In section 163 of the Copyright, Designs and Patents Act 1988'

and insert

'The Copyright, Designs and Patents Act 1988 has effect subject to the following amendments.

. In section 49 (copying of public records not to constitute infringement of copyright), after "1923" insert ", or in Welsh public records (as defined in the Government of Wales Act 1998),".

. In section 163'.

No. 181, in page 93, line 18, leave out

'or of a committee of the Assembly or'

and insert

'including proceedings of a committee of the Assembly or of'.

No. 115, in page 93, line 22, at end insert—

'. In paragraph 10(1) of Schedule 2 (copying of public records not to constitute infringement of rights in performances), after "1923" insert ", or in Welsh public records (as defined in the Government of Wales Act 1998),".'.—*[Mr. Jon Owen Jones.]*

Clause 124

CESSATION OF FUNCTIONS

Amendments made: No. 93, in page 58, line 9, leave out 'amends' and insert '(amendments of'.

No. 94, in page 58, line 10, at end insert ') has effect.'.—*[Mr. Jon Owen Jones.]*

Clause 126

TRANSITIONAL PROVISIONS

Amendment made: No. 95, in page 58, line 42, leave out

', so far as is required for continuing its effect,'.—*[Mr. Jon Owen Jones.]*

Clause 132

TRANSITIONAL PROVISIONS

Amendment made: No. 96, in page 61, line 34, leave out

', so far as is required for continuing its effect,'.—*[Mr. Jon Owen Jones.]*

Schedule 13

HOUSING FOR WALES

Amendments made: No. 116, in page 112, leave out lines 9 to 30.

No. 117, in page 123, line 43, at end insert—

'The Audit Commission Act 1998 (c.00)

. The Audit Commission Act 1998 has effect subject to the following amendments.

.—(1) Section 40 (power of Secretary of State to direct carrying out of programme agreed between the Corporation and the Audit Commission) is amended as follows.

(2) In subsection (1), for "Corporation" substitute "Relevant Authority".

(3) In subsection (2), for "Corporation" substitute "Housing Corporation".

(4) After that subsection insert—

"(2A) Where the Secretary of State and the Commission fail to agree a programme proposed by the Secretary of State, the Secretary of State may direct that the programme be carried out either without modifications or with modifications specified in the direction."

(5) In subsections (4) and (6), for "Corporation" (in each place) substitute "Relevant Authority".

. In section 41(1) and (4) (provisions supplementary to section 40), for "Corporation" substitute "Relevant Authority".

. In section 42 (functions of Audit Commission in relation to accounts of registered social landlords), for "Corporation" (in each place) substitute "Relevant Authority".

. In section 43 (interpretation), for "Corporation" substitute "Relevant Authority".'.—*[Mr. Jon Owen Jones.]*

Clause 136

TRANSITIONAL PROVISIONS

Amendment made: No. 97, in page 64, line 8, leave out

', so far as is required for continuing its effect,'.—*[Mr. Jon Owen Jones.]*

Clause 139

ACCOUNTS, AUDIT AND REPORTS

Amendments made: No. 172, in page 66, line 6, at end insert—

'( ) the preparation by a body of accounts extending to financial affairs and transactions of any undertaking (as defined in section 259(1) of the Companies Act 1985) of which the body is (or, if it were an undertaking as so defined, would be) a parent undertaking (within the meaning of section 258 of that Act),'.

No. 173, in page 66, line 7, leave out from 'granting' to end of line 10 and insert

'to auditors, and persons considering reports by any auditor or body, of rights of access to documents and of rights to obtain information, explanations and assistance from persons holding or accountable for documents,'.

No. 174, in page 66, line 13, at end insert—

'(3A) The Secretary of State may by order make provision for designating accounting officers of any body specified in Part III of Schedule 14 and specifying their responsibilities.'.

No. 175, in page 66, line 14, after '(1)' insert 'or (3A)'.

No. 176, in page 66, line 18, after '(1)' insert 'or (3A)'.

No. 177, in page 66, line 18, at end insert—

'( ) If requested to do so by the House of Commons Committee of Public Accounts, the Audit Committee may—

(a) on behalf of the Committee of Public Accounts take evidence from a person designated in pursuance of subsection (3)(a) or (3A) as an accounting officer of a body specified in Schedule 14, and

(b) report to the Committee of Public Accounts and transmit to that Committee any evidence so taken.'.—*[Mr. Jon Owen Jones.]*

Clause 141

TRANSFER ETC. OF FUNCTIONS OF COMPTROLLER AND AUDITOR GENERAL

Amendment made: No. 98, in page 67, line 18, leave out

'make any provision that may be made by'

and insert

'include any provision that may be included in'.—*[Mr. Jon Owen Jones.]*

Schedule 15

REPEALS

Amendments made: No. 118, in page 125, line 2, at end insert—

'PART

WELSH PUBLIC RECORDS

Chapter	Short title	Extent of repeal
6 & 7 Eliz.2 c. 51.	The Public Records Act 1958.	In the First Schedule, in the Table at the end of paragraph 3— in Part I, the entry relating to the Welsh Board of Health, and in Part II, the entries relating to the Countryside Council for Wales, the Curriculum and Assessment Authority for Wales, the Further Education Funding Council for Wales, the General Teaching Council for Wales, the Higher Education Funding Council for Wales and the Qualifications, Curriculum and Assessment Authority for Wales and, in the entry relating to any body established for the purpose of determining the boundaries of local authorities in England or Wales, the words "or Wales".'.

No. 119, in page 125, line 9, column 3, leave out 'to 24.' and insert—

'and 23.
Section 24(1) to (5).'.

No. 120, in page 125, line 44, at end insert—

'1990 c. 11.	The Planning (Consequential Provisions) Act 1990.	In Schedule 2, paragraph 34(2).'.

No. 121, in page 130, line 48, at end insert—

'S.I. 1996/ 2325.	The Housing Act 1996 (Consequential Provisions) Order 1996.	In Schedule 2, paragraph 4.'.

—*[Mr. Jon Owen Jones.]*

Clause 148

ORDERS AND DIRECTIONS

Amendments made: No. 99, in page 68, line 40, leave out 'the Secretary of State' and insert

'a Minister of the Crown'.

No. 100, in page 69, line 6, after '96(5),' insert '(*Transfer of responsibility*),'.

No. 178, in page 69, line 6, after '139(1)' insert 'or (3A)'.

No. 237, in page 69, line 18, after '26,' insert

'(*Polls for ascertaining views of the public*)(5),'.

No. 101, in page 69, line 18, after '96(5),' insert

'(*Transfer of responsibility*), (*Meaning of "Welsh public records"*)(1)(f),'.

No. 179, in page 69, line 19, after '139(1)' insert 'or (3A)'.—*[Mr. Jon Owen Jones.]*

Clause 149

INTERPRETATION

Amendments made: No. 143, in page 69, line 37, at end insert—' "delegate" includes further delegate,'.

No. 144, in page 69, line 42, at end insert—

'and related expressions shall be construed accordingly.'.—*[Mr. Jon Owen Jones.]*

Clause 150

DEFINED EXPRESSIONS

Amendments made: No. 145, in page 70, line 14, leave out '52' and insert

'(*Assembly First Secretary and Assembly Secretaries*)'.

No. 146, in page 70, line 18, leave out '57(6)' and insert

'(*Assembly First Secretary and Assembly Secretaries*)'.

No. 147, in page 70, line 25, at end insert—

'delegate	*section 149(1)'.*

No. 148, in page 70, line 30, leave out '58' and insert '(*Executive committee*)'.

No. 149, in page 70, line 44, leave out '56' and insert '(*Subject committees*)'.

No. 102, in page 70, line 48, at end insert—

'Welsh public records	*section (Meaning of "Welsh public records")'.*

—[Mr. Jon Owen Jones.]

Clause 151

FINANCIAL PROVISIONS

Amendments made: No. 103, in page 71, leave out lines 7 to 9.

No. 104, in page 71, leave out lines 13 and 14.

No. 105, in page 71, line 19, leave out from 'Act' to end of line 22 and insert

'(apart from any required to be paid into the National Loans Fund).'.*—[Mr. Jon Owen Jones.]*

Order for Third Reading read.

8.1 pm

The Secretary of State for Wales (Mr. Ron Davies): I beg to move, That the Bill be now read the Third time.

The Bill is a landmark piece of legislation. It is an integral part of the Government's long-overdue modernisation of the British constitution. It discharges both Labour's manifesto promises and our referendum mandate, giving Wales its first ever democratically elected and accountable Government.

Since last December, when I moved Second Reading, we have spent considerable time on the Floor of the House examining the Bill in detail. We have demonstrated that the Bill that we introduced was fundamentally sound, and that it was capable of significant improvement in its detail.

I and my colleagues have repeatedly emphasised that the assembly must adopt a new and more inclusive style of government. In that spirit, we have listened to the persuasive contributions from both sides of the House and from interests outside it. I thank right hon. and hon. Members for their role in scrutinising the Bill and thereby helping to make the assembly work.

I pay particular tribute to right hon. and hon. Members sitting below the Gangway on the Opposition Benches, from the Liberal Democrat party and Plaid Cymru, for their constructive role in examining the Bill. I also pay tribute to the Conservative party, because I understand that, as a result of our deliberations it has now accepted the Bill's legitimacy and will support it on Third Reading. That is a welcome development, and I am sure that, when the right hon. Member for Devizes (Mr. Ancram) replies, he will say that his party fully supports the principle of devolution.

The result of our deliberations is an improved Bill that reflects a wider range of interests and concerns than when it was introduced. I attach great importance to that.

Devolution is now becoming a reality. The Bill will mean that the people of Wales will have the assembly for which they voted and for which they have waited for a long time. There is a constructive spirit in Wales today that runs across the political spectrum. It is a mood which says that we must seize this opportunity to make absolutely sure that we are creating the best and most effective institution that we can. This is our one chance and we must work together to ensure its success. That is the feeling in Wales. That has also been the feeling in most—unfortunately not all—of our debates in this House.

Constitutional change is vital if we are to achieve constitutional stability. If the Union is to prosper, it will surely be on the basis of bringing government closer to the people whom it serves, not on the basis of an unbending and devoted reverence for constitutional traditions.

That approach lies at the heart of the Bill, as with the Government's other constitutional reform proposals. Our plans will extend to the assembly the trust and responsibility appropriate to a democratic body. If and when it makes mistakes, it will rightly be solely accountable to the Welsh electorate at the ballot box. In the long run, what results will be a system of government that better understands and responds to the wishes of the electorate. That is the essence of devolution, and if it is a constitutional novelty, it is none the worse for it.

We have heard much in our debates about the result of the referendum. I believe that it serves one vital purpose. It reminds us of the need, in establishing the assembly, to reach beyond the majority who voted yes to the substantial number of people in Wales who did not. That is what my right hon. Friend the Prime Minister pledged that we would do on 19 September and that is what we have done.

We have listened to what Opposition Members have said—for, example, in relation to the Cabinet system. We have listened to what the national assembly advisory group said about the advantages of a Cabinet system for the assembly. We have listened to what the CBI said about consultation with business in Wales. We have also listened to what environmentalists have said about sustainable development. In each case, and in others like them, we have acted to amend the Bill.

I freely admit the importance of a listening and responsive Government. This is unusually complex and wide-ranging legislation, and it is vital that the assembly carries with it the support of all interests and opinions in Wales if it is to represent them properly. We need to get the detail right now, both in the Bill and through the advisory group, which is doing sterling work on the assembly's internal procedures.

The Bill's principles are clear. Wales needs and deserves its own form of government, reflecting its own particular demands, and the Bill delivers that. The Bill's progress through the House has allowed us to take into account many valid points from hon. Members on both sides of the House, and elsewhere. It has allowed us to clarify points of doubt and to lay to rest concerns and misapprehensions.

What we now have is a Bill that delivers what the people of Wales want in a way that will best ensure that their needs are properly and fully represented. It is a good Bill, and I commend it to the House.

8.6 pm

Mr. Ancram: This major constitutional Bill is coming to the end of its journey through the House before it moves on to another place, and I have to agree that it will fundamentally alter the constitutional landscape of Wales.

I fear that, despite the Secretary of State's enthusiasm for the Bill, it has not exactly fired the imagination of the Welsh public or their journalistic representatives. Each day, I have opened the Welsh newspapers to read the Secretary of State's pearls of wisdom, but I have yet to find them. If the Bill is landmark legislation, it is rather surprising that only half the right hon. Gentleman's supporters from Wales have bothered to turn out on the Benches behind him tonight.

I begin by thanking you, Mr. Deputy Speaker, and your fellow members of the Chairmen's Panel, for the way in which you conducted the Bill's Committee stage on the Floor of the House. We are grateful to you for the courtesy and firmness with which you dealt with all our problems. I ask you to pass on our thanks to your colleagues and to the Clerks of the House for the help and advice that they have given us during the course of the legislation. Once again, we are grateful to them.

I should also have liked to thank Ministers, but I fear that I have little to thank them for. I do not think that I have ever come across anyone with such an obstinate, intransigent belief in the infallibility of their draftsmen. Even where there have been clauses which Labour Members have told them are wrong, they have simply not been prepared to move on them, as we saw a moment ago on amendment No. 21. They have been a strange mixture—a version of the three wise monkeys who could see no evil, hear no evil, speak no evil about their Bill, with the posture of the school playground bully, who takes all criticism personally and regards any admission that he might have been wrong as somehow a weakening of his virility.

I should like to award one or two points. For charm, to the hon. Member for Bridgend (Mr. Griffiths), I give five points; to the hon. Member for Neath (Mr. Hain) I give two points; and to the Secretary of State, as the Prime Minister might say, I give "nul points". For response to the arguments that have been put forward, to the hon. Member for Bridgend I give one point—he has listened to some of the points that we have made; to the hon. Member for Neath I give no points whatever; and to the Secretary of State I give almost one point as a result of yesterday's debate—unfortunately, he blew it.

Mr. Dalyell: For charm, how many points is the right hon. Gentleman awarding himself?

Mr. Ancram: The first time that I came across the hon. Gentleman was when I fought him in his then constituency of West Lothian in 1970. I was 24 years old and he was a little older. I remember that, when I sought to shake hands with him during the course of the campaign, he looked at me carefully and said, "I never shake hands with my opponents until after the votes are counted." So I have always taken a lesson from him in respect of charm.

We almost made progress on the experiment of an agreed programme, until, much to my regret, the Government cynically hijacked the time that we could spend on Report and refused to make up that time, thereby breaching the spirit of the agreed programme. They have thus added considerably to the work load that will have to be undertaken in another place.

We also nearly made progress on the Cabinet structure. We moved the Government from a position of "won't" at the beginning of our proceedings, to a position of "will" some 10 days ago when they announced that they would adopt such a structure, to a position of "possibly, if that is what the assembly wants" when we started the debate on it yesterday, to what I understood at the end to be a system consisting of partly Cabinet and partly Committee, if that is what turns out to be popular. It was another example from the Secretary of State of leadership by dithering indecision. That characteristic has become fairly familiar to us in this devolution process, not least in respect of deciding where the assembly will eventually find its home.

We approach the Bill on the basis that the principle of establishing an assembly in Wales was confirmed by the Second Reading vote. As hon. Members know, the referendum was indecisive. It was conducted on a small proportion of the poll and the majority was very small. However, as constitutional democrats, we accept that the Second Reading vote established the principle of an assembly. We did not like the form of the proposed assembly in the Bill. We were aware of the fears expressed by the Welsh people through the votes that they cast in the referendum. We sought constructively to amend the Bill and I must admit that we have pretty well failed. We are now saying a temporary farewell to an unsatisfactory scheme and a deeply flawed piece of legislation, which does not bode well for the National Assembly for Wales.

I was amazed to read that, on Monday, the Secretary of State went to Belfast to tell Northern Ireland politicians how to do it.

Mr. John Smith: That is a outrageous assertion.

Mr. Ancram: The right hon. Gentleman went to Belfast on Monday, having told the *Western Mail* that he was going, to explain to Northern Ireland politicians what they could learn from his experience. I know a little about Northern Ireland. Northern Ireland needs institutions that unite rather than divide; schemes that protect minority rights; financial security; strong representation in both the United Kingdom and Europe; and certainty rather than doubt. So, in different ways, does Wales. On Monday, the Secretary of State told Northern Ireland politicians about a scheme that fails on all those requirements.

Far from learning from the divided nature of the referendum result, the Bill creates an assembly that will entrench regional division in Wales and do nothing to help the north in relation to the south, or the east in relation to the west. The Government studiously refused to accept any measure that could protect permanent minorities. Indeed, they dismissed with disdain amendments that would have introduced safeguards of the sort that will almost certainly be in any scheme that comes out of Northern Ireland.

Mr. Hain: The comments that the right hon. Gentleman has made in the past few minutes are extremely degrading and not worthy of him. My right hon. Friend was invited to Northern Ireland by those seeking peace there—an objective that the right hon. Gentleman should support. My right hon. Friend was asked to talk to participants in the peace process and everyone concerned regarded his contribution as very valuable. The right hon. Gentleman should withdraw his dishonourable remarks.

Mr. Ancram: I am merely making the point that, if we are to find a solution to the problems in Northern Ireland,

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the same devolution requirements apply throughout the United Kingdom. One of the Bill's fundamental flaws is that it fails in the requirements that I set out. I said that it fails to provide assurance to those who fear divisions within Wales, and gives no assurance on financial security or the provision of finance. The right hon. Gentleman dismisses attempts to insert references to relative need in the Bill, despite the fact that Wales would have benefited from those. The Bill asks Wales to rely on unenforceable and valueless concordats, which we learnt last night can be breached unilaterally. It rests its case on the argument that nothing has changed when the whole point about devolution is that things have changed, and in future there will be not one unitary Government but two Administrations—one in Cardiff and one in London.

I find it strange that, at the same time as assurances on finance in Wales are given, we get a nod and a wink to England that, in time, the Barnett formula will be changed. My hon. Friend the Member for North Essex (Mr. Jenkin) received a letter from the Home Office about the Referendum (English Parliament) Bill. The letter was originally sent to the hon. Member for Linlithgow (Mr. Dalyell). To my surprise, the letter does not say that there will be no review of the Barnett formula, which was our understanding during the course of this Bill, but says that the Government

"see no case for reviewing . . . the Barnett formula now."

The word "now" is underlined. That type of nod and wink to the English, contrary to the assurances given to the Welsh people, who have been given no statutory provision for financial security, is totally unsatisfactory and a flaw in the Bill.

Mr. Öpik: Would the right hon. Gentleman entertain the possibility that, far from being an objective analysis of what we have spent so much time debating, his assessment simply belies the Jurassic non-acceptance of the importance of devolution to Wales? It is because we have done something of great significance within the United Kingdom—and done it very effectively—that the Secretary of State's visit to Northern Ireland was of such interest to the people of Northern Ireland and such a great success in sharing valuable and constructive experience from this Chamber with those seeking to do something similar in Northern Ireland.

Mr. Ancram: I give the hon. Gentleman seven points for charm but 10 points for fantasy in respect of how he has dealt with the Bill.

Mr. John Smith: I understand why the right hon. Gentleman wants to make speedy progress, but in respect of the deplorable remarks that he made earlier, will he now say for the record that he was not trying to compare divisions in Wales with the tragic religious divisions that exist in Northern Ireland?

Mr. Ancram: The hon. Gentleman will remember that, when I raised the subject of Northern Ireland at the beginning of our proceedings, I was told that the subject was not applicable and that I should not refer to it in the context of this legislation. I am perfectly entitled to point out that the Secretary of State went to Northern Ireland, publicly and with a great deal of fanfare, to talk to politicians there about the experience of this Bill. I set out four requirements: the need to unite; the need to protect minority rights; the need for financial security and strong representation in Europe; and the need for certainty rather than doubt. Those are requirements for Wales as well, and if the hon. Gentleman says that they are not, he is doing his constituents a disservice.

Mr. Flynn: I am grateful to the right hon. Gentleman for giving way, but what shocks us about his grotesque remarks is the contrast between the way in which the Conservative party ran Wales—despite holding only a handful of seats, it insisted on exercising power not only through national institutions, but through the quangocracy that it created in Wales—and the essence of the Bill, which will spread power throughout every corner, every community and every political party in Wales through a strong element of proportional representation. The Bill is not a grab for power, which the Labour party has traditionally held in Wales with a democratic mandate, but an attempt to spread power—the reverse of what the right hon. Gentleman claims.

Mr. Ancram: The hon. Gentleman has not been a great attender of the debates, and obviously did not hear those on concordats and the other unsatisfactory ways in which the Bill will be applied in Wales.

I shall continue to describe the Bill's fundamental flaws, because before it leaves the House people must understand that it is not the great and glorious project that the Secretary of State says it is. There is no reassurance on Europe and nothing in the Bill even remotely suggests that Wales will have a continuing voice in the Councils of the European Union. Even the pathetic words "may assist", which appear in the Scotland Bill, have not been used. All that we are promised are concordats, but we learned last night that they are not worth the paper that they are written on; indeed, if they are worth the paper that they are written on, they are not democratically accountable to the House or to the assembly. Concordats are an unsatisfactory way of dealing with the European interest.

Mr. Ieuan Wyn Jones (Ynys Môn): The right hon. Gentleman referred to a continuing voice for Wales in Europe. What voice did Wales have during 18 years of Conservative rule, and exactly how many times did Conservative Secretaries of State for Wales deign to visit Brussels?

Mr. Ancram: The hon. Gentleman makes a valid point: I tabled a question to hon. Member for Bridgend, asking when he was next attending the European Council of Ministers; he will attend next week. That facility exists, but it will no longer exist after the Bill has been enacted. The interests of farmers in Wales, who are in crisis at the moment, will suffer as a result, which is another fundamental flaw in the Bill.

The Bill offers no reassurance on the means of avoiding the marginalisation of Wales within the United Kingdom and does not set out a role for the Secretary of State for Wales. It does not even suggest that the term "Secretary of State" refers to the Secretary of State for Wales. There is every possibility that the role of the Secretary of State will be reduced to what it once was, when a junior Home Office Minister dealt with the interests of Wales.

The Bill offers no assurance on a role for Welsh MPs in the House. We understand that the Grand Committee will wither on the branch and, if rulings from "Erskine May" on previous efforts at devolution are correct, so will Welsh questions. Ministers have rejected our attempts to give Welsh MPs a real role in co-ordination with the assembly; indeed, we tried to add to the Bill a mild clause reminding us of the sovereignty of Westminster, but it was rejected despite the patent inclusion of a similar clause in the Scotland Bill.

On those counts, we have received no reassurance, which I believe is bad for Wales. On top of that, there is uncertainty about what functions and powers will be transferred to the assembly and how; uncertainty about the effects of cross-border authority on the rights of the individuals affected; uncertainty about abuses that could arise out of the electoral system; and uncertainty about how disputes arising out of devolution issues will be resolved. At the end of yesterday's debate, we faced further uncertainty about whether the assembly will have a Cabinet structure or a Committee structure.

That uncertainty is dangerous, because it could give rise to conflict. The failure to provide reassurance on those uncertainties could create a focus for misunderstanding and resentment between Cardiff and London. There has already been conflict between the chairman of Cardiff county council and the Secretary of State about the assembly's location. We are in danger of setting Welsh people against Welsh people, and Welsh people against English people. Such conflict will serve only those whose interest is even greater division in the United Kingdom.

The voices of the people of Wales, as expressed in the divided and indecisive referendum in September, have been cynically disregarded by the Government. The people of Wales will have noticed that. The Bill is deeply flawed; it started out a mess and, because of the obstinacy of the Secretary of State, it goes to the other place a mess. It weakens rather than strengthens the chances of stable devolution in Wales, and answers none of the fears and doubts expressed in the referendum result. If anything, it has created greater doubts, greater uncertainties and greater causes for fear.

The Bill will set up an assembly that does not know where it is going, whether it will have a Cabinet or a Committee structure, what powers it will have, what will be its relationship to the United Kingdom and Europe or what money it will have. The assembly is a ship without a mast, without a compass, without an engine and without a rudder. It is also full of leaks.

The assembly in its present form does no service to Wales. We have tried to rectify the faults before the ship is launched, and before it meets the storms into which it will inevitably run. The other place will have to do that work for us. I only hope that it is more successful.

Wales can and must have a brave and bright future, within itself and within the United Kingdom. To give Wales such a future is our unflinching aim, and we shall never give up.

8.26 pm

Mr. Denzil Davies: I shall be brief, because we have had lengthy debates in Committee and on Report and many of my hon. Friends want to contribute.

My right hon. Friend the Secretary of State has rightly sought constitutional change that contributes to constitutional stability. None of us can foresee whether that will happen, because it is in the hands of forces outside our control and outside the technicalities of the Bill, but we hope that it will.

Those of us who have thought that the British state was overcentralised have always supported decentralisation. The worry has always been that this asymmetrical form of decentralisation may create instability: the Scottish Parliament will have legislative powers and some taxation powers; the Welsh assembly will be executive, but not legislative; and there is little or nothing for England yet, and there may not be for a long time.

Some of my hon. Friends have visited Catalonia—indeed, debates sometimes sound almost like a homage to Catalonia—and others have referred to the German Lander. Devolution in Spain is more symmetrical, but I suspect that constitutional settlements were reached in those countries. My worry has been that we do not have a constitutional settlement that covers the whole of Britain. I shall leave Northern Ireland aside, and shall not venture to deal with that difficult issue.

Will constitutional change create constitutional stability? I am worried about three matters, the first of which is the financial and budgetary stability, or lack of it, that may be created by the failure to entrench the Barnett formula in legislation. Many of my hon. Friends have expressed concern, and I suspect that most hon. Members are also worried about the issue. There is not a majority for a specific scheme and it is not easy to see how the problem can be solved. I should have preferred entrenchment in legislation, than to leave the matter as it is. There is a danger of future instability in the relationship between Her Majesty's Treasury and the Welsh assembly if the Barnett formula is merely an expression of intention.

The second concern is with the transfer of power. The Secretary of State said that devolution was a process.

Mr. Dafydd Wigley (Caernarfon) *indicated assent.*

Mr. Davies: The right hon. Gentleman shows that he is pleased about that.

The danger is that a process may go on and on, which would create instability. Nothing can be written in stone, but if powers can be transferred by order from the Home Office, the Department of Social Security or other Departments after a debate lasting only an hour and a half, cries may come from the assembly and from some right hon. and hon. Members for more powers to be transferred simply by order. The English may want to flex their muscles and may be happy to make orders to hand over more and more powers to the Welsh assembly. Perhaps the right hon. Member for Caernarfon (Mr. Wigley) assumes that the English will resist every transfer of power from the British Parliament to the Welsh assembly.

There should be a slowdown in the process, in the interests of stability and of the Welsh assembly. The assembly will have enough to do: it is a new body, and its work will not be easy. If there are constant calls for more powers to be transferred, that will destabilise the assembly and its relationship with the British Parliament and Government.

The third concern is with the relationship between the assembly and Whitehall. The concordats are an heroic attempt by my right hon. Friend to solve the problems and to enable the assembly paradoxically to stick close to

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nurse. I suspect that nurse will move on and will not be very interested in this child once the devolution process has begun.

We have not had satisfactory answers on Europe: perhaps there are none. We have not had satisfactory answers on how Wales will relate to Europe and on bargaining in the Council of Ministers. It is an extremely difficult time for Welsh agriculture. The common agricultural policy will have to change, with what consequences we know not. It is a difficult time for the structural funds. However strongly my hon. Friends in the Welsh Office argue to maintain the present position, it cannot be maintained, given the enlargement of the European Union towards the east and away from the countries on the western periphery.

The essence of devolution is that we should not be at the centre. We have not worked out the relationship between the Welsh assembly and the Council of Ministers, the Agriculture Council, the structural funds and the Department of Trade and Industry. Perhaps those problems cannot be resolved. I believe that Wales's position in Europe will be much weaker as a result of these proposals. That may be an inevitable consequence of devolution, but it is a bad one.

The well-being of the assembly and of Wales will depend on the Welsh economy. I am sorry to say that the assembly will be peripheral to the Welsh economy, because the £7 billion will be a social budget. The assembly may bite the bullet and divert to economic matters the funds that currently go to local government, education, health and other worthy causes. I would not criticise the assembly if it did not do so, because it would cause a political row and a political clamour.

The assembly will not be an economic powerhouse, nor will the Welsh Development Agency. The assembly's functions will be peripheral to the Welsh economy, which will face considerable difficulties. Sadly and unfortunately, we have the lowest gross domestic product per head in Britain. We have a far too heavy dependency on public expenditure. There is a massive transfer of funds from the Treasury. Let us not be romantic about this: those funds come from England. They will be topped up with funds from the European Union, which will possibly dwindle over the next five years. That is the reality of the Welsh economy, and the assembly will have great difficulty operating in that climate. The European Union and the European currency will exert pressure that will lower wages in Europe. That will depress further our GDP.

I hope that the assembly works well. It should concentrate on its tasks and should not try to do too much. I hope that, in a spirit of inclusiveness, all the Members of the Assembly accept it as it is and do not try to make political points and to use it for the purposes of separation. If there is a spirit of inclusiveness, the assembly will do a good job for the people of Wales. I hope also that it will preserve and enhance the Welsh identity in a changing global economy.

8.36 pm

Mr. Wigley: I am glad to follow the right hon. Member for Llanelli (Mr. Davies). I noted his emphasis on inclusiveness. I listened to his significant contribution in Committee and on Report, but I was not always sure that he took an inclusive approach to the assembly. The right hon. Gentleman and I shared platforms during the referendum campaign in 1979. I remember his enthusiasm for the cause of an elected assembly or Parliament for Wales. When he looks back on his contribution to the debate in recent weeks, and when he sees how the assembly is working in practice, I hope that he will not be tempted to say that he warned us that this or that was wrong. I hope that those of us who aspire to being Members of the Assembly and those of us in Westminster who watch the assembly as it develops can unite in our determination to ensure that it works.

This is an historic day for Wales, although the assembly offers significantly less than my party wanted. That does not make the assembly not worth having: it is worth having for what it is. We shall play our part positively and constructively to the extent that we are elected. We have every intention of making the assembly work for Wales, notwithstanding the fact that it will not have all the powers that we believe are necessary to get the best deal possible for Wales. If weaknesses come to light, we shall of course argue for the assembly to have powers to deal with them.

I listened to the right hon. Member for Devizes (Mr. Ancram) with interest. The signals which we have received suggest that the Conservative party will not oppose the Third Reading. If so, I hope that it does that in a genuine spirit of acceptance. A decision has been taken and the people of Wales will have a national assembly, even though the Conservative party felt that it was not appropriate. The leader of the Conservative party gave the impression that the intention was to accept the decision and to build on it constructively. I see those on the Opposition Front Bench nodding in agreement. However, having listened to the debates last night, and during the past two or three weeks, it is difficult to believe that that was their positive intention.

Mr. Jenkin: That is the right hon. Gentleman's opinion.

Mr. Wigley: Yes. It is my opinion, and I have the right to express it in the House. If Conservative Members genuinely wanted an elected tier of democracy in Wales, they would have tabled positive amendments—here or in another place—to address the weaknesses in the Bill. With respect, the amendments that we discussed between 11 pm and midnight last night were totally spurious. I accept that the hon. Member for Ribble Valley (Mr. Evans) opened the debate in a perfectly reasonable way, but then we heard a cascade of arguments that did no justice to the cause that he might have been trying to advance.

Mr. Ancram: I am grateful to the right hon. Gentleman for giving way. It is important to put it on record that, on the two major flaws in the Bill which I identified—the first in relation to Europe and the second in relation to finance—we tabled an amendment to ensure that there was a voice for Wales in Europe and another in respect of the relative need to protect the position of Wales. In both cases, we were turned down by the Government.

I hope that the right hon. Gentleman will agree that we made constructive attempts to amend the Bill in a good way.

Mr. Wigley: Some of the proposed amendments would have been helpful. The Government took on board the point that was made in the context of Cabinet provision and acted on it. Had there been more such proposals with a positive intention, the debate would have been improved. Be that as it may, there will be further opportunity in another place.

If the Conservatives are looking for a symmetrical model that is more stable and accept that there will be an assembly for Wales, a Scottish Parliament and a regional tier of government in London—they advocate that there should also be an elected assembly for Northern Ireland with law-making powers—I look forward to hearing about the balanced platform that they propose to provide that symmetry and stability for the future. As yet, they made no such proposal. I do not criticise them for that, as they may be in transition. However, if it is a journey of transition, perhaps they should have held some of their fire, rather than re-running the referendum campaign and divisive issues time after time. The right hon. Member for Devizes referred to division and fear and undermined the issues.

Wales needs a new confidence to take the opportunity that the national assembly provides, albeit to a limited extent. It needs confidence not just in political terms but in economic terms, to enable the people of Wales—particularly young people—to take responsibility on their own shoulders, instead of complaining for ever and a day that London has not done this or Brussels has not done that. We need to start doing things for ourselves. In political terms, the assembly encourages us to take responsibility for our own communities.

Of course there will be difficulties ahead. The assembly will have neither the power nor the resources to solve problems overnight. Some problems may not be soluble even in the longer term, but at least if we make mistakes within the limited capacity that we are allowed, we will be making them ourselves and we will have to live with the consequences.

I hope that it is a process that, over time, will strengthen the national assembly which is established by the Bill. As hon. Members no doubt understand, although some may disagree, I should like the assembly to have primary law-making powers. The Bill provides for a secondary law-making function and a limited right to amend primary legislation. It is nonsense that the national assembly will not have a legislative role in respect of issues such as local government in Wales, the Welsh language and education, where legislation deals exclusively or in part with Wales. In seeking the symmetry and the stability to which reference has been made, and given that Scotland and Northern Ireland will have those powers, at some point Labour Members and even some more enlightened Opposition Members may address that issue.

As the right hon. Member for Llanelli said, there is also a weakness in the Bill, which we may not be able to correct through legislation, in respect of the links with Europe. We had assurances on the publication of the White Paper, during the referendum campaign and thereafter that there would be a link between the national assembly and European institutions and that the Assembly First Secretary would have the right to participate in the Council of Ministers as part of a United Kingdom ministerial team when relevant matters such as agriculture were discussed. Of course that is a step forward.

As my hon. Friend the Member for Ynys Môn (Mr. Jones) pointed out in an intervention, during 18 long years under the Conservatives, how many times did a Secretary of State go to Brussels to argue the case for Wales? I am not aware of a Secretary of State for Wales having addressed the Council of Ministers, although I remember an Under-Secretary going there once. Now at least there will be an opportunity for the assembly to have a role, but that is not enshrined in the Bill. Therefore, we are dependent on the assurances which have been given. I assume that those assurances still hold good, as they are extremely important.

Likewise, in respect of representation at an administrative level, there should be a senior civil servant in the United Kingdom permanent representation office scrutinising working papers from the Commission before they are finalised so that the needs of Wales can be transmitted. The United Kingdom permanent representation office has said to Wales and Scotland that it is more than happy to facilitate that worthwhile step forward.

Mr. Ancram: The right hon. Gentleman is referring to a point that is central to the working of devolution without being a matter of conflict and resentment. He has referred to what he hopes will happen, but does he agree that this should be in the Bill?

Mr. Wigley: I would have been very much happier had our amendment on the issue been debated on Report. I accept that entirely and I hope that the other place will return to the issue. The question is whether it is possible to write those mechanistic provisions into legislation. Provided that there is a declaration of intent from the present Government, who will remain in office for another four years and perhaps longer—only time will tell—and the Conservatives accept that it is a reasonable way of working, at least we will have some assurance from Westminster of good will towards that procedure. I am sure that the national assembly in Wales and the Scottish Parliament will wish to avail themselves of those opportunities.

Mr. Dalyell: I seek clarification, as I may have misinterpreted the right hon. Gentleman. Did he say that, on some occasions, a representative from the Welsh assembly should speak in Brussels on behalf of the United Kingdom?

Mr. Wigley: Yes. I believe that should be the case. However, as that would be under the umbrella of the United Kingdom representation at the Council of Ministers, it would have to be with the agreement and consent of those leading the United Kingdom team. That is not altogether new, and I am glad to see the Secretary of State nodding in agreement. I recall the Secretary of State for Scotland taking the United Kingdom seat in the Council of Ministers at the fisheries meeting, although I accept that he did so as a United Kingdom Minister.

We seek the right to have a voice in Europe. If Scotland in the context of its Parliament, or Wales in the context of our national assembly, considers that a dimension is

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overwhelmingly significant to Wales or Scotland and may not be so significant to the United Kingdom, a representative from the Scottish Parliament or the Welsh national assembly should have the opportunity to express a view from within the United Kingdom team.

The hon. Member for Linlithgow (Mr. Dalyell) has maintained a very assiduous presence at our debates and, although we disagree, I certainly salute him for that. If he is saying that we should not have an opportunity to have that voice, he is doing no service to Scotland or Wales. Whether or not he agrees that there should be a Scottish Parliament and a Welsh assembly, if they articulate the wishes and hopes of Scotland and Wales respectively, that channel should be facilitated. If it is not, the tensions and disagreements about which he warned the House will arise. The channel will at least ensure that the message can get through.

Mr. Jenkin: Does the right hon. Gentleman believe that the elected mayor of London should be afforded a similar facility? After all, he will represent an electorate of 8 million people.

Mr. Wigley: I would not for a moment deem to speak for the good people of London, but I have not yet heard them aspire to national status—perhaps that will come in due course.

As for Wales and Scotland, the interface with the European Union currently exists through the Welsh and Scottish Offices. Vital decisions are taken in Europe. Only this week, we have been talking about the effect of structural funds on Wales. I have no doubt that the assembly will want to have an opportunity at least to influence such decisions.

Equally important, as I said, the assembly will want to have a voice in the UKREP office; I think that the Secretary of State has said the Bill could enable someone from the National Assembly for Wales to be linked with that office. The right hon. Member for Llanelli mentioned Catalonia. I know from meeting members of the Catalan permanent office that the benefits of its presence in Brussels really came to bear fruit when it started to see the working papers before they were finalised.

The lack of flexibility to vary finance will be a serious problem. I know that this question was not put in the referendum, but I believe that such flexibility should exist in due course. If parish and county councils can vary finances, surely a national assembly should have some freedom to make financial decisions.

I hope that there will be an opportunity in the other place—there was not one here—to discuss an amendment relating to the additionality of European funds. It is vital that funds from Europe reach Wales and are spent as they were intended to be, and that they are not purloined by the Treasury in London. I have no doubt that the National Assembly for Wales, like the Scottish Parliament, will keep a close eye on that.

The argument for an elected all-Wales tier of democracy has continued for 100 years and more, during which time we have been warned that all sorts of bad things would happen if we took decisions for ourselves on an all-Wales basis—it would be the end of civilisation as we knew it. The same warnings were given a century ago in the context of the disestablishment of the Church in Wales—we were told that it would be the end of Christianity in Wales.

When the Church was disestablished, however, people asked what the fuss was about; they carried on living perfectly reasonably with the Church. The original leader of the campaign against disestablishment became the first Archbishop of Wales—he was, I think, the grandfather of a previous Secretary of State for Wales, Nicholas Edwards, who used to be the hon. Member for Pembroke.

I believe that that will be our experience of the national assembly. In five or 10 years, people will be asking what all the fuss was about from those fighting a rearguard action. The establishment of the assembly will be the start of a process which must go further, but today we are taking an historic step down that road—we are determined to make it work.

8.52 pm

Mr. Rowlands: Devolution is about democracy and the democratisation of many aspects of our public administration and public life. I believe that the Bill will achieve its purpose and meet the democratic deficit that has grown up over the past 30 years in Wales. That is why I have supported the principle of devolution.

It is important to make it clear that the Bill will democratise many of our decision-making processes in key areas of our life. The danger is that people will believe that the process that has been initiated will do so much more than it was intended to do that they will become disillusioned—they will not realise that the Bill has enhanced democracy. A careful balance needs to be struck—that has been a vital aspect of our discussions.

As the right hon. Member for Caernarfon (Mr. Wigley) suggested, the path to devolution has been long, and many who have been down that path have argued that the Bill represents a natural continuation of a process that began at least 40 or 50 years ago, with the development of administrative devolution and then devolution of the political executive in the form of the Welsh Office and the Secretary of State for Wales.

For a large part of my political life, I believed that to be the case, but, as I have listened to and taken part in our debates—I think that I have been a reasonably assiduous attender—I have concluded that that is not a proper interpretation of what is happening. I no longer believe that the Bill represents a natural continuation; like my right hon. Friend the Secretary of State, I believe that it is a radical constitutional departure.

Because of the constant comparison with the Scotland Bill, the truly radical nature of the change on which we are embarking has unfortunately been masked. The Bill is a big constitutional step, which draws the line under the form of devolution that has been argued for during much of the past 40 and 50 years—devolution in the context of a Westminster-Whitehall structure.

Although I believe that the Bill will meet one of the fundamental purposes of devolution—the democratisation of Welsh administration and decision making—I also strongly believe that we have not yet come to terms with the British dimension of the process, which is another major factor in the radical change. That has struck me forcefully as I have listened to our debates—I have grown more and more concerned about the issue. I do not need

to repeat the arguments of my right hon. Friend the Member for Llanelli (Mr. Davies), but I believe that, sooner or later, we shall have to return to the issue. As my right hon. Friend the Secretary of State said, this is a process, not an event. Therefore, the situation will not be stable, and there will be demands and pressures for further devolution. We must address the British dimension as well as our particular needs and wishes.

I am a proud Welshman and also a British politician. I believe in the democratisation of our national life, but I also profoundly believe in the House of Commons. The longer I have been here—perhaps it is a sad sign—the more I have grown to believe in it. One of the great achievements of the House of Commons has been to provide political stability when, in all other parts of western Europe, there has been, for one reason or another, an inability to sustain democracy. The House of Commons has sat every year since 1690—no other assembly, Parliament, Cortes or Reichstag can make such a claim. We have managed to devise, in a curiously British way, an incredible political stability, which has enabled us to fight wars and raise taxes with public consent. That is the curious—I shall not say "magic"—quality and alchemy of the British Parliament.

The die has been cast and we shall try to make our Welsh assembly and the democratisation of Welsh public life work in every possible way. However, I believe that we must also ensure that the British system continues to work, because of the role it has played in providing stability not only for England, for Scotland or for Wales but for us all. I believe strongly that those fine distinctions are not just marginal issues. As we have discussed concordats, the future role of Secretaries of State and the link between the assembly and Westminster and Whitehall, I have been concerned that we have not devised a proper, effective and stable relationship for the future link between a British Whitehall, a British Government and our own assembly and democratic institutions in Wales. That is the other big project which has to be undertaken.

In a very personal way, I have been wondering what I should recommend to my sons or daughter, or perhaps my grandchildren, whenever they arrive, should they want to pursue the privilege of being an elected representative. Where should they go? I have reluctantly come to the conclusion that I would tell them to go either to the Welsh assembly or, sadly, to the European Parliament. That concerns me, not because I do not believe that those bodies have important functions, but because it is saying quietly to myself that we may have done a certain amount of damage to the role and importance of this place.

I came here 30 years ago because I thought that, by doing so, I could help to change things. I still believe that, and I believe that we will also do that through the Welsh assembly. At the same time, I hope and believe that we will resolve the British-Welsh and British-Scottish relationship. In the next Parliament, if not in this one, that will have to be addressed.

I am sure that my right hon. and hon. Friends feel a sense of satisfaction at having overseen this entire project, through the referendum and its translation into a piece of landmark legislation. The majority of the people in Merthyr Tydfil and Rhymney voted for devolution in the referendum, and my votes have reflected and will continue to reflect the wishes of my constituents.

9.1 pm

Mr. Livsey: I congratulate the Secretary of State and his team, together with the civil servants, on the enormous amount of hard work they have put into preparing the Bill and seeing it through to its Third Reading. The fact that we have the Bill at all is a considerable achievement and is the result of the close co-operation of all those who want to see progressive government for Wales. In an historic context, the people of Wales have waited a long time for such legislation, and there have been many false dawns.

We can say proudly that the Liberals invented devolution, and we are glad that the Government have joined us in that crusade. Gladstone would be pleased, too, as we celebrate his centenary—he passed away in Hawarden in north-east Wales.

Those of us in Welsh politics who have long championed this cause are delighted to see the legislation reach this stage. As Liberal Democrats, we can say with honesty that the legislation is not entirely what we wanted, but it encapsulates many of the principles that we should like to see. We would have preferred a Parliament with legislative powers, the ability to vary taxation and to achieve elections by the single transferable vote system, to name but three of our aspirations, but the Bill is a definite step in the right direction.

The Government won a convincing victory in the general election, which gives considerable legitimacy to their proposals. I did not favour a referendum, but the Government made that decision and we were happy to join them and all those who supported the move towards an assembly. That was a combined effort, which we believe had considerable benefit for the future of politics in Wales.

It could be said that the referendum may have hamstrung the Government with some of the proposals that were based on the initial White Paper. We have seen the recasting of some of the issues raised in the White Paper in the light of our debates during the passage of the Bill, and that is how things should be.

In one sense, the Bill reinforces the control of Westminster over Wales, but it puts Wales into a far better democratic context than previously. As a federalist, I believe that many of the problems mentioned by the right hon. Member for Llanelli (Mr. Davies) and the hon. Member for Merthyr Tydfil and Rhymney (Mr. Rowlands) about the British relationship could be overcome in that way.

The Bill outlines the boundaries of the assembly and its functions. Some might say that the legislation could have been more adventurous and given the assembly a sharper cutting edge. However, the Bill has been improved as a result of our debates, and the introduction of a Cabinet system will undoubtedly make the assembly much more effective than it would have been under the original drafting of the Bill.

There is still a great deal of scope for securing the rights of minorities in Wales. The electoral system and the introduction of closed lists in relation to the additional member system is unproven and may have to be revised in the future to introduce greater proportionality in the voting system. I owe a debt to my former colleague, Alex Carlile. In Committee, it was said that should the result of the assembly elections not be proportional, the electoral

[Mr. Livsey]

system would be reviewed before the second assembly elections take place. I am pleased that the Secretary of State has given us that assurance.

The fact that the assembly can deal only with secondary legislation means that its teeth are drawn on its effectiveness to carry out many important functions. That may need to be reformed in time. What will soon become apparent is what the assembly cannot do, as well as what it can do. I trust that the expectations and optimism in Wales, which are running high, will not be dashed in the light of cold experience. The assembly must be an effective body and we must not be afraid of improving it as years go by. I am sure that we will see it evolve meaningfully.

The need for all of Wales to be represented in the assembly means that a strong regional presence needs to be realised within the assembly's structure. We believe that that should be an essential part of the assembly. We must have the power to have influence from all parts of Wales, and to ensure that effective decision making takes place. The assembly must not be remote, but must be well informed of the needs of every corner of our country.

There are places in Wales that need special attention. Some of our more remote declining industrial valleys are in desperate need of attention. The rural areas of Wales are in a dire situation, and agriculture's current needs should be paramount.

We are on the verge of losing the bedrock of our rural economy and, indeed, of the possible flight of families from the land. The impact of that on the rural economy would be nothing short of devastating. Such is the urgency that action must be taken even before the assembly has started. Once the assembly commences, we will have to construct an integrated rural policy that will create balance in the rural economy and support business—whether it is in farming or in our rural towns and villages.

Relations with Europe and the European regions will have an increasing impact on how Wales is governed. We must be outward looking and benefit from the type of constructive, sustainable policy making that has strengthened so many other regions in the European Union.

We believe that the legislation will offer opportunities to all who live and work in Wales. The assembly must, first, boost work and wealth creation. Secondly, it will have to ensure that there is quality education and a high standard of skills training. Thirdly, it will have to deliver a first-class health service, and caring facilities combined with good housing. Fourthly, it will sponsor sport and the arts. Fifthly, and most important, it must encourage the younger generation to contribute and to get involved in the development of their own country.

The aim is to build a new Wales of which we can all be proud. We believe that this legislation gives us a really good chance to do just that. I say well done to everyone who has been involved positively in the Bill's passage.

9.8 pm

Mr. John Smith: Thank you, Mr. Deputy Speaker, for calling me in a truly historic debate, to speak to a truly historic Bill. My hon. Friend the Member for Merthyr Tydfil and Rhymney (Mr. Rowlands) said earlier that constitutional Bills such as this appear only once every 300 years or so. I therefore think that everyone in the Chamber should congratulate my right hon. Friend the Secretary of State. Hon. Members on both sides of the House have tended to forget just how difficult it is guide a constitutional Bill through the House. My right hon. Friend and his team have done a marvellous job, with support from most hon. Members—although it has been very grudging support from some hon. Members.

You, Mr. Deputy Speaker, can rest assured that tonight there will be a welcome for the Bill in the hillsides across Wales. I only hope that the Bill will receive an equally warm welcome in the Lobby and is passed with all-party support—to ensure that its passage through the other place is smooth and quick, and that what emerges from the other place is the fine Bill that we are debating.

We should pay tribute not only to our Ministers and hon. Members who spoke in our debates but to staff at the Welsh Office and the parliamentary draftsmen and Whitehall officials who have worked on the Bill. The Bill has 151 clauses, 15 schedules and 135 pages, compared with—in that fine Welsh tradition—only 116 Scottish clauses, eight Scottish schedules and 88 Scottish pages. Work on the Bill has been a tremendous task, and we should express our thanks to everyone who has contributed to it.

Mr. Dalyell: Are we to take it that the more the clauses, the better the Bill?

Mr. Smith: In Wales, that is certainly the fact. If my hon. Friend knew the country as well as we do, he would know why.

Our assembly will have so much to offer the country. To me and to most of my colleagues, the Bill is not a matter of draftsmanship or of constitutional niceties—although we realise that it must be properly done and provide the right framework to do the job—but a statement about Wales. It is a statement about our nation, and the confidence that we have in ourselves as a nation. Most important, it is a statement about our country's future identity.

On Second Reading, I raised three points, which I should like to reiterate quickly. The first was that the new assembly will have to provide a sufficiently flexible structure of payments, terms and conditions for assembly Members, to ensure that we attract the widest possible support across the country and include everyone. We can do that with a payment structure that is modest but accurately reflects the needs of the people. I am confident that the new assembly will do that.

Secondly, I mentioned establishing the right relationship between the assembly and business. That issue has been more than adequately covered in our debates, thanks partly to my hon. Friend the Member for Preseli Pembrokeshire (Ms Lawrence). New clause 19, which was passed yesterday, will provide exactly the right

relationship for the future. Moreover, that new clause demonstrated the manner in which the Bill has been passed. The thinking on the Bill has not been rigid.

Mr. Jenkin: It is a mess.

Mr. Smith: Ministers have listened to the arguments, and they have made necessary, major changes to the Bill—not least on the framework for a Cabinet structure. *[Interruption.]* Ministers should be congratulated. It is outrageous that, even at this late stage, Opposition Front Benchers are still criticising.

I remember, earlier in the debate, warning the hon. Member for South Holland and The Deepings (Mr. Hayes) that some hon. Members should be careful about the unconstructive and negative role that they have played in the debate, because they will pay the price for it—the ultimate price. He said that if the price of their behaviour was unfortunate electoral consequences, so be it. I say, so be it.

Mr. Ancram: What other significant amendments have the Government made during the passage of the Bill?

Mr. Smith: If I had more time, I should be delighted to tell the right hon. Gentleman, but others want to speak.

My third point was about the location of the assembly. I felt that it was vital, largely because of the impact on business in Wales and the perception of Wales by businesses elsewhere, that the assembly was located in Cardiff. I did not express a preference for a building, but I am delighted that we are to have a new building in the capital city to house a new assembly for a new Wales.

The Bill will transform the image and identity of our country. There have been major changes in our country, and we have started to transform our economy, but, tragically, that is not recognised outside Wales. My right hon. Friend the Member for Llanelli (Mr. Davies) rightly said that gross domestic product per capita is slipping. We have to address that. The wage levels in manufacturing industry were the highest in the United Kingdom only 20 years ago—just before that shower on the other side took office—and they are now the lowest.

We must not talk down our nation. Wales is one of the motor regions of Europe. It is one of the most attractive locations for investment in the world. It offers a unique combination of competitive prices, an unparalleled quality of life and easy access to the central consumer markets of Europe. The assembly will work on that.

This is an historic occasion. I congratulate my right hon. and hon. Friends, and look forward to the Bill receiving Royal Assent.

9.17 pm

Mr. Paterson: I am conscious that others want to speak, so I shall be brief.

I am sad to have to be a Cassandra in this evening's euphoric atmosphere, but throughout our debates, I have been conscious of those who voted no and those who did not vote. Hon. Members have mentioned division. Wales is divided. There is no overwhelming enthusiasm for the project.

Last night, the Minister said that water does not flow neatly. People do not flow neatly; society does not flow neatly; economies do not flow neatly. The project is being driven through by the political class of Wales, which will gain enormously. It will not help the people I know in north-east Wales, who are very worried about the crisis in farming and about their businesses. The Bill has been driven through in the teeth of their apathy or their expressed opposition.

Mr. Öpik: Apathy?

Mr. Paterson: They were apathetic—and they still are. I talk to them whenever I am home at the weekends. There is no enthusiasm for a new Government agency in south Wales. Wales is still divided. North does not talk to south. The Bill will not heal those wounds.

Mr. Öpik: The hon. Gentleman is obviously jealous because the Welsh border is on the wrong side, to the west of his constituency rather than the east. Is he not highlighting the fundamental difference between the Conservative party and every other party represented here: the difference between being progressive and understanding the basis of devolution, and being regressive and centralist and failing to understand the wonderful gift of autonomy that the Bill gives to Wales?

Mr. Paterson: Successful societies have fewer politicians and less government, bureaucracy and taxation. Sending one coachload of superannuated county councillors to an enormous and magnificent modern building three hours away in Cardiff will not solve the problems in north Wales.

Mr. Öpik: The hon. Gentleman says that Cardiff is three hours away, but will he acknowledge that it is only about 40 minutes away if one flies from Welshpool airport, for example, and that such infrastructure building, which will be facilitated by the creation of the assembly, would never happen if we had to depend on people such as him and his party in Westminster?

Mr. Paterson: The people I know in Welshpool and Oswestry have far better things to do than get in an aeroplane and fly down to Cardiff from Welshpool airport. That is a ludicrous suggestion, and shows how out of touch the hon. Gentleman is.

The Bill as it stands is flawed. The assembly was conceived to replace the executive functions of the Secretary of State, we went through a muddled phase when it appeared to be some sort of county council, and it is now emerging that there will be a flawed Cabinet system in which the assembly cannot claw back powers to make the Cabinet Committees accountable to itself.

The Bill has not been thought through. It is certainly not Madison and Hamilton working here. There have been muddle and fudge all along, and I foresee that the concordats that have been thrown in as a glue to make it stick together will come undone. They are not legally binding, and if they are, they are not democratically accountable.

Serious flaws in clauses have not been discussed properly. I bitterly resent the fudge that we had late last night. The cross-border issue is critical to all those who live along the border, but, because of the outrageous guillotine that was slammed on the legislation, I, as the representative of a border constituency, was not able to discuss it properly.

[Mr. Paterson]

The Minister showed the most crass obtuseness in refusing to understand the point I made, that currently, as an English Member in a British Parliament, I can discuss matters that affect my constituents that have been decided by agencies in Wales, but that once the assembly is set up, my constituents' vote will have less value, because the assembly in Cardiff will be able to change education policies, for instance; that could affect children coming over the border to a school in my constituency, yet I will have no recourse to a democratic assembly. That is wrong, and—*[Interruption.]* Is this an intervention?

9.22 pm

Mr. Dalyell: This is not an intervention: it is a speech.

My right hon. Friend the Secretary of State was right graciously to pay tribute to those in the Conservative party, the Liberal Democrat party and Plaid Cymru who disagree with him, but there was a lacuna or black hole, in that he might also have paid tribute to my right hon. Friend the Member for Llanelli (Mr. Davies) and my hon. Friend the Member for Merthyr Tydfil and Rhymney (Mr. Rowlands), who have been here throughout our debates and made educative, witty and extremely pertinent contributions.

My right hon. Friend the Member for Llanelli said that the United Kingdom was being unbundled. That de-wiring and unbundling will be of great concern in time to come. I feel a bit of an intruder; I shall speak for only one minute more.

My hon. Friend the Member for Merthyr Tydfil and Rhymney referred to the British dimension. There will be great difficulty, and it will arise first on the question of money. If money is tight in the next two or three years, there will be trouble. If money is not tight, trouble may not arise for five or 10 years. But, sooner or later, discontented Members in Cardiff will attribute all that they have been unable to do in fulfilling expectations to the parsimonious Treasury in London. Therein lies trouble.

Having sat through all the debates, I notice that another question that has not been answered is to whom the civil service is to be loyal. A civil service cannot serve two masters. In debate after debate, it has been clear that we are seeing the break-up of the British civil service. When there is agreement, it is all right; when there is disagreement between two separate institutions, civil servants will be a little bewildered about where their loyalties lie. In that, there will enormous difficulty.

The issue of Catalonia has been raised throughout our debates. I understand that members of the Select Committee on Welsh Affairs went to Catalonia, and were extremely well received in Barcelona and by the Catalans. I am not in the least surprised by that, because the prosperous Catalans may like the set-up very much. I also understand that Committee members were less well received—to put it mildly—in Madrid. That I very much understand. The rest of Spain takes a rather different view of the set-up in Catalonia from that of the Catalans. Catalonia is at an advantage, because it is the economic powerhouse of Spain.

Mr. Martyn Jones (Clwyd, South): Will my hon. Friend give way?

Mr. Dalyell: No, excuse me. I will not, due to lack of time.

I am concerned that, by our legislation, we do not inadvertently light the slow fuse of English nationalism.

9.26 pm

Mr. Desmond Swayne (New Forest, West): The Secretary of State began the debate by saying that this measure was a landmark. The landmark to my mind is that, after all the many hours of discussion, we do not know precisely where the assembly will be. Many Welsh local authorities were led a merry dance on that. More importantly, we do not know what the assembly will be like. There was an extraordinary discussion late last night about whether there was to be a Cabinet structure, a Committee structure, or some combination of the two. It strikes me as extraordinary that we are still so imprecise about the very nature of the assembly that we are creating.

Another thing that strikes me as extraordinary is the democratic deficit, the lack of legitimacy, with which the assembly will begin its life. We had all those tired discussions about the poor nature of the response in the referendum, and the fact that people voted against the proposals. Our debates on regional aspects of the Committee structure showed that those points simply had not got home, and that there would be no direct redress of those fundamental areas of weakness.

The democratic deficit will persist and grow as a consequence of the extraordinary electoral system that has been chosen for the assembly. When we discussed the system in Committee, I pointed out that no one would understand the benefits of the system that owes so much to Mr. d'Hondt. The Minister replied that there was no requirement for voters to understand the electoral system. That is one of the fundamental weaknesses of the legislation.

The Prime Minister announced that, as a consequence of the rather tepid result of the referendum, great sensitivity would be shown as the measure proceeded. Despite the euphoria that has been evident tonight, Opposition Members are left wondering precisely of what that sensitivity consisted.

9.29 pm

Mr. Martyn Jones: I for one welcome this historic Bill. Of the measures that I have seen come through the House, it alone justifies the 10 years that I have spent in this place. I admit to having taken little part in the Committee proceedings—not through lack of interest but because, like most of my colleagues, I had every confidence in the good will and competence of our Ministers.

I should like to address most of my remarks, as Chairman of the Welsh Affairs Select Committee, to our recent report entitled, "The impact of the Government's devolution proposals on economic development and local

government in Wales", which is pertinent to the Bill. The two key issues that the Committee considered were, first, the likely effect of the projected merger of the Welsh Development Agency, the Development Board for Rural Wales and the Land Authority for Wales into the enhanced WDA; and, secondly, the impact of devolution on the operation of local government, the relationship of which with central Government will inevitably change as a result of the delegation of the Secretary of State's powers to the assembly.

Mr. John Hayes (South Holland and The Deepings): Does the hon. Gentleman agree that not only the relationship between local and central Government but the nature and status of local government itself will be affected by the assembly? The assembly will draw down powers from this place, but will inevitably suck up powers from local government.

Mr. Jones: That is not the evidence that we received, so I cannot comment on it. I want to restrict my remarks to the report.

The Select Committee conducted the inquiry with the intention of informing the continuing debate on devolution—a debate that will go beyond the mechanics of the new system set out in the Bill, and will continue as the new institutions evolve.

Great hopes are being placed on the enhanced WDA as a vehicle for continuing the economic regeneration of Wales. Many organisations would like to see the agency expand its activities in various directions.

For example, the general secretary of the Wales Trades Union Congress pointed out to the Committee that, as heavy industry has contracted, the industry of Wales has undergone even greater structural changes than have the economies of England and Scotland. As a result, well-paid jobs have been lost, and replaced by jobs that are less well-paid and sometimes part-time. The Wales TUC would like to see growth in areas such as management, research, and the creation of supply chains in Wales.

The Committee believes that devolution will bring greater democracy to public sector investment, and the Committee welcomes the project, although there remain several detailed issues to which thought will have to be given. Up to now, there has been a lack of democratic accountability in decision making about economic development in Wales. The Committee suspects that that may have contributed to the relative imbalance in investment between east and west Wales, and between the urban areas and the countryside, and to the emphasis on encouraging inward investment at the expense of support for indigenous small and medium enterprises.

With the intent of informing the continuing debate on devolution, the Committee offers its recommendations and conclusions gathered from the inquiry. Many of them are directed to the enhanced WDA.

With regard to the merger, if the enhanced WDA is to be a success, it will need to be adequately resourced, focused and funded. Therefore, the enhanced agency and the assembly will need to address the reality that the existing funds of the three uniting bodies may not prove sufficient for the tasks of regeneration when they are spread across the whole of Wales.

The Committee also believes that the time has come for agriculture to be seen as an industry like any other, and an important one at that, and for economic development policies to reflect that reality. The Committee also feels that devolution is important to the higher education sector in Wales. Devolution should not cause disturbance to that sector, which is important to the culture, economy and self-image of Wales as a modern, progressive society.

With regard to the continuing economic health of Wales, the Committee holds that it is vital that the enhanced WDA maintain financial services for small and medium-sized enterprises throughout Wales. The Committee also acknowledges that it is vital that the problems of rural areas be tackled under the devolved system, and welcomes the vigorous rural development policy to which the Secretary of State and the chairman of the WDA are committed. However, the Committee recognises that there are conflicting pressures involved in a vigorous rural development policy.

The Committee also believes that the positions of the Welsh Office Industry Department and the Wales Tourist Board outside the enhanced WDA are matters which may have to be re-examined by the assembly. Likewise, the concerns of small business in Wales will need to be addressed. The Committee recommends that further consideration should be given to the system of calling in planning applications and determining appeals. The Committee prefers the panel option—to make a small panel within the assembly structure responsible for the exercise of these particular powers—rather than a full Committee.

At the very least, our opinion is that serious thought should be given to making proper medium-term transitional arrangements for the calling in of planning applications and the determination of appeals in the event of the transfer foreshadowed in the draft Transfer of Functions Order 1998. The Committee believes that this would be best achieved by the Secretary of State retaining a reserve power for a 12-month interim period.

In addition, when those powers are transferred, the assembly's Standing Orders should provide clear criteria to govern appeals and the type of planning application which should be called in. In developing the criteria, the Committee hopes that the WDA will have regard to the need to promote sustainable development wherever possible—which it can now do, thanks to a Government amendment.

The Committee also urges that the regional Committees of the assembly be established on the same boundaries as the regional structure for the Welsh Development Agency, training and enterprise councils, the regional economic forums and similar groupings. The Committee suggests that the Secretary of State should draw the matter to the attention of the national assembly advisory group.

Under devolution, Wales will continue to need a strong voice in the Cabinet to ensure that its special needs are addressed in UK-wide policy making. The Committee believes that the continuation of the office of Secretary of State for Wales will provide that voice. It seems appropriate that there should be some formal mechanism by which the Secretary of State is able to attend meetings of the assembly. However, in the Committee's view, attendance should be only by invitation of the assembly.

As the inquiry progressed, it became apparent that the debate over the most effective means of encouraging economic growth was not only the most important issue facing the enhanced WDA, but far too complex to address within the context of what had become a wide-ranging

[Mr. Jones]

investigation. The Committee is therefore conducting a further investigation into industrial investment in Wales. A report will be made available before the end of the year.

During the Committee's visit to Barcelona last week, we looked at the policies of Barcelona and Madrid. I must correct my hon. Friend the Member for Linlithgow (Mr. Dalyell): it was not Madrid's attitude to Barcelona which was the problem—the attitude of the chairman of the financial committee of the Spanish Parliament to the Committee was the problem. We had a good response from the Spanish Department of Trade, who recognised the opportunities that devolution gave Catalonia in terms of gaining finance from Europe.

Mr. Hayes: On a point of order, Mr. Deputy Speaker. The Select Committee report is available for us to read. All we are getting from the hon. Gentleman is a verbatim account.

Mr. Deputy Speaker: The hon. Member for Clwyd, South (Mr. Jones) ought to remember that this is a Third Reading debate, and it is not really the occasion to debate the Select Committee report.

Mr. Jones: I was coming to an end. I am gratified that the hon. Member for South Holland and The Deepings (Mr. Hayes) suggests that he has read the report. If he had read it, he would know that this is not a verbatim account. I suspect he has not read it.

I hope that the work of colleagues on the Committee from all parties has been justified by its use by the Government in the application of the detail of the Bill. I hope that it will also be of use to the assembly in due course. That is the pertinence of the report to the debate. On a personal note, I am delighted to be here tonight on this historic occasion as we create an assembly for my country.

9.38 pm

Mr. Letwin: I have two minutes, and I do not think that I need more. I wish to pay tribute to the right hon. Member for Caernarfon (Mr. Wigley), who spoke with passion and sincerity—although wholly mistakenly, in my view—and to Opposition Members, three in particular, who, throughout the debates, have contributed with similar passion and sincerity.

I wish to pay tribute also to the Government Front-Bench team, who have done the impossible. They have taken a Bill that is the prisoner of its history, which started with one image—of an executive agency—and moved successively through various permutations, each a mess, and they have managed to carry it through the House. No doubt, their counterparts will manage to carry it through the other place and enact it.

For us in this place, the Bill is a terror. I fear deeply that the Bill will become the model for similar Bills in relation to regional assemblies in England—heaven forfend. Let us at least hope that these debates, and the contributions of my right hon. Friend the Member for Devizes (Mr. Ancram) and other Conservative Front-Bench spokesmen, and of Labour Members, will be looked back upon, and that when people come, if they do—I hope that they will not—to frame legislation for regional assemblies, they will work out from the start what kind of animal they are creating, how it is related to this place, and how it is to act in a way that preserves the fundamentals of democracy and accountability, without creating an entity that can serve only to exacerbate every kind of division and strife, in the courts and elsewhere.

If these debates have served that purpose, the frustrations that many of us have felt at Ministers' intransigence will, after all, not be so great.

9.40 pm

Mr. Evans: The Secretary of State for Wales did not like the speech by my right hon. Friend the Member for Devizes (Mr. Ancram). He will not like this one either, because he said that the Bill was landmark legislation and he kept a straight face when doing so, so I assumed that he was serious.

I have lost a lot of sleep in the past few weeks, during the Bill's passage, and it might have been worth it—especially if it saves me from many sleepless nights after the assembly becomes a reality. However, our view of the Bill is like the Downing street source's view of the Chancellor of the Exchequer—we think that it is psychologically flawed.

At the end of our debates on the Bill, I am roughly where I began. I do not like this devolution Bill. I do not like the idea that 60 more politicians will be foisted on Wales. I do not like the new cobbled, fudged voting system. I do not like the sloppy way in which the three quarters of Wales that did not support the devolution proposals in the referendum has been treated. I do not like the fact that the proposals will fuel English nationalism.

In short, I do not like the arrogance of the Government—a Government who have become grand in their approach to politics. They boast a Lord Chancellor with a panache for the finer detail of his own sumptuous surroundings—he knows what he likes, and is determined to spend our money getting it. Meanwhile, the Secretary of State for Wales is confused by the finer detail and is prepared to bequeath to Wales an assembly that was ignored by half of Wales in the referendum, and which split the other half of Wales in two during that vote.

As a consequence of the referendum result, the understanding—the concordat—which Russell Goodway, the Cardiff Labour leader, and the Secretary of State had signed, became a worthless document. It led to a consultation sham, which involved local authorities squandering their limited money to save the face of the Secretary of State for Wales. It did not work. Dithering became an art form as the date of the final announcement was repeatedly put off, and then, with the full glare of publicity, the great announcement was made that the site of the assembly would be—er—decided at a later stage. Did we really need a press conference for that announcement?

The dithering continued, to the embarrassment of Wales. Even members of the Labour party were embarrassed. We still do not know where the final resting place of the assembly will be. We know that Swansea, Wrexham and other areas outside Cardiff fought valiant battles, but it will not be in their area. They failed to win the bid because the Secretary of State discovered, late in the day and to his surprise, that the capital of Wales was Cardiff, and that was where the assembly should go. What a shambles. It is little wonder that the Secretary of State

cannot make up his mind whether to go to the assembly. The Prime Minister should make up his mind for him. Even the Labour party in Wales has caught the Secretary of State's dithering ailment: it was going to have twinning arrangements for its gender balance, but changed its mind.

So powerful is the attraction of the new Welsh assembly that only one Labour Member has announced that he will stand for election to the assembly. We wish him well. At least he can make up his mind—he wants to be First Secretary.

Ms Julie Morgan: The hon. Gentleman is hardly in a position to comment about the gender balance in the new Welsh assembly in view of the total lack of women or men representing Welsh constituencies on the Conservative Benches. At least women will have the opportunity to add their voices to debates in the Welsh assembly—and that has not happened here tonight.

Mr. Evans: We have quality if not quantity on our Benches. I understand that the hon. Lady will not be going to the Welsh assembly, although her husband, the hon. Member for Cardiff, West (Mr. Morgan), has decided to seek election to that body. I wonder what conversations will take place between the hon. Member for Cardiff, West and the present Secretary of State for Wales if he decides to stay in this place. I can imagine the tussles that they will have. Who will speak for Wales?

Mr. Rhodri Morgan: Will the hon. Gentleman give way?

Mr. Evans: No. I have only five minutes left, so I must carry on. The idea that the Secretary of State may become First Secretary of the Welsh assembly is a chilling prospect.

Mr. Morgan: Give way.

Mr. Evans: I congratulate—

Mr. Morgan *rose—*

Mr. Deputy Speaker (Mr. Michael Lord): Order. The hon. Member for Ribble Valley (Mr. Evans) has indicated that he will not give way.

Mr. Evans: I congratulate the right hon. Member for Llanelli (Mr. Davies), who expressed his worries about the new assembly.

Mr. Morgan: Will the hon. Gentleman give way?

Mr. Deputy Speaker: Order. Does the hon. Member for Ribble Valley intend to give way?

Mr. Evans: No, I do not.

Mr. Deputy Speaker: I therefore ask the hon. Member for Cardiff, West (Mr. Morgan) to resume his seat.

Mr. Evans: The hon. Member—

Mr. Morgan: On a point of order, Mr. Deputy Speaker. You are the defender of Back Benchers' rights and thus you will be aware of the conventions of the House even better than I am. If an hon. Member speaking from the Dispatch Box refers to another hon. Member who wishes to respond to the particular point that was made—the hon. Member for Ribble Valley (Mr. Evans) actually referred to me—and if that hon. Member who has been mentioned rises and seeks to intervene, almost without exception, the hon. Member at the Dispatch Box gives way.

Mr. Deputy Speaker: Order. I understand the point of order raised by the hon. Member for Cardiff, West. That is a convention of the House, but it is nevertheless entirely for the hon. Member who is speaking to decide whether he will give way.

Mr. Evans: I suspect that it is not a convention of this place for Labour Members to waste time and abuse the procedures of the House by raising bogus points of order.

The will of the Welsh people is unsettled, and the Bill that we shall send to the House of Lords is unfinished. Having had a difficult birth in the delivery room of this place, it is now on its way to the accident and emergency ward of the other place where, without the necessary surgery, it will grow into an obnoxious and troublesome object—some would say the spitting image of its parents.

The financial aspects of the assembly are in a muddle. The regional Committees border on a riddle. The electoral arrangements are a fiddle and the work of Welsh Members of Parliament in this place will be a doddle. The Secretary of State for Wales will be a poodle because the First Secretary will be in the saddle. The people of Wales will be left in the middle—the middle of an enormous mess created by this Government.

Only two things will help. First, the Government must look again at the Bill; they must listen to some of our suggestions and to the people of Wales who did not endorse it. The Government should consider the areas of geography and finance, which several Labour Members have mentioned. They should sort out the assembly Cabinet structure. Wales must have a proper voice in Europe. The Government should sort out the concordats and the retrospective legislation, to which my hon. Friend the Member for North Essex (Mr. Jenkin) referred earlier.

Secondly, the people of Wales—317,000 of whom voted Conservative at the general election, which is the second largest Conservative vote in Wales by a clear margin—will see what the Government have done to betray them in many areas, by attacking students, pensioners, lone parents, motorists and the countryside, which covers most of Wales. They will make their judgment on polling day.

The Conservative party in Wales will do its utmost to gain seats in the assembly. It will fight to win the trust of the Welsh people and it will not fail them, because it believes in Wales and the Welsh people and supports the United Kingdom. The Conservative party in Wales and in the rest of the kingdom is united in its vital defence of the Union. We will never allow the Government, with their supine supporters in Plaid Cymru and the Liberal Democrats, to break up the Union. The Government's numbers may be strong, but they know that they tamper with the constitution of this great country at their peril.

Conservatives in the new assembly and Conservatives in the Westminster Parliament will work together and fight together and will be as one in their pursuit of the

[Mr. Evans]

same policies of low taxation, cutting away the burdens of unnecessary bureaucracy, attracting inward investment and allowing businesses to grow and prosper. We will fight hard for Britain's voice in Europe, not Europe's voice in Britain, as is the Government's wont.

We in the Conservative party want a strong Wales, a strong Scotland, a strong England and a strong Northern Ireland, but we do not want a weak United Kingdom with warring, jealous factions talking only to themselves. Conservatives at Westminster, in this United Kingdom Parliament—this supreme and sovereign Parliament—will never let that happen.

9.50 pm

Mr. Win Griffiths: The Government of Wales Bill is a major, detailed and important piece of constitutional legislation. It will set the basis for the government of Wales for years to come. It creates a robust framework with sufficient flexibility—which obviously terrifies Opposition Members, who cannot get used to the idea of flexibility—to enable an elected institution to establish itself, to grow, to respond to change and, I am certain, to flourish.

The Bill's fundamental effect is simple: to put our existing Welsh administration under the democratic control of an elected Welsh assembly. My hon. Friend the Member for Merthyr Tydfil and Rhymney (Mr. Rowlands) rightly pointed out that that is qualitatively different from all the change that has taken place since the creation of the first Welsh Office, and is a radical departure and improvement.

During the debates on the Bill in the Committee of the whole House, there have been many constructive criticisms, to which we have listened and responded. There has been some destructive criticism—all too much of it, unfortunately, from the Opposition—but even so, that has had its use in testing the robustness and coherence of our proposals, and we have come through with flying colours. It has shown their fundamental soundness and resilience.

As my right hon. Friend the Secretary of State said in opening the debate, the passage of the Bill through the House has been a useful and enlightening process, at least for most of us. There has been a minority on the Opposition Benches who have found it difficult to come to terms with that. As a result of our debates, the Bill is now clearer and more representative of Welsh interests.

During the debates, we have found a great new interest in the affairs of Wales among hon. Members representing constituencies in England. Let us hope that they will benefit from that knowledge and understanding, although this evening we have seen a continuing lack of understanding and lack of confidence in the ability of the people of Wales to take decisions and to govern themselves within the structure of a United Kingdom.

It is appalling that at the opening of this Third Reading debate, the right hon. Member for Devizes (Mr. Ancram), a man who can be quite affable, should so demean himself. We heard a disgraceful, negative and rather sour attempt to drag in important and fundamental issues relating to Northern Ireland, in connection with the fact that my right hon. Friend had been invited to come and speak about the way in which devolution in Wales was intended to work out. That was a process in which my counterpart in the Scottish Office and I were also involved. The discussions took place in London. Hon. Members representing Northern Ireland constituencies were at those meetings. They asked us how we were coping with such a departure—a fundamental and important way of achieving a measure of self-government within the United Kingdom.

The right hon. Member for Devizes demeaned himself and spoilt the reputation that he had had until that stage, of being a fair-minded person with a great deal of concern for success in the Northern Ireland project.

The right hon. Gentleman's remarks and those of his hon. Friends can be characterised as being the last whimpers of colonialism from the old Conservative party. If there has been a ship of state with any leaks that have been evidenced in these debates, it has been the Tory Opposition sinking without trace in a miasma of confusion about matters relating to constitutional progress.

I realise that the Tories have great difficulty in coming to terms with those matters. Every attempt to achieve constitutional progress in the United Kingdom, or in the old counties of England, Scotland, Wales and, in this instance, Northern Ireland, has been opposed from Simon de Montfort onwards. There has been consistent Conservative opposition.

My hon. Friend the Member for Merthyr Tydfil and Rhymney talked about the glory of the British constitution being its stability. I remind him that the stability of the United Kingdom's constitution has been its ability to change when there has been a mood for change in the United Kingdom. Simon de Montfort, John Hampden, Oliver Cromwell, Earl Grey, William Ewart Gladstone and Lloyd George would all realise that before us is a significant step forward in the way in which the United Kingdom is governed. I am sure that they would welcome the changes that we propose, because they are all part of constitutional progress.

I hope that the House recognises now that in little more than a year, the assembly will meet for the first time. That will be a truly historic day. I am sure that the fears expressed by my right hon. Friend the Member for Llanelli (Mr. Davies), and by my hon. Friends the Members for Merthyr Tydfil and Rhymney and for Linlithgow (Mr. Dalyell), will turn out to be entirely unfounded as the new assembly steps forward with confidence. It will be a departure for the British constitution, along with many others. For example, the Reform Act 1867 was referred to as a leap in the dark, but it worked. We had greater democracy. Therefore—*[Interruption.]* We had greater democracy. That was the only occasion that I can think of when some Tories accepted the need for change.

We now have a great opportunity to establish a powerful Government in Wales reflecting the democratic voice of people in Wales. We shall be able to step on to the European scene with the other Governments in Europe within states—regional Governments—who have a distinctive voice and are able to speak in Brussels. We shall be able to do that as well.

The Bill delivers on our promises to Wales and on our election and referendum mandates. It will implement reforms that are long overdue, and it reflects the wishes of the people of Wales. On those terms, I commend this epoch-making Bill to the House, on what is truly an historic constitutional occasion for the United Kingdom and for Wales.

Question put and agreed to.

Bill accordingly read the Third time, and passed.

Rural Scotland (EU Aid)

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Jon Owen Jones.]*

10 pm

Mr. Archy Kirkwood (Roxburgh and Berwickshire): I am pleased to have the opportunity to move from the Principality of Wales to important matters north of the border.

The Minister will be aware that, on 18 March, some important draft regulations were produced in Brussels. That is only a week ago, so I understand that the Government may not have had time to look at the fine print, but they are important draft regulations and I think that the Minister will agree that it is important that we spend some time trying to discover what, having had a first look at the proposals, is in the Government's mind, and what will unfold during the remaining months of the negotiations.

The draft proposals contain a series of things, some of which were expected and so are no surprise, and others that were perhaps less expected. We know that the Commission is trying to concentrate resources, to restrict expenditure in anticipation of enlargement, and that is the background to the Commission's draft proposals. According to those proposals, the budget is to be held at 0.46 per cent. of European Union gross domestic product. The current seven structural objective areas are to be reduced to three under the new programme.

Eligibility for objective 1 is to be set at 75 per cent. of EU GDP. The criterion for objective 2 is based substantially on unemployment figures. Some transitional arrangements are welcome. They are proposed to be set at six years for objective 1 areas and four years for objective 2 areas in the new regime, and a safety net is included in the draft proposals, to which I shall return in a moment.

I want to concentrate for a moment on the changes to some of the proposed objective 2 categories of funds. As the Minister will know, the current objective 2 and objective 5b population coverage amounts to a total of 25 per cent. of EU population. The draft proposals reduce the population coverage in objective 2 categories to 18 per cent. of the EU population. One does not have to be a great rocket scientist to work out that we are contemplating a reduction of some 7 per cent. in population covered by objective 2. A 7 per cent. cut in 25 per cent. population coverage is a 28 per cent. cut, which is a cause for some concern to which I hope the Government are alive.

In addition to the reduction in the numbers of population that are covered, the types of sectors to be covered by objective 2 funding will at the same time be expanded to cover new categories for the first time—for example, service industries and some other areas. That seems a bit perverse against the background of the objective of concentrating funds a bit more carefully. They seem to be concentrated on the one hand and expanded on the other. That will cause some difficulties.

At the same time, rural areas, which can currently claim up to 8 per cent. of the objective 2 category funds, will find that figure reduced to some 5 per cent. That is a 3 per cent. reduction of an 8 per cent. base—a 37.5 per cent. cut. One can play with the statistics and make them sound

[Mr. Archy Kirkwood]

dramatic, but those are big sums of money which have a profound and direct impact in the communities that have been able to take advantage of them in the past.

The Commission's draft regulations for the structural funds programmes, which, as the Minister knows, will come in between 2000 and 2006, also contain an agenda for reform of the common agricultural policy and, on a wider basis, the future financing of the EU beyond the year 2000. We are therefore looking at the possibility of quite big structural fund cuts at the same time as the farming industry may face reductions in support under the CAP. The farming industry is already facing the continuing effects of the BSE crisis, and suffering from high exchange rates and dramatically lower farm gate prices. To contemplate reducing CAP support at the same time as reducing eligibility for EU structural funds compounds an already financially unsustainable situation in some rural areas of Scotland. The Minister should be aware of that.

All hon. Members who represent constituencies north of the border will agree that it is crucial that Scotland continues to enjoy maximum access to its fair share of European structural funds under the new proposals. The draft regulations were published only last Wednesday. Although they are better than expected in some respects, they still cause great concern in areas of Scotland that are currently eligible for European Union funds, especially objective 1 and objective 5b funds.

I need not remind the Minister that the United Kingdom is the fifth largest contributor to the European Union budget but the fourth poorest country in the EU, according to the EU's own statistics. Our membership provides some £29 per head in regional and social fund grants compared with the EU average of £56 per head. Ireland receives eight times as much per head in structural funds, yet its GDP per head is much higher than that of the United Kingdom. That is perverse. It is difficult to understand why the Commission is not being a little more responsive to Scotland's needs.

I acknowledge that we are at the beginning of the negotiations, which could be long, and that we need to talk to our sister European states. Some of the negotiations will take place to the Minister's advantage because he and his colleagues have the EU presidency for the next few months. Will he confirm that Scottish Office Ministers will dedicate themselves to improving the draft regulations in every possible respect to secure a fairer outcome for Scotland? If he can give that assurance, I, for one, will sleep a little more securely.

The safety net proposals were surprising. I expected some concessions to the original Commission plans, but the safety net proposals are certainly welcome. Can the Minister tell us a little more about the detail and the precise effect that the safety net proposals are likely to have in Scotland? I appreciate that that may be difficult because they are only seven or eight days old, but the proposals appear to guarantee that no member state can now lose more than a third of the population coverage that it already enjoys under objective 2 and objective 5b combined. If the Minister can confirm that, we can bank it as an improvement and move on.

Leaks about the draft proposals led us to believe that the Commission would set a ceiling for each member state under new objective 2, and that the criteria would be extremely disadvantageous to the United Kingdom, which would suffer a big reduction in access to the structural funds. We were afraid that the situation would be dire. It now transpires that there will be a safety net, so some of our worst fears may be mitigated.

I hope that the Minister agrees that we must press for further changes. The draft proposals will now go before the Council of Ministers and a consultation process will be carried out with the European Parliament. Although things would have been worse without the safety net, they could be made better.

I want to concentrate the Minister's mind on achieving two improvements. When such decisions were last taken—in 1993-94—the highlands and islands and the Western Isles, an area with which the Minister is familiar, did not technically qualify for objective 1 status, but a political decision was taken to allow them to become eligible because of their population densities, which, even according to European Union statistics, are eight and nine persons per square kilometre respectively. Such tiny population densities suggest communities at the extremes of disparity, which makes it impossible not to consider them for objective 1 status under special consideration. It is impossible to accept that Merseyside and South Yorkshire should be the only areas in the United Kingdom to qualify for objective 1 help under current plans.

Sixty-six per cent. of European Union structural funds are spent in objective 1 areas, so it is essential for Scotland that the highlands and islands and the Western Isles are granted objective 1 status. The word in Brussels is that that might be difficult to achieve—there are all sorts of excuses and ways round it, and objective 2 might be expanded to provide help—and that north Finland and Sweden are to be granted objective 1 status because, believe it or not, of disparity of population. It is unacceptable for Scottish Office or, indeed, United Kingdom Ministers to agree to a proposal that accepts north Finland and Sweden as areas of special disparity of population and not to argue robustly for the highlands and islands. That is the first target that I set for the Minister, and his heart will be in the fight.

The second issue is how criteria for the new structural funds under objective 2 are to be set. My reading of the draft regulations suggests that member states will have wider discretion for disposing of structural funds within their own boundaries, albeit within the EU set ceiling. The Minister understands that more flexible and sensitive criteria for distribution of new objective 2 funds within Scotland must be developed. Core criteria such as gross domestic product per head must be given more weight to achieve fair distribution in Scotland. Unemployment figures prejudice the United Kingdom against other member states, but they are not reliable indicators of established local need. He must consider that matter if he is to achieve fair distribution of funds.

The local economy of my constituency in the borders is extremely fragile. The textile industry is declining, with job losses being announced weekly in towns such as Hawick. There is evidence of depopulation and the people who remain are aging. The area suffers from geographical isolation, transport costs are inevitably spiralling after the Budget and the farming industry is under the kind of pressure that I have not witnessed since being elected to the House in 1983.

Background economic conditions are not auspicious, and supplementary criteria—the economic factors—must be given more weight in determining eligibility for structural funds, which must continue to be directed to areas of Scotland such as the highlands and islands and south-west as well as the borders. I am more confident that, under the plans, the central belt will be able to look after itself, but I am deeply concerned that the draft regulations will cause difficulties for the highlands and islands, the Western Isles, south-east Scotland and south-west Scotland.

The House will be looking to the Government for support. We shall need robust ministerial support over the next 12 months to guarantee that we have fair access to these funds. I look forward to hearing how the Minister intends to achieve that end.

10.14 pm

The Parliamentary Under-Secretary of State for Scotland (Mr. Calum Macdonald): I congratulate the hon. Member for Roxburgh and Berwickshire (Mr. Kirkwood) on securing this debate on an extremely important if complex topic, and on the way in which he dealt with the issues. I thank him for providing notice of some of the matters that he intended to raise.

As a Minister and as the Member for a rural constituency, I share the hon. Gentleman's interest in the future of the European structural funds. Those funds have made an important contribution to economic development in Scotland in general, and to rural areas in particular. The forthcoming review is of vital interest to regions across Scotland. I agreed with many of the points that the hon. Gentleman made.

The reform of the structural funds has come about partly because the current financial framework expires at the end of 1999, and partly because any future funding must take into account the proposed enlargement of the European Union. The reform process started with the publication of the European Commission's broad proposals for reform in July 1997. More detailed proposals were published last week, which were broadly as had been expected. The draft regulations form the basis of the detailed and complex negotiations that will start next week between officials of all the member states. Final decisions will be taken by the 15 member states in the Council of Ministers. The Commission has made proposals, but the long process of negotiation is yet to come.

Doubts have been expressed, but it is hoped that negotiations will be completed and the new regulations will be in place by mid-1999. I emphasise again that the negotiations will be long and drawn out, so the proposals are simply the opening of the debate. The final result is likely to be different from the proposals that we start with, and the House can be assured that the Government will work very hard to ensure that the final regulations are more appropriate to UK needs.

The Government's response has been to set out broad principles rather than to give specific negotiating positions on how we want the reform process to develop. Detailed scrutiny begins in the Council of Ministers' working groups.

I can affirm much of what the hon. Gentleman said about the contents of the Commission's proposals for reform of the funds. It proposes maintaining the existing budget limits during the next programme period, while reducing the proportion of the population covered by the funds. As a net contributor, the UK Government welcome that approach, but the concentration of funds must be fair to both established and acceding member states.

The Commission proposes reducing the current seven objectives to three, and the 10 Community initiatives to three. That is welcome from a UK perspective, because it would reduce the burden on those who are involved in delivering the funds. It is proposed that the new objective 1 will adhere strictly to the criterion of 75 per cent. or less of the European Union average per capita gross domestic product. The new objective 2 will be formed by merging the current objectives 2 and 5b. The objective would encourage measures to support economic development in rural areas that are in serious decline, urban areas in difficulty and changes in industrial or fisheries sectors.

The proposed objective 3 would concentrate on human resource development and training in order to combat unemployment. It would focus on areas that are ineligible under the other objectives. The Commission proposes transitional arrangements to compensate areas that lose eligibility. It proposes six years for objective 1 and four years for objectives 2 and 5b. We shall arguing that transition funding should be six years for all.

The proposals aim to simplify the funding process and provide greater responsibility at local level. The Commission would also like the funds to be used more effectively. Officials at the Scottish Office are discussing with others involved in the current partnerships in Scotland new ways of using funding such as loan guarantees, revolving funds and access to capital to make the funds more efficient. I am keen to see a greater emphasis in the reformed funds on promoting competitiveness, employability and job creation in order to achieve sustainable economic development and social cohesion in our rural communities.

Let me pick up a couple of specific points raised by the hon. Member. He mentioned the safety net which, as I have said, will guarantee losses of no more than 30 per cent. in objective 2 and objective 5b entitlement. That is most welcome, but it represents an admission by the Commission that the formula for distribution is faulty. If the formula was distributing the funding fairly, there would be no need for such a safety net. Although it is a welcome move, it is inadequate and we shall press the Commission strongly to think again so that the formula should include the criterion of gross domestic product rather than being based only on employment statistics.

In respect of the highlands and islands, the Commission proposes that northern Finland and northern Sweden will be eligible for objective 1 status on the ground of sparsity of population. We believe that that should apply equally to the highlands and islands because the difference in sparsity is so small. The case has been pressed at the highest level by officials in the Scottish Office and others within the United Kingdom Government.

During our presidency, the Government will have the task of making progress in obtaining agreement in negotiations across all member states, rather than concentrating solely on the UK position. We hope to use the informal ministerial meeting on regional policy to be held in Glasgow in June to progress the Commission's proposals and to reach firm conclusions on the principles of the new funds.

[Mr. Calum Macdonald]

Although, the structural fund negotiations will not be concluded under the UK presidency, we wish to make significant progress in discussions on the effectiveness of the funds and the simplification of administration. I hope that the Heads of Government meeting at Cardiff in June will reach conclusions that provide a strong basis for further negotiations under the Austrian presidency.

The Commission proposals are but a starting point. Together, we aim to produce regulations that will provide a clearer, simpler basis for the effective administration of the funds. It is essential that we make good headway before the end of June and set a critical path to avoid the dislocation between programmes that has been experienced in the past. We will all be disappointed if the hard work and achievement under the current programmes in the hon. Gentleman's constituency and elsewhere in Scotland are compromised by a lack of continuity.

Having set out our position as the presidency, let me turn to what we hope to see from the reform process as a member state. The Government's top priority is the successful enlargement of the Union. If that is to be successful, there must first be agreement on a budget that is affordable and on spending plans that are fair and durable. By necessity, that means that the current funding structure must be reformed in such a way that it is fair and equitable to all states.

Acceding nations must receive a funding package that is acceptable to existing member states. However, we recognise the depth of economic need of the acceding states; the established member states must be prepared to accept lower receipts as a consequence. I am sure that we would all agree that a poorer member state should receive more from the funds per capita than a richer one, but that does not always happen at the moment. For future funding to be fair and durable, and for enlargement to succeed, that profound change is needed—it must be accepted by the current EU Fifteen.

The Government will work hard to secure such reform. The main argument that we will deploy will be fairness. Although we want to ensure enlargement and policy reform, we will not allow that to occur at the cost of an unfair settlement on structural funds to the United Kingdom. We must receive a distribution of the funds that is comparable with that of other richer states. Fairness extends beyond the fair share of resources; it embraces fairness and consistency of treatment. That is why we will continue to argue strongly for equivalent treatment of the highlands and islands in the context of the current objective 6 areas of northern Sweden and Finland.

The Commission's proposals include two welcome points of detail towards establishing which areas will be eligible in the next round. We have long argued that the broad distribution of population coverage and funding between member states should be proposed by the Commission, but that the detailed definition of areas and allocation of resources should be the responsibility of member states, as the hon. Member suggested.

We will work hard to ensure that the practical effect of that principle gives the Government sufficient scope and flexibility to target funds, consistent with the relative needs and priorities of other areas in Scotland and the rest of the United Kingdom. We want both to ensure fair distribution between areas and to concentrate on particular needs within areas. We will continue to argue that gross domestic product is a better indicator of economic weakness than unemployment, especially in rural areas where average wages are low.

The proposed safety net and transitional arrangements will ensure that there is sufficient room for manoeuvre, but they are only the starting point in a long process of negotiation. We will work hard to secure a good outcome for the UK generally, and for Scotland in particular.

Rural Scotland has benefited substantially over recent years—it has had substantial support from European structural fund programmes. The current round of rural funding programmes, which became operational in 1994-95, will deliver about £325 million of additional funding to stimulate economic development in rural Scotland. The highlands and islands, formerly an objective 5b area, obtained objective 1 status in 1994, and about £222 million of direct EC support was made available for a six-year period towards paying the cost of providing a wide range of projects.

As the hon. Member knows, the nomenclature of units of territorial statistics classification is used by the Commission's statistical service, Eurostat, to establish reasonably consistent units across all member states from which to make comparisons of economic and other data. Following local government reform, the UK Government and Eurostat have been engaged in detailed discussions to take account of the changes. No formal agreement has yet been reached, so it is difficult to anticipate how the proposed selection criteria will affect the revised areas. Scottish Office officials are exploring a range a scenarios to establish what the implications might be, but it is not possible at this stage to speculate on how particular areas will be affected in practice.

As we approach the lengthy period of negotiations, I am optimistic that Scotland is in a strong position. Not only are our programmes performing well in terms of commitment and spend, but our partnership arrangements for delivery of the funds are frequently held up across Europe as examples of good practice. The Scottish Office is also working closely with the Convention of Scottish Local Authorities, the Enterprise Network and other partners to develop a unified approach to the reform debate.

I know that there is much concern about the implications of reform for Scotland. The hon. Member has expressed particular concern about the prospects for rural Scotland. Of course, we cannot give categorical assurances at this stage, but I can assure the House that Ministers and officials will work hard to achieve the best possible outcome for the UK and for Scotland.

Question put and agreed to.

Adjourned accordingly at twenty-nine minutes past Ten o'clock.

House of Commons

Friday 27 March 1998

The House met at half-past Nine o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

PETITION

Minicabs (Regulation)

9.35 am

Dr. Jenny Tonge (Richmond Park): This petition comes from more than 2,000 citizens of Kingston, Surbiton, Richmond Park and Twickenham. It states:

The petition of the citizens of Kingston and Surbiton, Richmond Park and Twickenham declares that the petitioners are concerned at revelations that a convicted rapist has been working as a minicab driver in the Borough of Kingston until exposed.

We note that outside London, 9 out of the 10 largest metropolitan areas have regulations requiring appropriate checks on a driver's criminal record, health, vehicle and topographical training.

The petitioners therefore request that the House of Commons pass legislation at the earliest possible opportunity to regulate London's minicab industry and the petitioners remain, etc.

To lie upon the Table.

Employment Rights (Dispute Resolution) Bill *[Lords]*

Order read for resuming adjourned debate on Question [20 March], That the Bill be now read the Third time.

Question again proposed.

9.36 am

Mr. James Gray (North Wiltshire): I am delighted to have a second opportunity to speak on the Bill's Third Reading, having been interrupted at 2.30 pm last Friday when, the nation will recall, I was saying how much the Opposition welcome the broad thrust of the legislation. When I mentioned that to a colleague this morning, he put me down by saying that since then the nation will doubtless have been holding its breath. I am glad to say that since then I have had a week off to write an extensive and detailed speech on the subject.

I should re-emphasise that the Bill has cross-party support. It was introduced in another place by the noble Lord Archer of Sandwell. It was debated with a great deal of reasoned argument and was amended to some degree. The Opposition would argue that further amendments could have been introduced at that time or, indeed, on Report or in Committee in this place. We shall argue during this morning's discussions that although the Bill is a flawed diamond, it is a diamond. I pay tribute to the hon. Member for Wentworth (Mr. Healey) for bringing the Bill before the House. He is to be congratulated on picking up and running with a measure which was extensively designed and consulted on by the previous Government.

Last week, the House heard an excellent speech by my hon. Friend the Member for Totnes (Mr. Steen), who summarised our general support for the Bill. We also heard excellent speeches from my hon. Friend the Member for South Cambridgeshire (Mr. Lansley) and my hon. and learned Friend the Member for Harborough (Mr. Garnier), both of whom raised some concerns about the Bill, which we shall reiterate this morning. We shall do so not because anything can be done about them during the Bill's progress through Parliament, but because they might be taken into consideration by those who will have the onerous task of putting the Bill into operation—including the Advisory, Conciliation and Arbitration Service and others. This morning, we shall take the opportunity to raise one or two concerns about the way in which the Bill will operate.

I also pay tribute to the work of my right hon. and noble Friend Lord Lang, who drafted the Bill and consulted on it when he was President of the Board of Trade. I am glad that that excellent work has been recognised by the Government, who have taken up the Bill more or less word for word and brought it into play.

It is slightly regrettable that the Minister of State's support for the Bill, which he has gone to some length to voice over recent weeks, has not gone as far as allowing him to introduce the measure as a Government Bill. The Conservative Government did not have time to do that because the consultation period began in October and November 1996, and then, of course, the unfortunate event on 1 May prevented us from bringing the Bill before the House.

Mr. John Healey (Wentworth): I remind the hon. Gentleman—and he may then recall—that there was an

[Mr. John Healey]

opportunity for the previous Government to introduce the Bill between the end of consultation on the draft Bill and the Queen's Speech on 23 October 1996.

Mr. Gray: There was indeed a short period between the end of consultation and the following Queen's Speech, although, now that Labour Members have the privilege of being in government after 18 years, they will know that draft legislation tends to be debated by the Ministerial Committee on Legislation in March or April, and that the Queen's Speech would have been drafted well in advance of the completion of consultation. None the less, the hon. Gentleman is right that, technically, the Conservative Government could have included the Bill in the Queen's Speech. It is certain, however, that the Queen's Speech in November was more than a year after the consultation, so the present Government could have included this worthwhile Bill in it, instead of some measures that we would argue were less desirable. Perhaps today is not the occasion to make cheap party political points across the Floor of the House. Broadly speaking, the Bill has the support of hon. Members on both sides of the House.

It is worth recording that the Conservative Government published a draft Bill in August or September 1996, and thereby introduced a useful new principle into the conduct of business. The publishing of draft Bills gives Back Benchers and the Opposition a good opportunity to consider the Bill properly before Second Reading. That is a first-class measure of the Conservative Government. I am very glad that the Labour Government have recognised the excellence of our idea and are running with it—although they are doing so slightly ungraciously, in claiming that the notion of draft Bills was their own. The Bill demonstrates that we thought of the notion and believed that it would be a good thing. Some thought that we ought not to publish draft Bills, so I am glad that the Labour Government are following our lead.

In order to get Friday morning going, it is worth reminding the House of the Bill's broad principles. The Bill amends the law relating to the settlement of individual employment rights disputes. Industrial tribunals will be renamed employment tribunals—a relatively harmless exercise, but to be welcomed because the term is rather more positive. We are talking about employment, a good thing, rather than the slight flavour of a bad thing associated with industrial tribunals.

The Bill permits new procedural rules to be introduced to streamline some tribunal procedures, and extends tribunals' jurisdiction. ACAS will be given power to draw up an arbitration scheme to settle unfair dismissal disputes, and the Secretary of State will be given power to extend that role to other areas of employment law if it becomes necessary or desirable.

The Bill amends the law relating to compromise and dismissal procedures agreements, and extends the powers of conciliation officers. It also introduces measures to encourage the use by employees and employers of internal appeal procedures in cases of dismissal, and makes provision for compensation in cases of unfair dismissal that involve disability discrimination.

The Bill has obtained the approval of ACAS, the Confederation of British Industry and the Institute of Directors. It must almost be unique in achieving the approval of all three organisations. It is unusual for campaigning bodies to be silent when legislation affecting their main business is on the brink of reaching the statute book. Normally, we would hear such bodies saying that a measure either goes too far or does not go far enough. The only exception to the silence has been mild approbation from time to time, when the subject has drifted into such organisations' field of vision.

Despite the silence, the Bill invests a significant amount of trust in the Government to adjust employment dispute procedures competently and fairly. Conservative Members very much hope that that trust is justified. I suspect that a huge quantity of change is about to occur in employment disputes, not least because of the minimum wage, economic and monetary union and the social chapter. All those factors will lead to a significant upturn in employment disputes. I hope that the Government will bring this new law into play in such disputes in a fair, sensible and just way, and that the trust that ACAS, the CBI, the IOD and others have put in them will prove well placed.

The House is naturally greatly in favour of the notion of industrial tribunals; they are an important and valuable way of settling employment disputes, and I hope that they can continue to be so. To date, about 1 million cases have been settled by industrial tribunals at about 300,000 hearings, which is a significant amount of help to many employees and employers alike.

One of the key points that we have raised since the publication of the draft Bill is that the industrial tribunal method of settling disputes should be easily accessible, informal, speedy and an inexpensive means of redress.

Mr. Desmond Swayne (New Forest, West): Is not there a case to be made, however, for an even more informal and even less expensive way of dealing with disputes: allowing for greater elimination of disputes before they reach tribunals? Will my hon. Friend comment on whether an opportunity has been missed in the Bill? I know that some aspects of clause 13 partially address the matter.

Mr. Gray: My hon. Friend is right; he touches on the main purpose of the Bill. The increase in the number of disputes over recent years and the clogging up of industrial tribunal procedures are precisely why the hon. Member for Wentworth introduced the Bill. He has tried to enable disputes to be settled more quickly and easily, and in a more accessible way. I shall in a moment make one or two mild criticisms of the Bill. Such changes would have made procedures even more accessible and speedy. My hon. Friend is right that the reason for the Bill is that the mechanisms have become slightly clogged up.

There is a backlog of cases, and delays have risen to unacceptable levels. The Green Paper recognised that case loads had more than doubled, from 34,697 in 1989–90 to 71,661 in 1993–94. As a result, only 54 per cent. of complaints in England and Wales were heard in 26 weeks during 1993–94. Improvements thereafter raised the percentage of complaints heard only to 76 per cent. in 1995–96. The net result is that people are waiting more than half a year for the settlement of their disputes, which can lead them to become rancorous and unpleasant in their own minds. Their disputes could be settled perfectly happily and the rancour removed if disputes were heard more quickly.

Since the Green Paper was published, the number of cases has risen further. In 1996–97, there were 88,910 cases, and the number is forecast to reach more than 109,000 a year by the beginning of the millennium. That would be unacceptable in the present industrial tribunal set-up, so the purpose of the Bill is to enable the case load to be more easily heard.

Mr. Anthony Steen (Totnes): Does my hon. Friend agree that part of the problem, and the reason why the Bill has been introduced, is that there is too much legislation going through the House? As a result, more and more people will be entitled to their rights, which will put pressure on the system. In many ways, we are creating the problem.

Mr. Gray: Although I would happily agree with the general libertarian instincts of my hon. Friend's intervention, I am not certain that libertarianism extends as far as removing individuals' rights. The purpose of an industrial tribunal is to ensure that individual rights are carefully and sensibly heard. My hon. Friend, like me, is the greatest possible libertarian; I am sure that he would not want the Bill to interfere in any way with individuals' rights to lead their lives free of interference by central Government.

Rather contrary to what my hon. Friend said, I think that the reason why the case load has increased so significantly is the large increase in the number of discrimination cases, both racial and sexual. In 1993–94, discrimination cases amounted to only 8 per cent. of the total, but by 1995–96 that proportion had grown to 30 per cent.

To introduce a degree of political antipathy across the Chamber for a moment, I must warn that the political correctness in everything that the new Labour Government do may lead to an increase in discrimination cases. I shudder to think what would happen if, for example—

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. May I assist the hon. Gentleman? The House recognises an important distinction between Second and Third Reading debates. Whereas a debate on Second Reading may roam far and wide over what should or should not appear in the legislation, and over its general background, a Third Reading debate is strictly confined to the contents of the Bill that has progressed that far through the House.

Mr. Gray: I am grateful for that clarification, Mr. Deputy Speaker. I merely thought that as it was a Friday morning, and people's minds may not have been on the subject since last week, it might be helpful to remind them—

Mr. Deputy Speaker: Order. I am sure that hon. Members will have done as I have, and read the wise words of the hon. Member for North Wiltshire (Mr. Gray) about the Bill last week.

Mr. Gray: I am grateful to you, Mr. Deputy Speaker, especially for your flattery in describing my words as wise. I shall accept your guidance and move on to the contents of the Bill rather than its general background.

In that context, I shall raise the Opposition's two or three reservations. Clearly, the details cannot be changed between now and Royal Assent, but our concerns may be taken into consideration by ACAS and others, or by the Government, when the Bill is being applied.

Two or three of those concerns were raised by Opposition Members last week, and it may be worth my reiterating them now. First, the burden of proof seems to be veering towards the employer's having to prove that the employee is guilty, rather than the other way round. The approach should be even-handed between employer and employee, and there should be no burden of proof on either side. The people sitting in judgment should be able to make their minds up without forcing the employer, to a greater degree than the employee, to provide proof.

Mr. Tim Collins (Westmorland and Lonsdale): Will my hon. Friend reflect on the consequences, if the Bill becomes an Act, of its interaction with the minimum wage legislation that the House has recently passed? That legislation reverses the burden of proof, and would mean that an industrial tribunal operating under the Bill before us would be obliged to regard an employer as guilty of having broken the minimum wage law if he simply failed to have access to records proving that he had not done so.

Mr. Gray: My hon. Friend is right. Having recently spent days and days on the National Minimum Wage Bill as it progressed through the House, he is far more of an expert on such matters than I could claim to be. He is right that the burden of proof is moving towards the employer, and that minimum wage cases will certainly bring extra pressure on industrial tribunals.

As I have already said, I hope that the Government will find ways of ensuring that the clogging up of industrial tribunals does not become worse.

On Second Reading last week, my hon. and learned Friend the Member for Harborough said:

"the burden of proof is moving away from the person making the complaint to the person who is required to answer it".—[*Official Report*, 20 March 1998; Vol. 308, c. 1577.]

He was right. By raising that issue, he began to question the basis on which tribunals work. I should like to see tribunals work on the basis of facts, rather than making judgments on the basis of bias or assumptions.

There are several less important more technical amendments that we should have liked to be made, but sadly, the hon. Member for Wentworth has not accepted them. First, we are concerned about the meaning of the phrase "appropriate consent" in clause 4.

We are also worried about the provisions that allow two judges rather than three to sit. My background is in shipping in the City of London, where extensive use is made of commercial arbitration of disputes that often involve many millions of pounds. There would never be such an arbitration with only two arbitrators. We would always have three, both because there would then always be a majority on one side of the dispute or the other, and because three arbitrators can bring greater wisdom to bear on the problem. If justice is not only to be done but to be seen to be done in industrial tribunals, it is regrettable that the Bill would allow a tribunal with only two members, one of whom would be the chairman.

Equally, we regret the fact that the Bill has not taken up our suggestion in the consultation paper that, in addition to using ACAS, we should be allowed to use

[Mr. Gray]

private arbitration. The City of London uses private arbitration extensively. Two or three experienced business people in the area of concern—in my case, shipping—are set in judgment, a case is put to them, and they use their wisdom and experience to come to a just decision.

There is no reason to presume that because arbitration is private, there is something wrong with it. It is also used extensively to sort out settlements in divorce cases these days. Therefore, it is regrettable that the Bill has intentionally removed the use of private arbitration from the gamut of weapons that tribunals can use. A Conservative Bill would have allowed both sides to agree to private arbitration, and we regret the fact that that possibility has gone.

Leaving aside those small lacunae and qualifications, the Opposition welcome the speeding up of the process. Employment disputes will now be heard and settled more quickly. We are also pleased that the hon. Member for Wentworth, and doubtless the Government behind him, have recognised the excellence of the work done by Lord Lang when he was President of the Board of Trade and have taken up the draft Bill that we proposed and on which we consulted.

I congratulate the hon. Member for Wentworth on his work. The Bill is good—by and large, with a few small exceptions—and we believe that it will help in the process of industrial disputes taken through industrial tribunals. We hope that the House will welcome it.

9.56 am

Mr. Tim Collins (Westmorland and Lonsdale): I pay tribute to the eloquence of my hon. Friend the Member for North Wiltshire (Mr. Gray) in speaking of the Bill as a whole. I shall confine my remarks to three specific clauses.

Clause 3 provides for an important extension of the number of occasions on which it will be possible for decisions to be taken by a chairman acting alone rather than by three people sitting together.

I have a constituency case under the existing industrial tribunal system, involving someone who has come to me to express his unhappiness with a decision taken under the existing provisions that already allow a chairman to act alone. That is why I am concerned about the great extension of the possibilities for one person to sit alone in judgment.

My constituent told me that there was a personal antipathy between him and the chairman, and that the chairman had refused to listen to the evidence appropriately and properly. He believed that that man was at the very beginning of his career as a chairman of industrial tribunals, and was not experienced enough to understand the proper workings of the law.

That is a matter which my constituent must pursue through various routes, including the law. None the less, it illustrates the potential dangers of a dramatic extension under clause 3 of the number of occasions on which a chairman acting alone can take decisions.

I welcome clause 11, which will bring about an important extension in people's rights. It will build on the existing provisions whereby the Secretary of State can act as a guarantor of statutory redundancy payments if an employer is insolvent, and extend them to cover situations in which there has been an agreement settling a dispute about such a statutory redundancy payment.

However, clause 11 flags up another issue that has been brought to me by a different constituent, who was awarded a statutory redundancy payment some years ago. He worked for a partnership. One of the members of that partnership has been declared insolvent, but the other has not. The guidance that my constituent has received from Government officials and lawyers is that, until both partners are declared insolvent, the provision whereby the Secretary of State can step in to deal with statutory redundancy payment is not triggered. That is unjust, because there is no question of the payment being received, although it is clearly due. I hope that if the House considers further amendments to this legislation at a later date, it will consider closing that loophole.

I welcome clause 13, which deals with the procedure for encouraging greater use of internal appeal procedures. That important matter enables me to raise a point expressed by an employer in Cumbria who is concerned about the way in which the tribunal process operates. That employer has built up a small business in the face of considerable economic adversity in some areas of south Cumbria over the past 10 years. Sadly, clause 13 does not sufficiently rebalance the effects of the existing legislation, and an appearance before an industrial tribunal presents a major difficulty for someone running a small business. For the two or three days on which that small business man had to make an appearance, staff had to be taken away from their normal functions—they were not serving customers or dealing with stock—and much of his senior management time was taken up preparing for the case.

It is all very well for Governments to encourage people to start small businesses, but it is difficult to find people who are appropriately skilled or trained to take over when employers have to appear before an industrial tribunal. Clause 13 begins to address the point raised by the employer who came to see me, but it does not go far enough. He complained that, if an employer is taken before a tribunal, the proceedings of the case are reported in the local and sometimes even national press, and the company's reputation—perhaps even the employer's personal reputation—is blackened. Even if the employer's case is subsequently upheld by the tribunal, the company's commercial reputation is greatly damaged.

Unfortunately, there is no equal sanction on the person making the complaint. He or she cannot lose. At best, the complainant will walk away with a substantial sum and, at worst, there will be no financial penalties whatever. The employer faces a different situation: at best, he will walk away with an unaltered financial position; at worst, his financial position and commercial reputation will be seriously impaired.

Clause 13 encourages greater use of internal appeals procedures, which must be good. However, the Bill does not begin to redress the essential imbalance in the justice process.

Mr. Nigel Waterson (Eastbourne): Uncharacteristically, my hon. Friend is not being entirely even-handed in this matter. We have all seen cases in recent months and years, in which employees have taken their employers to tribunals with cases based on serious allegations, such

as sexual harassment, and the tribunals have clearly found that the employees had not given reliable evidence or had been telling lies. There should be a major sanction against employees taking cases to tribunals unjustifiably.

Mr. Collins: My hon. Friend is absolutely right. The issue that I was seeking to address, however, was that of costs. The Cumbrian employer who came to see me was concerned because the person making the complaint against him was receiving legal aid, incurred no costs whatever and was in a no-lose situation, whereas he felt that simply by being taken to the tribunal, he was a loser. His commercial reputation was damaged, as were the effectiveness and efficiency of his commercial operation.

That is why clause 13 is welcome. It is one of the main reasons why the Bill is appropriately receiving bipartisan support. However, I hope that when the House reflects on those issues both later today and in the future, it will realise that, even after the passage of the Bill, the position will remain imperfect.

Mr. Owen Paterson (North Shropshire): I whole-heartedly endorse what my hon. Friend says about costs. It is a question not just of legal costs but of disruption costs. Any tribunal case causes disruption, particularly to a small business, whose key staff may be out for up to three days.

Mr. Collins: My hon. Friend is absolutely right. The House must deal with the issue of disruption costs. We now have a good system, which is reflected at the beginning of the Bill, of setting out a compliance cost assessment in every Bill that comes before the House.

It is now a matter of bipartisan consensus that there should be more small businesses, and we all recognise that they are the engine of growth and job creation in the economy. Clause 13 goes some way towards striking a balance—but does not go far enough—between effective and efficient enforcement of employee rights, and the rights of employers to go about their business and to create jobs for existing and future employees.

Although the Bill is a step in the right direction, we must go much further towards achieving real equity and justice and incentives to create jobs. I hope that the House will not fight shy of returning to that matter time and again until we have a system that meets the concerns that I have expressed and the problems that employees and employers in south Cumbria face. We need a system in which we can all feel a sense of pride and which will be an asset to our economy.

10.6 am

Mr. Nick St. Aubyn (Guildford): I, too, support the Bill, but wish to express some reservations. First, I should like to pay tribute to the work of all those who serve on employment tribunals. Perhaps I should declare an interest, because my mother-in-law has been on industrial tribunals for many years, and I can vouch for her skill in settling disputes of all kinds. I should also mention that I have a small business and am well aware of the burdens placed on small businesses that my hon. Friend the Member for Westmorland and Lonsdale (Mr. Collins) mentioned.

While it is right that employees should be given good and strong legal protection, that must be balanced against the need to encourage small businesses to take risks in a difficult world and, in the process, to create jobs. Unless jobs are created, there will be no rights to go with them.

One of my concerns is that the Bill makes no clear distinction between the problems faced by small and large businesses, and does not consider the merits of placing a limit on the scale of awards against small businesses. The effect is that many small businesses, such as mine, have felt the need in recent years to take out specific insurance. Although it is not inexpensive, it is almost becoming due diligence for a small firm to take out such insurance because, without it, it faces the unquantifiable risk that a claim will be made that will not only disrupt the running of the business, as my hon. Friend the Member for North Shropshire (Mr. Paterson) mentioned, but, in extreme circumstances, might even lead to its closure if the scale of the award is severe enough.

In such circumstances, while the business might be able to pull through, public knowledge of such an award would have a catastrophic effect on the business. Therefore, the risk-award profile for a small business in coming to an industrial tribunal differs greatly from that of a large firm.

What are the terms of the insurance that a small business can take out? Typically, the small business would have to seek the advice of the insurers—before the insurer was prepared to back the business, it would have to be convinced that a proper internal procedure had been undertaken before a case came to an industrial tribunal. That means that when an insured small firm is considering an employee case, it would feel obliged to ring up the insurer for advice—the insurer would almost take the role of a personnel department. That could be a good thing; it may mean that small companies receive well-informed and conscientious advice, so that fewer disputes end up at a tribunal.

As the balance of rights between employer and employee is increasingly shifting to the employee, insurers feel that, to maintain reasonable premiums that are in the reach of small firms, they must offer excessively cautious advice. Employers who think that they have a good case for dismissing an employee will be told by their insurer that, if the matter goes to a tribunal, they may not be covered by the insurance. In many cases, the Bill's provisions on insurance will not apply to small firms. If the Bill does not take account of the needs of small firms, it will be yet another piece of well-intentioned legislation which, in fact, inhibits job creation.

Mr. Collins: Is not my hon. Friend's argument supported by the fact that, because employers find it easier to dismiss employees in the United States than in western Europe, there has, in the past 10 years, been much greater job creation in the United States than in western Europe?

Mr. St. Aubyn: My hon. Friend makes a good point.

Mr. Paterson: On the excellent point made by my hon. Friend the Member for Westmorland and Lonsdale (Mr. Collins), does my hon. Friend the Member for Guildford (Mr. St. Aubyn) agree that in America micro-businesses—which are defined as businesses with fewer than five employees—have created a huge proportion of the new jobs?

Mr. St. Aubyn: My hon. Friends are very much to the point. As we have discovered over the past two decades,

[Mr. St. Aubyn]

a deregulated labour market creates a bigger labour market. The danger is that legislation, however well intentioned, may reduce the number of jobs. The concern about the Bill is not so much that small firms will not want to risk increasing the number of their employees, but that their inability to sack an unsatisfactory employee will inhibit the growth of the business—there will be, if I may use the phrase, a double whammy.

Nevertheless, I urge hon. Members to support the Bill. It is a step in the right direction, although I do not believe that it goes far enough. Before long, the House will have to deal with the special requirements of small firms.

10.13 am

Mr. Christopher Fraser (Mid-Dorset and North Poole): In considering the Bill, we must recognise that, in today's global market, it is vital that we protect the viability of our industrial and commercial base. The importance of an harmonious working environment to the quality and quantity of industrial output cannot be overstated. I believe that industrial tribunals have contributed enormously to that environment. They are impartial and independent of the Government, trade unions and employers.

As an employer, I know how important it is to have an easily accessible, informal, speedy and inexpensive means of adjudicating employment rights issues. Where possible, of course, parties should deal with disputes through in-house procedures. The advantages of that are not only the cost, but privacy and the enhancement of long-term employer-employee relationships.

That is not always possible, however, and, as my hon. Friend the Member for Guildford (Mr. St. Aubyn) pointed out, there are inherent problems in taking such a course. If the Bill streamlines the procedures of industrial tribunals and extends their jurisdiction, while encouraging the use of internal appeals procedures in cases of dismissal, I welcome and support it.

As my hon. Friends have said, many of the Bill's measures were originally proposed by the previous Government, who recognised that the delays caused by the case load of industrial tribunals have increased significantly in recent years—in some parts of the country, the backlog is unacceptable. It is time to deal with that problem. In many ways, the Bill is the product of lengthy consultation undertaken by Lord Lang when he was President of the Board of Trade. At the time, he could not have anticipated the additional work load that will inevitably be created as a result both of the United Kingdom becoming a signatory to the social chapter and of the new Government's legislative programme.

It matters not to me whether industrial tribunals are given another name. To call them "employment tribunals" may reflect the role that they now perform in dealing with employment rights disputes, rather than cases in which employees fought levies imposed under the Industrial Training Act 1982. Interestingly, the biggest increase in tribunal work has been in cases involving race and sex discrimination, and equal pay issues.

The Bill would introduce far more important measures, which would do much to deal with the logjam. The proposal that a tribunal chairman may sit with only one other member must ensure that a conflict of personality between the chairman and the person before him is overcome, as my hon. Friend the Member for Westmorland and Lonsdale (Mr. Collins) said.

I concur with my hon. Friend the Member for North Wiltshire (Mr. Gray) in the belief that it is a pity that the Conservative proposal for the use of private arbitrators has been rejected. There are some excellent private arbitrators, and I do not believe that it is necessary for the Advisory, Conciliation and Arbitration Service to have a monopoly in resolving disputes.

I regret that the Government do not share my enthusiasm, and that of my hon. Friends, for private enterprise. Other measures proposed in a Green Paper issued in 1996 would also have been helpful. One must question why the Government do not support proposals to allow tribunals to dismiss a case during a substantive hearing if it becomes clear that the case will fail. One must also question why they do not allow the tribunal to award costs if a party has rejected a reasonable offer of settlement. The advantages of such positive measures would be less cost, the reduction of stress on employers and employees—which is of paramount importance—and the fact that petty cases would not burden the industrial tribunals system. Moreover, such proposals would enable intractable cases to be heard and dealt with more speedily.

Perhaps the most important measure in the Bill is the one that relates to the alternative means of settling disputes. Under the Bill, parties in unfair dismissal disputes will be able to opt for independent, binding arbitration, which is currently limited to collective disputes. Parties must be encouraged to consider how to settle disputes—tribunals cannot be the only option. Both sides should benefit from arbitration. If it is quicker, cheaper, more private and more informal than a tribunal hearing, it must be a valid option.

Mr. Swayne: Does my hon. Friend agree that it would be if the Bill contained a provision under which a tribunal could refuse to hear a case unless the firm's internal procedures had been exhausted?

Mr. Deputy Speaker: Order. I say, for the benefit of the hon. Member for New Forest, West (Mr. Swayne), that when hon. Members want to intervene, they must rise in their place.

Mr. Fraser: I agree with my hon. Friend. I am aware that concerns have been expressed about arbitration. Two parallel systems of justice could emerge. One would be arbitration—private, with no right of appeal—and the other public tribunals governed by a body of law and with the right of appeal. A situation could emerge in which no one would choose arbitration without the right of appeal against perverse decisions.

I broadly welcome the Bill, because the employment rights that it offers would at least go some way to alleviate some problems of employment law and the problems that we now face when we employ people. However, some of my concerns have not been dealt with, and I strongly advocate flexible arrangements to deal with the challenging future in employment.

10.19 am

Mr. Nigel Evans (Ribble Valley): I did not intend to speak on the Bill, but, having listened to the debate, I feel it necessary to make a small contribution and to declare

an interest as an employer with a small convenience store in Swansea, which has been in the family since the 1920s. Three generations of my family have owned the store, and, since I became a Member of Parliament in 1992, my sister has taken charge of the day-to-day running. We employ eight people. In the 1960s, when my father and grandfather ran the store as a family concern—

Mr. Deputy Speaker: Order. This is not the "History of Private Business" Bill.

Mr. Evans: No, Mr. Deputy Speaker, but it is important to stress what is happening with small businesses and explain that in the 1960s we did not employ anyone—

Mr. Deputy Speaker: Order. I am sorry to interrupt the hon. Member again, but this is a Third Reading debate. He should have made points on the background on Second Reading. On Third Reading, he must confine himself to the contents of the Bill, and that is what I want to hear.

Mr. Evans: I am grateful, Mr. Deputy Speaker. I was merely trying to explain that I am an employer. We mainly employ part-timers and there is a large throughput of staff, some of whom come for only six or nine months, while others have been employed for more than 14 years and would be covered by unfair dismissal procedures. In the main, we have been extremely lucky in the people we have employed. However, we are a family business, not professionals, and the people we employ do not go through the stringent interview procedures that one might find in a larger business. Therefore, I am considering the prospect of a small family firm being taken to a tribunal, because of the Bill, by someone who claims to have been unfairly dismissed, although the firm thought the dismissal fair.

Our business is typical, and there are thousands of small convenience stores and small businesses. Many operate on the margins and would normally be one-man bands, but have taken on one or two people to help. My hon. Friend the Member for Mid-Dorset and North Poole (Mr. Fraser) mentioned the stress for employees, but employers also face enormous stress. When we take people on, we worry that we might be taking on future problems and costs over and above those that we have already accrued by employing them. Obviously, we want to establish a procedure that will be fair to everyone. If employees who were unfairly dismissed could not seek redress from a tribunal it would be wrong, as employers could be become tyrannical and dismiss people without good cause. There has to be a procedure whereby employees are protected.

Mr. Collins: Does my hon. Friend agree that clause 13, which encourages the use of internal appeals as the first stage, is an important element in what he advocates, which is the chance for employees and employers to resolve disputes without recourse to a tribunal? Does he further agree that, as many right hon. and hon. Members have said, the clause does not go far enough because we need to entrench the idea that the use of an internal appeals procedure should be expected before one goes down the expensive and difficult route of a tribunal?

Mr. Evans: I think that my hon. Friend the Member for New Forest, West (Mr. Swayne) referred to that. I hope that when difficulties arise between employers and employees they can be resolved amicably and reasonably, but that will not always be possible. For all sorts of personal reasons, perhaps, they may simply not be compatible—something they might not at first have realised. In small business, small rows break out, almost like family rows or rows between neighbours. One of the worst things that Members of Parliament have to contend with are disputes between neighbours, some of which are insoluble.

In a small firm, when a dispute breaks out between employer and employee, often it cannot be solved internally. If the small business is very small, no internal device or procedure will be available. In my business, none would be. As the owner, I would be called on to deal with a problem, but it might have arisen between my sister and an employee. I suppose that I would have to adjudicate, but it would be extremely difficult to take sides between an employee and my sister. How could I give a vote of no confidence in the person I have put in charge of running my business? I should hate to go home at Christmas if that happened.

Mr. Gray: It is interesting to hear the history of the Evans family. Might my hon. Friend not take a leaf out of the book of my hon. Friend the Member for Guildford (Mr. St. Aubyn) and get his mother-in-law to sort out such disputes?

Mr. Evans: I am in the happy, or unhappy, situation of not being able to draw on my mother-in-law to sort out my disputes. One needs someone who knows the business—someone who could be called on to give expert advice, but at reasonable cost. In the 1980s, my business made hardly any money. In some years, we made a loss and had to draw on the family to do extra hours, as we could not afford to pay overtime.

Insurance is a great thing and can save businesses extra money in the long run, but, as one lady told me this morning, a tremendous number of people do not even have home contents insurance; and it is not merely because they are taking a risk. In many cases, they cannot afford it—it can cost £200 or £300 a year. People running small family businesses in lean times will be tempted to cut costs. For example, their insurance might not cover internal disputes, but if a dispute arose and they sought legal advice, it would cost money. Either way, the small business loses and, in lean times, the employer has no choice.

Employers have to be properly represented, particularly as the employee has recourse to legal advice through legal aid. That seems unfair. While the business might not be making any money, I suspect that the owner would not be eligible to legal aid and would have to contest the case himself. It could come to a point where the employer was no longer concentrating on running his business, but thinking solely of the dispute, briefing himself, as busily as he could, as an amateur on the law and probably seeking advice from customers and business associates.

Mr. Fraser: Does my hon. Friend agree that when there is a dispute between employer and employee in a small business, it is inevitably the employer who compromises himself to deal with the problem in the way he sees fit, which may not be the most appropriate to himself, simply to overcome the problem of an employee

[Mr. Fraser]

walking out or not doing the job properly? That is inherently unfair on the person running the business and putting in the time and money to ensure that other people are in gainful employment.

Mr. Evans: My hon. Friend is right. If I were confronted with such a problem I could not afford to go to court. There are no two ways about it: I would have to compromise and cave in all down the line. I would have to employ someone I do not want or trust because he had recourse to funding through the taxpayer—I would pay for him, but could not afford to pay for myself. The dispute would not be solved, but would fester for years. We must strike a balance.

The Bill goes some way to providing for disputes to be resolved internally—internal solutions should be exhausted before having recourse to law—but there must be protection for the employer. The balance has shifted too far one way for small businesses.

I am vice-chairman of the Small Business Bureau, so I have contacts with many small businesses, in which I have been interested since I was elected to the House. In the 1980s, dynamic small firms took on more people and helped the economy to grow. We must hope that they take on more people in the 1990s to achieve a booming and growing economy. We cannot rely as much on industries that employ 10,000 and 15,000 as we did in the past. British Aerospace operates in my constituency, and its personnel department has a procedure for sorting out internal disputes, but my business does not have a personnel department other than my sister, who is a one-man personnel department.

Mr. Fraser: I am a director of the Small Business Bureau. Does my hon. Friend agree that the Government should discuss those issues with the SBB, because it leads the field in understanding employment rights in small businesses and is recognised across the country for that? Does he also agree that we should be worse off if the Government did not consult it?

Mr. Deputy Speaker: Order. Those remarks stray beyond the compass of the Bill. I must ask the hon. Member for Ribble Valley (Mr. Evans) to stick to the terms of the Bill, which is receiving its Third Reading.

Mr. Evans: I shall not address the point, other than to say that the Small Business Bureau considers employment protection as well as protection of employers.

Organisations such as the Small Business Bureau, the Federation of Small Businesses, the Institute of Directors and the Confederation of British Industry have small business departments because they recognise the importance of small businesses, want to strike the correct balance, and want employees to have the right protection. They do not want to shift the balance against employees.

I do not want the law to be altered in such a way that employers would be deterred from taking the risk of employing someone. The new deal involves taking on people who have been unemployed for more than six months. The Government are asking employers to have faith in them and in the unemployed, especially the young unemployed aged between 18 and 24 who have had difficulty getting jobs, and to take them on and keep them on.

We do not want people to be taken on for only six months, only to be foisted back on the unemployment register; that would be useless. We want them to be employed for more than six months, or for more than two years, which is the point at which employment rights protection comes in, to break the cycle.

We do not want businesses to be deterred from taking people on. We want small businesses to get involved in the new deal and to take people on with a subsidy of £60 a week, but they will be cautious if they think that employment disputes might involve thousands of pounds in compensation and legal costs.

I welcome the Bill and wish it well, but the Government should consider fresh measures that would protect employers and employees. Striking the right balance would ensure that small businesses could take on far more people.

10.34 am

Mr. Desmond Swayne (New Forest, West): The Bill enjoys cross-party support and there are a number of enthusiasts for it, but it contains defects. I wish to draw your attention, Mr. Deputy Speaker, to four of them.

First, the Bill does not require parties to a dispute to exhaust other avenues before going to the tribunal. Clause 13 allows the tribunal to reduce the award to the successful party if other avenues have not been exhausted.

Mr. Deputy Speaker: Order. The hon. Gentleman may have heard what I said earlier. To stay in order during a Third Reading debate, hon. Members must refer to what is in the Bill, not what they would have liked to be in it. Such matters are dealt with on Second Reading. I want to hear only the hon. Gentleman's views on what is in the Bill.

Mr. Swayne: In that case, Mr. Deputy Speaker, I shall draw my remarks to a swift close.

10.35 am

Mr. Owen Paterson (North Shropshire): I shall do my level best to keep within your strictures, Mr. Deputy Speaker.

I congratulate the hon. Member for Wentworth (Mr. Healey) on taking the Bill so far on behalf of Lord Archer of Sandwell. It is a great honour to take a private Member's Bill so far, and he is a tantalisingly short distance from achieving Third Reading.

The Bill has been discussed against a background of excellent industrial relations over the past few years and extraordinarily successful growth in employment in western Europe. As my hon. Friend the Member for Westmorland and Lonsdale (Mr. Collins) said, perhaps only America has a better industrial relations scene.

I have been an employer and I am concerned about employers' attitude to tribunals. I do not want to rake over what I said on Second Reading, but it is vital that hon. Members understand that many employers do not think that taking a case to the tribunal is worth the candle. Many cases are resolved out of court or before the tribunal sits, often to the disadvantage of the company.

I shall not discuss the cases that I discussed last week, but I have received a lot of comment on them. I echo strongly the remarks of my hon. Friend the Member for Westmorland and Lonsdale: employers are put off going to the tribunal for reasons other than legal costs. Tribunals began as a quick, cheap and easy way for lay members to resolve disputes. Sadly, lawyers have become more involved in recent years. My hon. and learned Friend the Member for Harborough (Mr. Garnier) is safely in China as a member of a parliamentary delegation, so I can be rude about lawyers, who are costly and are driving out the lay element in tribunals.

Lay members do not often contribute much to tribunals. Unions hire highly skilled lawyers to represent the plaintiff, and employers, if they go to the tribunal, are forced to take expensive legal advice. It is regrettable that we have gone a long way from the concept of lay people using common sense to sort out disputes quickly. The process has become horrendously lengthy since lawyers became involved and there are six-month delays, which are exactly what we do not want.

I strongly support the Bill's aim of speeding up the process and resolving disputes in a reasonable time, but I am worried that an even greater burden of proof will be placed on employers. That will also have a negative effect, because employers will be cynical and throw in the towel early. People will not want to take on labour, which was the point made by my hon. Friend the Member for Ribble Valley (Mr. Evans), a splendid small business man from Swansea, who spoke for thousands of small business people who want to take on labour.

Last week, I talked to a plumber in Ellesmere who would like to take on another employee, because he has the work, but he is put off by the legislation, the form filling and the horror—in a small town—of possibly having to dismiss and get into a legal tangle with someone whom he knows well. That is a real danger, and I hope that Ministers are listening carefully.

Mr. Evans: Some people think that insurance is the answer, but, even if small business could afford the insurance premiums, the problem is that insurance companies can start to dictate the employment rights offered. I say that as someone who has experience of fire insurance for business. The insurance people come in and dictate to the business people what has to be done before they are even allowed to pay the insurance premiums. What does my hon. Friend think about the dictates of the insurance companies on employment rights?

Mr. Paterson: That is a most interesting intervention, because such behaviour by insurance companies would run counter to what we are all trying to achieve—the smoothest possible industrial relations with the minimum of interference from outside. It would be a most retrograde development if insurance companies could lay down the conditions on which an employee could be taken on. It would be yet another horrific psychological barrier to the plumber who has enough business to take on an assistant. As well as conforming to the legislation, the plumber would have to undertake not to infringe numerous insurance documents; that would be a worrying development.

I am concerned that, at Third Reading, the Bill still does not address the inconsistencies of tribunal decisions. It is bizarre, for instance, that holiday pay is a matter for industrial tribunals in Scotland but not in England. There is not an employee in the country who is not involved in discussions on holiday pay. That is only one of the flagrant and gross inconsistencies. I am concerned that the Bill, which is intended to speed matters up, may lead to even more inconsistencies in judgments. Nothing in the Bill provides for a review mechanism to ensure that judgments are kept on track. I could cite numerous other instances in which, because of the sheer number of cases, judgments are taking different directions in different parts of the country, according to the decisions of individual tribunals.

Mr. Collins: Does my hon. Friend agree that that problem is likely to be exacerbated by clause 3, which will increase the number of occasions on which a decision is taken by only one person, instead of three, which is more likely to balance out any individual idiosyncrasies? Judgments made by one person could be more arbitrary and subject to his or her personal characteristics or mood.

Mr. Deputy Speaker: Order. I am sure that the hon. Member for North Shropshire (Mr. Paterson) has heard that argument deployed already in an earlier speech.

Mr. Paterson: Thank you, Mr. Deputy Speaker. I shall be most careful in how I reply.

The Bill, in introducing decision making by individual chairmen, will exacerbate the problem that my hon. Friend the Member for Westmorland and Lonsdale mentions. Without a review mechanism, the House will soon have to revisit the question.

My final, short point is that, in my experience, we have very good industrial relations, but many people who serve on industrial tribunals are out of date. People might accuse me of agism—

Mr. St. Aubyn: I am sure that my hon. Friend recognises that with age comes not only experience but wisdom. Those assets are much needed on industrial tribunals.

Mr. Paterson: I have no intention of casting aspersions on my hon. Friend's mother-in-law. However, many people on tribunals come from another age. They are elderly trade union officials nearing retirement, or ex-personnel managers, and they pick up £150 a day for their time. Not enough young people serve on tribunals who could bring their current experience to bear. *[Interruption.]* My hon. Friends may laugh, but I have no intention of attacking mothers-in-law or members of their generation who give their time. The Bill should contain provisions to attract younger people, with contemporary experience of how good our industrial relations now are.

With those reservations, I accept that the gist of the Bill is in the right direction and I congratulate the hon. Member for Wentworth on bringing it forward.

10.45 am

Mr. Anthony Steen (Totnes): Last week, I had the honour and privilege of speaking from the Front Bench on the Bill. I thought that that was the highest honour I would achieve and that I could then relax and permanently retire to the Back Benches. Unfortunately, either because of the quality of my performance or

[Mr. Anthony Steen]

because of a shortage of colleagues who were prepared to do a stint on a Friday, I find myself speaking from the Front Bench yet again. I hope that my hon. Friends and other hon. Members will bear with me for a second time for another modest contribution.

Mr. David Jamieson (Plymouth, Devonport): Long overdue.

Mr. Steen: I am sure that Opposition Members entirely agree with the Government Whip.

The raison d'etre for Members of Parliament is to pass laws. We are law makers and that is the task that we are expected to perform. It is the main, if not the only, reason we are here. We are certainly well practised in the task. Since 1979, we have passed 220,000 pages of law—just short of a quarter of a million. We are clearly becoming more efficient at passing laws, because we have passed 112 volumes of statute law since 1945, compared with fewer than 300 volumes in the previous 235 years. We are speeding up making laws and we are passing more and more pages of law. Like a sausage machine, the procedure is becoming more automated and working faster and faster—with the possible exception of this Bill.

Do all those laws make things better? Do they make people's lives easier or more difficult? The Opposition support the Bill because we believe that it will make things better for people and because it has a deregulatory flavour. That deregulatory initiative was started by us when we were in government. The Bill's general thrust is to reduce bureaucracy in the resolution of disputes between employers and employees.

Mr. Eric Forth (Bromley and Chislehurst): Will my hon. Friend give way?

Mr. Steen: If my right hon. Friend insists.

Mr. Forth: I am, as ever, grateful to my hon. Friend. Is my hon. Friend arguing that, when a measure is essentially deregulatory, it is likely to be beneficial to people, and that the converse applies—if regulation, intervention, bureaucracy or the activities of politicians or Governments are increased, the measure is likely not to be beneficial?

Mr. Steen: That was first intervention that I have taken from my right hon. Friend, and it was spot on; he is known always to hit the bull's-eye. Legislation should be passed to reduce bureaucracy and administrative delay and to make life more efficient, more constructive, easier and happier.

There is a major difference between the Government and us in theory, although it can be seen in practice as well. The Government and their supporters tend to believe that passing more laws will solve problems; our experience is that it creates more problems. Constituents ask for laws to solve one problem, but that often creates others.

We welcome the Bill because we believe that it will reduce pressure on employers and employees to seek the help of the courts or of what are to be called employment tribunals. It tries to divert disputes between employees and employers from formal regulatory measures to informal procedures in companies or at arbitration. That will reduce bureaucracy, rules and regulations and consequential problems. I therefore support the thrust of the comments of my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth).

All developed societies have grievance procedures. There has always been a remedy in law for when employee-employer relationships go wrong. Until just after the second world war, going to court was the way to do it. That was expensive, daunting and often disadvantageous to employees in seeking future employment and references.

I pay tribute to my hon. Friend the Member for North Wiltshire (Mr. Gray), who gave us a grand tour, with certain restrictions, on the issues that the Bill addresses. I am grateful to him for giving us his professional assessment of the effect of the Bill. I also pay tribute to my hon. Friend the Member for Mid-Dorset and North Poole (Mr. Fraser), who made some perceptive interjections, as did my hon. Friend the Member for New Forest, West (Mr. Swayne), whose speech was somewhat truncated.

Tribunals safeguard the rights of employees. Although the majority of employers are good, there will always be a minority who take advantage of their employees. There is a converse to that. We always talk about the rights of employees. We should talk about the rights and duties not only of employees but of employers; it works both ways. It is always presumed that the employee is disadvantaged. Having heard my hon. Friend the Member for Ribble Valley (Mr. Evans), I think that some employers may be disadvantaged. We must keep a balance in employment law by realising that it is not always the employer who is at fault.

Labour Members will be interested in these figures: in 1974, 14,750,000 working days were lost to strikes; in 1996, there were only 1,303,000. Collective relations have dramatically improved over those 22 years. There will always be problems between individual employees and employers. The increasing recognition of individual rights has increased the number of applications to industrial tribunals. I stress the word "rights", because it is not individual responsibilities but individual rights that have led to the 90,000 applications a year to industrial tribunals. There is no converse right for employers to go to industrial tribunals to complain about their employees. It is only one way, as if employees are the only ones who can be disadvantaged.

It was the growth in the number of applications and the ensuing backlog of cases that prompted our Government to examine the matter and to produce the broad and enlightened approach before the House. That is the right approach. I pay tribute to this Government for picking up the ball and running with it, and making one or two alterations to give it their own distinctive flavour. There are differences between today's Bill and the draft Bill published in 1996, such as the refusal to allow for private, independent arbitration. Instead, the scheme is wholly in the hands of the Government-run Advisory, Conciliation and Arbitration Service. The Government think that that will be an improvement; the Opposition think that the opportunity for private arbitration would have been better.

In its fundamental principles, this Bill is the same as the draft Bill published by the previous Government. Throughout history, we have seen invaders tearing down

existing religious buildings, replacing them with their own places of worship on the same site and proudly proclaiming those as their temples and churches. So, too, has the Labour party, in conquering the electorate last May, proudly claimed this Bill as its own. In fact, it was largely we, the vanquished, who designed it. We pay tribute to the conqueror, but it would be nice if the conqueror would recognise in his winding-up speech that it is essentially our church.

The Bill is in three parts: it reforms the procedure of industrial tribunals, which will be known as employment tribunals; it legislates for an alternative methods of settling disputes between employer and employees; and it will ensure that internal appeal procedures are more widely used. It would not be appropriate to list all the clauses, as has been done before. We all know what they are. As there is other business, I do not want go through them in detail.

The Bill is largely based on proposals drawn up and sent for consultation by our Government. It will improve the methods by which grievances between employers and employees can be settled. We believe that the Bill could have been improved. My hon. Friend the Member for New Forest, West was to have explained how, and we look forward to hearing him on another occasion. We should have liked to maintain the freedom of choice for parties to go a private, independent arbitrator, but that aspect will be run by the public sector.

Conservative Members tabled several amendments that illustrated the quality of those Members. We were all greatly impressed today by the quality of their contributions. I have not often sat on the Front Bench; on the Back Benches one does not listen in the same way. The quality of their speeches, especially those of the newer Members, was first rate—that does not necessarily mean the more youthful Members, but it certainly applies to the newer ones.

Mr. David Maclean (Penrith and The Border): Will my hon. Friend give way?

Mr. Steen: I give way to one of the older Members.

Mr. Maclean: On behalf of those of us on the Back Benches, may I note the quality of the speech that we have been delighted to hear from the Front Bench?

Mr. Steen: That was clearly an interjection by a politician. I am grateful to my right hon. Friend.

We are disappointed that the Government did not feel able to improve the Bill in the way we suggested. As a dispassionate observer, I thought that certain amendments would have improved the Bill, particularly those concerning the burden of proof, which should be neutral. Perhaps an annexure or appendix could be added to the Bill to deal with some of the matters raised in unsuccessful amendments.

In my experience of the House, Bills discussed on the Floor of the House get shorter, while powers in them are dealt with by statutory instrument and by codes of conduct initiated elsewhere. Perhaps a code of conduct or method of practice could be attached to the Bill to deal with the content of certain amendments. For example, we sought to ensure that, where a case was decided by written evidence alone, there would be a greater safeguard to ensure that both sides had received independent and competent advice on the consequence of not giving oral evidence. In addition, we sought to provide a safeguard so that if a lay member of a tribunal failed to attend the tribunal at any stage, the hearing could go ahead even without permission from all parties. Could that be attached to the Bill?

The role played by legal officers was mentioned. The relevant Minister from the Department of Trade and Industry is not here today. There are so many Ministers that the Government can churn them out, but I am glad that the hon. Member for Lewisham, West (Mr. Dowd) is in his place. He may be aware that the Minister took seriously our concerns about arbitration and legal officers. Perhaps he could touch on that point when he winds up.

The House was sorry that we did not reach amendments Nos. 20, 21 and 23, to which my hon. Friends the Members for Westmorland and Lonsdale (Mr. Collins), for Eastbourne (Mr. Waterson), for New Forest, West and for North Shropshire (Mr. Paterson) referred. We must make it more attractive for an employee to settle within the company's disputes procedure.

Bearing in mind the fact that it costs nothing for an employee to go to an industrial tribunal, but it costs time and money for an employer to set up a case in a tribunal or in arbitration, the Bill should provide greater incentives for the employee and so encourage the deregulatory process. Is there a way to provide an increased incentive for the employee to use the company's own internal procedure?

Mr. Swayne: Does my hon. Friend agree that where there is a requirement to exhaust internal procedures before a tribunal, that in itself gives significant impetus to the improvement and development of firms' own internal procedures?

Mr. Steen: Clearly, my hon. Friend is making up for the brevity of his speech, and the Government would do well to listen to him.

We like the Bill. You are changing the name from industrial to employment tribunals and you are trying to have a fast track.

Mr. Deputy Speaker: Order. I must remind the hon. Gentleman, who has been here a long time, that he is addressing the Chair.

Mr. Steen: Nothing gives me greater pleasure than addressing the Chair when you are in it, Mr. Deputy Speaker. I got carried away with the force of the argument and addressed it to the hon. Member for Lewisham, West, who looked as enthralled as I was.

The thrust of the Bill is to reduce bureaucracy and to speed up the process, and the process may be speeded up if there are more arbitration agreements and more employment tribunals. However, the best way to reduce the number of disputes coming into the arena is to encourage the procedures set up by the Bill. We want to encourage good industrial relations. If there was an incentive for an employee to do everything he could to settle his dispute within the company system—and if he were told that he might not get more money by going to arbitration or an employment tribunal—that would be welcome.

[Mr. Steen]

We do not want increasing conflicts procedures. We want a happier, reformed country where employees and employers work more happily together. The employee must be encouraged not to take his dispute to a public arena, paid for by legal aid or by his union, where the employer has to fork out so much money that he settles—a sort of blackmail.

Does the hon. Member for Lewisham, West have a device up his sleeve whereby some pressure could be put on employees to realise that they might not get the best deal by going to a tribunal? Perhaps awarding costs against unsuccessful employees might provide that pressure. We need a stick-and-carrot approach. Using the company's internal procedures may well be to the employee's financial advantage.

Mr. Gray: My hon. Friend will be aware of the recent Wentworth golf club spanking case, in which an employee—entirely incorrectly—accused her employer of pinning her against a filing cabinet and spanking her. The case went on for eight months at a tribunal, and damaged the interests of Wentworth golf club. In the end, it was proved that she only did it to bring pressure to bear on the golf club to improve her conditions of employment.

Mr. Steen: I do not know the details of this case as well as my hon. Friend does. I hope that the case has nothing to do with the hon. Member for Wentworth (Mr. Healey), who is sitting on the Government Benches. There are not many of these cases, but the media love them. They suggest that there must be an encouragement for employees and employers to settle their differences. The hon. Member for Lewisham, West is a man of experience and wisdom, and he may have some way of including this legitimate concern in the Bill.

Mr. Evans: My hon. Friend has knowledge of small business. Does he accept that most cases are settled internally and that only a small number require the expensive recourse to law and tribunals?

Mr. Steen: That is only partly correct, because 90,000 cases are still waiting, although I am sure that many differences are dealt with. This country has reached the stage where everybody talks about disputes and rights and we are becoming like the United States, where everybody complains. We have to be careful to ensure that our legislation does not encourage that.

Mr. Gray: I want only to correct an error that I made in my earlier intervention: it was not the Wentworth golf club—I was confused by the title of the hon. Member in charge of the Bill; it was the Bishop's Stortford golf club.

Mr. Steen: That puts a very different complexion on the whole matter.

It is about time that I started to wind up my speech—[HON. MEMBERS: "Shame."] All good things come to an end. The relationship between an employer and an employee can be difficult. My hon. Friend the Member for Ribble Valley explained the difficulties affecting his small family-run business and all that goes on there with members of his family, full-timers and part-timers, and the various problems which arise—in fact, it might make a good soap opera. It is good to know that, in spite of all those difficulties, he has prospered, and we believe that his company will go from strength to strength, especially if he does not have too much to do with it.

In any civilised society, it is important that there is an effective system of hearing and satisfying grievances. The system of industrial tribunals has played and continues to play an extremely valuable role in protecting the rights of employees and allowing grievances to be heard and, where appropriate, redress to be given. None the less, the system is under great strain because of the sheer volume of applications, which are largely the product of the system's success. It is for that reason that the Conservatives support the broad thrust of the Bill, which originates from the draft Bill published under the previous Government.

We support the Bill because it seeks to make industrial tribunals more effective and to encourage more people to use arbitration as a less costly, less time-consuming and less confrontational approach towards resolving problems. To a certain extent, the Bill is reminiscent of the previous Government's approach to reconciliation in divorce cases. There is a certain irony in our legislating for a quicker, cheaper and less formal way to remove the burden from the system of tribunals, because they were introduced as a means of relieving the pressure on the courts. We hope that we shall not in future have to devise a system of removing the pressure on the system of voluntary arbitration.

Mr. Jim Dowd (Lord Commissioner to the Treasury) *indicated assent.*

Mr. Steen: I am glad to see the hon. Gentleman supports that approach. We have to ensure that, every few years, we do not have to pass more laws to deal with the laws we got wrong before.

There is an additional procedure outlined in the Bill, but we must avoid creating a problem similar to that which arises when a dual carriageway is built—the assumption then being that traffic will start to flow more easily. If I may digress for a moment, Mr. Deputy Speaker—I can see by your expression that it would be wise to do so for only a moment—in south Devon we keep straightening the roads and getting rid of the hedges; every time we do so, more cars go faster down the roads, so we build ever-larger car parks for those arriving at the end of their journey. If, in the Bill, we provide two or three ways of dealing with disputes, we are in danger of putting three times as much traffic down the routes. I would call it the "Devon road-straightening principle" and I ask the Government not to go down that route. It is expensive and it does not produce better results.

Mr. John M. Taylor (Solihull): I am grateful to my hon. Friend for giving way in the middle of his superb review of the subject. I am afraid that he is right: when, in the last century, it was found that, for the uses of the ordinary consumer, the High Court was too complicated, the county court was introduced; then in the 20th century it was found that the county court was too complicated and the small claims court was introduced. Is there not always a tendency for such procedures to become hardened in the arteries? My hon. Friend's anxiety about

the roads in Devon, when viewed in parallel with the history of those judicial systems, is all too plainly justified.

Mr. Steen: It is a delight to have a question from the Whip; he was on the Front Bench and suddenly disappeared, only to reappear two Benches back. More important, my hon. Friend is a lawyer of great distinction and is well known for his assiduous understanding of the legal process. To hear a former Minister and a Whip make a quality intervention like that is a delight for us all, and his question should make us all aware of the issue of how to prevent more people from going down a road, once it has been opened.

There is a difficult balance to be struck, because the Bill opens a way that we want to stop people from using. The only way to do that is by taking a stick-and-carrot approach and by telling people that, if they go down that route, there might be stick; but that, if they try to resolve the dispute within their own system, there is a carrot. That is an important principle and the fact that that is its purpose should be somehow attached to the Bill. I do not say that as an idle throwaway point.

Mr. Paul Flynn (Newport, West): I am sure the hon. Gentleman did not.

Mr. Steen: No, certainly not. Currently in the pipeline are issues relating to parental leave, the working time directive, the minimum wage and a White Paper that might remove the two-year rule for eligibility to apply to a tribunal for wrongful dismissal. There will be an enormous amount of extra traffic, which is why we are a hostage to fortune. The Conservatives introduced the Bill as a deregulatory measure and the present Government may find that it is a good vehicle to enable them to handle not only matters arising as a result of their legislation, but those emerging from legislation from Europe. Although I have a neutral stance on Europe in terms of more rules and regulations—

Mr. Forth: What?

Mr. Steen: I have quite a neutral stance on more rules and regulations, except those that impinge on our way of life and result in more and more bureaucracy, which, far from being good, means that more rules are needed to cope with the new bureaucracy, especially when it comes from Brussels.

Although one welcomes the Bill, there are all sorts of dangerous pitfalls lurking in the undergrowth. Conservative Members will watch closely the progress and the implementation of the Bill. We want to ensure that it is the fast track and the track envisaged by the previous Government, rather than merely an overspill for more and more grievance proceedings. We also want to ensure that the procedure remains informal and that it does not take on the legalistic characteristics of industrial tribunals.

As I near the end of this marathon—[HON. MEMBERS: "Surely not."] I shall not be drawn. As I near the end, I should acknowledge that industrial tribunals do an essential job and play a vital role in maintaining good industrial relations, but there is a backlog and their work load will increase, thanks to the policies pursued by the Labour Government and, to some extent, the new legislation from Europe. The Government must evaluate the implementation of the new system to ensure that it provides the promised improvements. Conservative Members earnestly hope that it does deliver those improvements, and we want to see the legislation on the statute book as soon as possible. Finally, I am grateful to the House for giving me the opportunity to wind up for the official Opposition, the Conservative party, in this way.

11.18 am

Mr. Jim Dowd (Lord Commissioner to the Treasury): I convey to the House the apologies of my hon. and very good Friend the Member for Makerfield (Mr. McCartney), the Minister of State, who, unfortunately, was called away on unavoidable business. Instead of delaying the Bill, we decided to proceed with it this morning, in the hope that we can give it the Third Reading that it richly merits—although there were moments during the speech by the hon. Member for Totnes (Mr. Steen) when I wondered whether that was likely to happen.

We have had several contributions by Conservative Members, principally by the hon. Members for North Wiltshire (Mr. Gray), for Westmorland and Lonsdale (Mr. Collins), for Guildford (Mr. St. Aubyn), for Mid-Dorset and North Poole (Mr. Fraser), for Ribble Valley (Mr. Evans), for North Shropshire (Mr. Paterson) and for Totnes. We also had a speech by the hon. Member for New Forest, West (Mr. Swayne), which contained one of the most meteoric ascents of the learning curve that we have witnessed in the House. It is also quite a shock to the Chair for the Chair to make a ruling of which people take notice.

Most hon. Members who spoke were principally concerned about the actual or potential threat that some of the provisions in the Bill might present to small businesses. There are always problems with small businesses, deriving from a structural problem. People tend to go into small business because they can do one thing very well. They then discover that they need to be able to do two, three, four or five other things before they can put the business in a condition to allow them to do what they do really well. Personnel management and financial control are among the skills that they need to master.

The purpose of the Bill is not to make the lives of small business people more difficult. To listen to the hon. Member for Ribble Valley on occasion, one would assume that no one was ever dismissed in this world without going to an industrial tribunal, yet, in a later intervention, he pointed out that the vast majority of dismissals or departures were perfectly reasonable and amicable, if not welcome, and that only a minority of cases attracted the attention of industrial tribunals.

However, it is obvious from Conservative Members' contributions that the current system is in urgent need of review, that it is grinding to a halt, that there are defects in the legislation under which it is administered and that a review of some kind is long overdue.

Echoed by other hon. Members, the hon. Member for North Wiltshire said that, sometimes, confronted with the logistical complexity of dealing with employment tribunals, people—especially employers—prefer to concede a case than to defend it, although they might have

[Mr. Jim Dowd]

a good case. That is a serious matter. One can give people rights, but if the procedures place an unbearable burden on them, so that it becomes practically impossible to enforce those rights, the rights are valueless. The Government are keenly aware that we need to give people the opportunity to enforce those rights. A large part of the Bill is designed to ensure that they can.

In essence, the Bill simplifies procedures, to give tribunals a greater range of discretion. It seeks to promote conciliation, so that there is no need to have recourse to tribunals.

The hon. Member for Totnes wanted at least a show of gratitude from us for the Bill's antecedents, and I willingly and unreservedly give it. The measure attracts widespread support, principally because most of its provisions are common sense. I just mention a couple of the reservations that were most frequently expressed by Conservative Members.

The hon. Member for Westmorland and Lonsdale expressed reservations about the chairman sitting alone, or with one other member. The Bill provides for the chairman to sit with one other member, but only when all the parties who are present or represented at the hearing agree to it. It is the conciliatory approach again—nothing will be forced on people. It is envisaged that that provision will be used only rarely, but, when it is used, it will facilitate swift resolution of cases and prevent unnecessary and costly delays, which is one of the principal purposes of the measure.

The hon. Member for North Wiltshire said that some amendments were accepted in the Lords, where the Bill was considered at length and in detail. In fact, the majority of the amendments tabled in the Lords were accepted and incorporated into the Bill.

Conservative Members generally said that the Bill was capable of improvement. I very much doubt whether there is a single piece of legislation that has ever passed through the House—or ever will—that could be held to be perfect in all elements, or which hon. Members from any part of the House could not see an opportunity to improve.

Mr. Evans: Some are better than others.

Mr. Dowd: I am informed that some are better than others. I am sure that the hon. Gentleman was not referring to the legislation that set up the Child Support Agency.

Issues such as employment tribunals and all the matters relating to employment law need, perforce, to remain permanently under review. It will always be necessary to ensure that these things are working; that they are working in the way that Parliament wanted them to work; that they are working for the benefit of the people for whom they were designed.

One of the hallmarks of the present Government, which we have attempted to impress on the House since May 1997, is that we are not doctrinaire or dogmatic in that sense. Our philosophy is best encapsulated in the idea that what counts is what works. I hope that we shall be able to get the Bill speedily on to the statute book and into operation. Obviously, guidance will be provided as to interpretation and performance, but no Government Department simply sends a Bill out into the world with no regard as to what happens. The Bill will be constantly monitored to see whether it needs to be fine-tuned.

I take the point that the hon. Member for Totnes made: sometimes, one solves one problem and is left with a different problem to tackle. As a general proposition, as long as one's secondary problem is less than one's primary problem, at least one is making progress. I very much doubt whether there is a perfect solution in these matters, but they will remain under constant review.

Mr. Steen: The Minister may well be coming to this point, in which case perhaps he will forgive me for raising it. My hon. Friends and I suggested that we should give the employee an incentive not to use the new system. Might that be part of an appendix, an annexure or a working practice note attached to the Bill?

Mr. Dowd: The hon. Gentleman mentioned that in the carrot-and-stick section of his speech. Provision already exists for costs to be awarded when a party acts frivolously, vexatiously, abusively, disruptively or otherwise unreasonably in bringing, conducting, proceeding with or concluding proceedings, such as when the party is advised that they have no case, yet they insist on going ahead with it. The penalties already exist—the stick is already there.

However, the one thing that we were keen to do in the Bill, as is evidenced by clause 13, was to ensure that there are more informal ways of promoting solutions by the quickest possible route. We are equally convinced that people should obtain advice before agreeing to a determination on written evidence. Under the Bill, people do not surrender their rights by agreeing to a determination, but the Government would encourage people to ensure that they understand, and obtain the advice that they need, before proceeding.

In summary, the Bill was introduced at the other end of the building by Lord Archer of Sandwell.

Mr. Evans: As I suspect that this is the first time that the hon. Gentleman has appeared at the Dispatch Box, I should like to say on behalf of Conservative Members, how grateful we are for the courtesy and good grace with which he has responded to the debate, standing in for the Minister of State. The latter's loss is our gain, because at least we can understand the hon. Gentleman's response, which has not always been case with the Minister of State. We wish the hon. Gentleman all the best in the forthcoming reshuffle. I am sure that the competent way in which he has handled today's proceedings will not be lost on his party.

Mr. Dowd: I am grateful for those kind remarks—although I am not sure whether they are accurate. My hon. Friend the Minister of State has a way of making people understand what he means, whether verbally or otherwise.

This measure was introduced in the other place by Lord Archer of Sandwell. We are grateful for the opportunity that it presents to discuss these important matters. The Bill was picked up by my hon. Friend the Member for Wentworth (Mr. Healey), who has been pursuing me in my normal capacity, to which I shall return later this afternoon, to ensure that the Bill makes every progress. There was considerable debate on the

legislation in the other place. During 10 hours of debate, 89 amendments were submitted, of which about 50 were accepted.

The legislation puts right several defects in current law. For example, jurisdiction of the employment appeal tribunals to hear appeals in cases of breach of contract was removed inadvertently by consolidation legislation introduced by the previous Government. There is now a huge backlog of such cases and, unless this legislation makes early progress, they will have to go to the High Court for determination—and I am sure that everyone accepts that that is not a sensible way to deal with those matters.

The Report and Third Reading debates have taken longer than perhaps many hon. Members anticipated, but the time has not been wasted. We have rehearsed several important arguments and identified the germs of a quite reasonable debate that should take place on a range of other issues, including the plight of small business and the role of the courts. However, I must admit that I am always slightly sceptical—to put it mildly—when lawyers tell me that there are too many laws and too many courts.

I sincerely hope that the House will make progress with the measure and give it a Third Reading. I hope that all hon. Members will support the provisions as a positive contribution to the efficient and effective performance of employment tribunals, not simply for the benefit of public administration but, more particularly, for the rights of those who will benefit from them.

11.31 am

Mr. John Healey (Wentworth): With the leave of the House, I rise to wind up the debate on Third Reading. I am pleased—not to mention rather relieved—to reach this point in proceedings. I welcome the contributions made this morning, in particular that of the hon. Member for Totnes (Mr. Steen). He made the most of his reappearance on the Front Bench, and I enjoyed his speech almost as much as his colleagues did. I also welcome the appearance of the Lord Commissioner, my hon. Friend the Member for Lewisham, West (Mr. Dowd). He is often on the Front Bench on a Friday morning, so it was nice that he was given a speaking part today.

The support that many hon. Members have offered the Bill this morning suggests that we should see it safely through its Third Reading later today. I believe that it will become the first private Member's Bill to reach the statute book in this Parliament. As the promoter of the Bill in the House, I am proud to have played a small part in that process. I pay particular tribute to my right hon. Friend Lord Archer of Sandwell, who has done the lion's share of the work in steering the Bill safely through to this stage. He led the Bill through the other place with painstaking care, skill and, at times, patience. He led it through 10 hours of debate and 86 amendments, 49 of which were accepted. Their lordships set out to make a good Bill better, and they succeeded. The measure has received wide-ranging support from the Trades Union Congress, the Confederation of British Industry, the Institute of Directors and the National Association of Citizens Advice Bureaux. There was detailed pre-parliamentary consultation on the Bill, which has now received lengthy legislative scrutiny.

I shall now attempt to deal with some of the specific points raised in the debate this morning. I shall start with the hon. Member for North Wiltshire (Mr. Gray). I endorse his comment—I am sure that the view is also shared by my colleagues—that tribunals are an important and valuable way of settling employment disputes. The hon. Member for North Shropshire (Mr. Paterson) expressed concern about the composition of tribunals. Earlier this month, the Minister of State announced a freeze on new appointments to industrial tribunals. There is wide on-going consultation about how we may broaden the composition of tribunals. If the hon. Gentleman wants to inject fresh and youthful vigour into tribunals, I suggest that he submits his views as part of the consultation process. I am certain that the Minister will welcome his ideas about that process.

Mr. Evans: What steps is the Minister taking to ensure that as many people as possible know about the consultation exercise? How will he ensure that that information reaches the younger people whom we are seeking to attract to tribunals?

Mr. Healey: The hon. Gentleman obviously does not read the same newspapers and magazines as I do. If he did, he would have seen that the press release was picked up quite widely. If he would like to have details of the consultees to the process, I am sure that the Minister will be pleased to provide that list.

The more substantial point about burden of proof cropped up this time last week on Report, and was referred to by the hon. Members for Totnes and for North Wiltshire. The hon. and learned Member for Harborough (Mr. Garnier) articulated a misconception that was picked up by some other Conservative Members. Clause 6 does nothing to change the burden of proof at industrial tribunals. The Bill is not a part of what Conservative Members have described as the relentless change in the balance of the burden of proof within the industrial tribunal system. Clause 6 simply restates the present legal position. Clause 6(3)—which is probably attracting all the attention—for the purposes of clarity, restates the Trade Union and Labour Relations (Consolidation) Act 1992, which is in turn a restatement of the Trade Union Act 1984, which the previous Conservative Government introduced 14 years ago.

Another important misconception is connected with the burden of proof, which the hon. Members for Westmorland and Lonsdale (Mr. Collins) and for North Wiltshire perpetuated this morning. The burden of proof may be better described as the responsibility for proof. It does not presume or imply any judgment of guilt before the hearing: it is simply a question of which party is in the best position to provide the information that the tribunal requires in order to settle a dispute over facts.

Mr. Collins: The hon. Gentleman will recall that, when I addressed that point by way of intervention, I referred to the interlink between this legislation and the National Minimum Wage Bill, which the House passed recently. That legislation is relevant to this Bill. Under that legislation, if the employer does not provide evidence that an employee has been paid the minimum wage, an offence is automatically deemed to have been committed. It does not matter whether the records have been destroyed by a fire, the millennium computer bug, or whatever. Therefore, I fear that the hon. Gentleman is slightly

[Mr. Collins]

wrong. I accept what he says about this legislation, but he must recognise that it links with other legislation already passed by Parliament.

Mr. Healey: We are discussing the Bill as it stands on Third Reading, so I shall not be tempted into an argument about the National Minimum Wage Bill. This legislation plays no part in the assertion that there has been a systematic change in the burden of proof.

Another substantial point raised by the hon. Member for North Wiltshire related to private arbitration, a point picked up by the hon. Member for Mid-Dorset and North Poole (Mr. Fraser), who I am glad to see is back in the Chamber. The Bill does not prevent an employer and an employee from going to private arbitration under their own auspices. If they choose to do so, that is fine, but the Government are not convinced that where individuals choose to take arbitration, they should relinquish their statutory rights to take the case to tribunal other than when they use arbitration overseen and quality-assured by ACAS.

We are dealing with fundamental rights. Losing one's job is one of the worst things that can happen to a person. Giving up one's right to have one's case heard by a tribunal should not be taken lightly. If one gives up that right in favour of an alternative form of dispute resolution, it is important that sufficient safeguards are built in. That is what the Bill does. Freelance private arbitration could not do that.

Mr. Gray: Does the hon. Gentleman accept that if the great ogre of the industrial tribunal remains behind the case, there is little point in private arbitration? If the private arbitration goes against either the employer or the employee, either side can have recourse to an industrial tribunal.

Mr. Healey: That is entirely a matter for the parties concerned. The Bill seeks to encourage people to use arbitration as an alternative to the industrial tribunal hearing, and, to do that, we want to make sure that the arbitration is properly founded and overseen by ACAS.

I should like to make two further specific points—I am getting signs that I should wind up, but these are important points that have not been properly answered and require a response. First, on the question of the chairman sitting alone, the hon. Member for Westmorland and Lonsdale painted a picture of a dramatic extension of that provision under clause 3. The impact of the Bill will be only a limited extension of the practice of the chairman sitting alone. That will occur when the case covers technical jurisdictions, such as the right to statutory redundancy payment. If a case hinges on a point of law rather than on disputed facts, there is a strong argument that a tribunal chairman sitting alone is competent to do so.

The hon. Gentleman raised the concern directly from a constituent that there may be a personality problem between a tribunal chairman and a plaintiff. Safeguards are already built into the Employment Rights Act 1996. In deciding whether to sit alone and hear a case, the first point that the chairman must take into account is the view of the parties involved.

Mr. Collins: In the case to which the hon. Gentleman refers, which was brought to me by a constituent, the personality clash was not identified before the constituent was asked whether he was happy for the chairman to sit alone. It emerged afterwards. In the course of the proceedings, it became clear that the chairman and my constituent could not discuss matters rationally, as my constituent described it. The hon. Gentleman will acknowledge that, under the Bill, as under existing legislation, once the plaintiff has conceded that the chairman can sit alone or with one other, he cannot subsequently retract that if, during the hearing of evidence, he regrets that decision. That is why we must be careful not to extend the provisions more than would be sensible.

Mr. Healey: The hon. Gentleman again makes the point that he made earlier.

I move on to the comments on clause 13. The Bill is designed to encourage the greater use of internal appeal procedures. Listening to Opposition Members, I believe that it is clear that they do not appreciate that the operation of internal appeal procedures requires persuasion on both sides. Such procedures do not exist in many companies at present, and the Bill will help the process of establishing them. The purpose is to encourage—not to compel—people to use those procedures.

The hon. Member for Westmorland and Lonsdale, I think, was concerned that the balance of penalty was out of kilter under clause 13. The penalty paid by the employee and the employer is identical. There is the possibility of two weeks' salary being added to or deducted from the compensation awarded, if the internal appeal procedures are not pursued. If anything, that is a more punitive sanction for the employee than for the employer in most cases.

Mr. St. Aubyn *rose—*

Mr. Healey: I must press on, as both sides of the House are keen for me to make progress.

The Bill brings modest rather than radical reform to employment tribunals. It makes a good service even better.

Mr. St. Aubyn: I am grateful to the hon. Gentleman. I raised a point in debate that has not been answered by the hon. Member for Lewisham, West (Mr. Dowd) or by the hon. Gentleman. It related to the concept that, for small and possibly also medium-sized firms, there should be cap on the amount for which they might be liable in an individual case. I was referring to the amendment proposed in clause 14, to section 117(6) of the Employment Rights Act 1996, and the possibility that a cap could be imposed in the same clause. Will the hon. Gentleman please answer that point?

Mr. Healey: That is beyond the scope of the Bill. I suggest that the hon. Gentleman should make representations to the Minister of State, who is preparing a White Paper on fairness at work, which could well cover such issues. That would be the appropriate context in which to raise the matter.

Since they were set up by the Industrial Training Act 1964, tribunals have had their jurisdictions and their work load increased year by year. They now have jurisdiction

to deal with 60 separate employment matters such as protection from discrimination on grounds of sex, race or disability, prohibition of involvement in running employment agencies, and the right to time off for public duties. Tribunals deal with almost 90,000 applications each year, a total set to rise to 109,000 by 2000.

The Bill is timely. It will help the employment Tribunal Service to gear up to deal with the delays that remain in the system, despite the best efforts of tribunal staff and members, and it will help the service to gear up to deal with the jurisdictions in prospect, which the hon. Member for Totnes mentioned, under the national minimum wage, the working time directive, the equalisation of rights of part-timers and legislation that will flow from the parental leave directive.

The Bill has three purposes. The first is to remove unnecessary inflexibilities in the system for dealing with disputes, by streamlining the tribunal procedures. The second is to encourage more disputes to be settled voluntarily or with the help of a third party, by promoting greater use of internal company procedures, by extending the role of the conciliation officer to cover redundancy payment claims, and by allowing employment experts other than lawyers to give advice on compromise agreements—a measure which the hon. Member for North Shropshire will no doubt welcome.

The third purpose of the Bill is to offer a less formal alternative method of resolving unfair dismissal disputes, which were half the total cases disposed of by tribunals in 1995-96.

Mr. Steen: Will the hon. Gentleman give way?

Mr. Healey: I must press on.

Mr. Steen: I am grateful to the hon. Gentleman. I am sure that he would like to hear what I am about to say. On behalf of my hon. Friends, I thank him for the way in which he has conducted himself in this matter, for the way in which he has presented the Bill to Parliament, and for the good will and time that he has given to discussing with us various problems that we have had with the Bill. I wish it well.

Mr. Healey: I welcome the hon. Gentleman's remarks, although I feel that I am under pressure from both sides.

In conclusion, I know from my working experience before entering the House—and it has been confirmed since, with my constituency case work—that the changes in the Bill are needed, to maintain the established purpose of tribunals in the modern era. Although, strictly speaking, we are discussing a private Member's Bill, it is a good example of the Government's general approach to the reform of employment matters, by first seeking consensus, and then seeking progress through partnership with employers, unions and other experts with an interest in the issue. I therefore look for the same breadth of support for the Bill in the House today as it has outside.

Question put and agreed to.

Bill accordingly read the Third time, and passed, with an amendment.

Pesticides Bill

Not amended (in the Standing Committee), considered.

New clause 2

RESTRICTION ON APPLICATION OF REGULATIONS

'.—Regulations made under the Food and Environment Protection Act 1985 shall not apply to old or new organic pesticides, including solutions of tobacco leaf juice or live ladybirds.'.—*[Mr. Maclean.]*

Brought up, and read the First time.

11.50 am

Mr. David Maclean (Penrith and The Border): I beg to move, That the clause be read a Second time.

The new clause seeks to exempt organic pesticides, including solutions of tobacco leaf juice or live ladybirds.

Mr. James Gray (North Wiltshire): I am sorry to interrupt my right hon. Friend so early in his speech, but it is worth recording how grateful we Back Benchers are for all the work that he has done behind the scenes on private Members' business over the past three or four weeks. I am glad to see that my right hon. Friend is on his feet.

Mr. Maclean: I am grateful to my hon. Friend, but he may not be too pleased that I am on my feet when he hears what I have to say. He may disagree with my views on organic farming and organic pesticides. I had some responsibility for the matter some years ago when I was a Minister at the Ministry of Agriculture, Fisheries and Food, although I have probably largely forgotten all about it since those days.

I believe that new clause 2 is necessary. I am concerned about the requirement on the producers of pesticides to produce all the relevant data for pesticides approval. I believe that during my time at MAFF the relevant data could amount to a cost of about £20 million per approval.

Mr. Nigel Waterson (Eastbourne): I am grateful to my right hon. Friend for giving way so early in his speech. Is he not worried, as I am, that some unscrupulous manufacturers could, as we have seen in the medicines sector, produce products masquerading as organic which are not actually organic, thereby evading the relevant regulations? Does he, therefore, agree that his new clause may not go far enough, as there should be some definition of what is meant by organic in this context?

Mr. Maclean: That is possible, but MAFF and the pesticides safety directorate are not easily fooled by someone writing organic on the label of something that is not an organic product. The new clause is a probing clause, and I do not pretend that it covers all eventualities. A definition of an organic pesticide may be necessary.

I am concerned that we are losing more and more organic materials and organic pesticides in the same way as we are losing, in veterinary medicine, some products that are not used very much—they are used for various small animals and are not sold in large quantities. It is not worth the manufacturer spending time to make the product or spending the millions of pounds on research necessary to bring it to market and get a licence.

[Mr. Maclean]

It is the same with pesticides. Coal-tar washes are used on roses, and Fairy Liquid is used to wash roses and remove greenfly. Admittedly, it is not a permanent killer, but it is successful for a few days. Many people—retired people and older gardeners—with the chance to treat their roses daily, wander round their gardens and take action every day. They are happy to use such materials, even though they may not be as effective as Glyphosate as a weed killer or as some of the other insecticides that are highly effective in killing most bugs except whitefly. I should be most grateful to anyone who could find something to kill the whitefly in my greenhouse.

There are products that gardeners have used for many years apparently quite safely, with no apparent risk to human health, either from inhalation or absorption through the skin. They have been effective when used on plant material or vegetables, and have not proved dangerous.

Mr. Norman Baker (Lewes): Is the right hon. Gentleman aware that many beekeepers are concerned that the treatment that they have been using, TALC, will be made illegal and they will be required to use a chemical formulation instead of the present arrangements with which they are satisfied?

Mr. Maclean: I was not aware of that, but it is another example which adds to my general concern.

I was alerted to the problem by catching on the wireless recently an edition of the better gardener's question time programme which has moved to Classic FM. I heard some advice given by one of the panellists, whom I had better not name—but he had a wonderfully rich Yorkshire accent. He gave wonderful advice on how to treat disease infestation, but was told that the organic product he suggested was now illegal under rules, possibly EC rules, that MAFF is going to implement. He said, "My simple advice is to carry on using it and ignore the rules." That is not advice which I could naturally espouse, but it showed that materials that have been used without problem for at least 50 years by gardeners are now being outlawed.

Mr. Eric Forth (Bromley and Chislehurst): May I press my right hon. Friend on the question asked by my hon. Friend the Member for Eastbourne (Mr. Waterson) a minute or so ago? I am not satisfied that there is a satisfactory definition of organic for this purpose. I say that in all friendliness to my right hon. Friend, who has tabled a new clause which rests heavily on the concept and use of organic pesticides as opposed to non-organic pesticides. Is he satisfied that a sufficiently adequate, comprehensive and workable definition of organic exists for the purposes of his new clause in altering the Bill?

Mr. Maclean: No, I do not believe that such a definition exists at present, but I believe that it should be possible for MAFF—a much underestimated Ministry—and those in the pesticides safety directorate to come up with an acceptable and workable definition. All I look for from the Minister today is a steer on whether the Government may be tempted to take this approach. The Bill will go to another place and it may be possible for their lordships to come up with a definition. Alternatively, at some future date, a definition of organic could be added to the Bill, as that is probably required to make proper sense of the new clause.

I am seeking to make a point in principle with the new clause. While we welcome the Bill, I am concerned that it could bring about a further tightening of the noose around all those so-called organic products. One could say that a coal-tar wash was initially made up of a synthesised product, but it has been used safely for at least 50 years. I see no reason why it should be outlawed now purely because it is too expensive for the manufacturers, users or, in some cases, the gardeners in their small co-operatives, who use a mixture of Fairy Liquid and some other material. Those materials have no doubt been approved and tested for human safety, but the combination of the different materials has not been tested and approved because the manufacturers of Fairy Liquid did not design it for use on roses. Fairy Liquid may be safe on the hands and good for the dishes, but it was not designed for gardening purposes, so it will not be granted a MAFF licence of approval.

Mr. Geoffrey Clifton-Brown (Cotswold): May I suggest a very simple definition of organic that might well fulfil the purpose: any naturally occurring substance?

Mr. Maclean: I am grateful for that; it might fulfil the purpose. However, many naturally occurring substances, when refined or treated, can become highly potent. No doubt a MAFF scientist would quickly say that such a definition would not be acceptable. Some of the most dangerous chemicals and compounds are naturally occurring. As an avid mushroom collector, I am aware of the dangers of naturally occurring substances.

Mr. Peter Atkinson (Hexham): I remind my right hon. Friend that one of the greatest complaints made by manufacturers of some of the traditional or well-established products is that testing them in the United Kingdom often incurs a five-figure cost, whereas to license the same product in France or Belgium costs £100 or £200 because those countries accept that, if a product has been used for 20 or 30 years, it is de facto safe.

Mr. Maclean: My hon. Friend is right. I believe that there are different charges in different European countries, and Britain probably has some of the higher charges. I am, however, absolutely adamant that we have higher standards of inspection and approval. I had the pleasure of hearing the Minister of State speak to the Food and Drink Federation a few weeks ago. He said that he had not had any dealings with MAFF before becoming Minister of State and that it was an eye-opener to see that what went on in the various directorates under his command was—I think—infinitely better than he may have believed in opposition.

MAFF has generally suffered much unfair abuse over recent years, yet the work of its various professional committees and directorates is of a very high standard. I would bow to no one in saying that the people who check pesticides and veterinary products, and who work on safety committees in this country set the highest standards in the world—even higher than the Americans,

who like to believe that, with their Food and Drug Administration, they operate high standards. They are much more liable to political manipulation than we are.

12 noon

The Government are keen to boost organic farming, but they will find difficulty in doing so. The previous Government tried to give such farming a little boost, and this Government are trying even more. Although many people say that they would love to eat organic produce, and when asked whether they want products covered in pesticides they will, of course, say no, the public are still not prepared to pay the very high premium on organic produce, especially as most cannot tell the difference in taste. Some people may have a fine enough palate to do so, but many cannot, and do not find the premium worth paying. If the Government want to boost organic farming, it would be correlative to take steps to try to ensure that pesticides used by organic farmers and gardeners are not inadvertently driven off the market. There is no malice on the Government's part; they do not particularly want that to happen.

Mr. Nigel Evans (Ribble Valley): If the previous Administration were keen, as this Administration are, to boost organic farming, there must be some definition of organic. Could that not be related to the new clause?

Mr. Maclean: My hon. Friend makes a good point. The Soil Association Ltd. has criteria for determining organic produce, as well as some criteria for determining what organic farmers may use as pesticides on their crops. Such a definition would not be watertight, but it would take us about 90 per cent. of the way down the route.

If the Government want to boost organic farming, they must consider carefully continuing to allow in the marketplace materials that farmers and gardeners have used for years, which have not, of course, been approved by all the committees and been given a MAFF licence, because it is not possible to spend the £20 million necessary to have them tested.

My hon. Friend the Member for Hexham (Mr. Atkinson) mentioned licensing, which I think costs about £7,000 or £10,000. That is nothing in comparison to what has to be paid in research to get a product to the point where it can be taken to MAFF, along with about 200 ft of documents. At least 10 years of research and product development, at a cost of about £20 million, are necessary in order to introduce a new pesticide to the market. If manufacturers spend all that on research, they have to sell an awful lot of produce at a fairly high price before they begin to recover their outlay. They will get a return on their investment only if farmers buy an awful lot of it, and it is used extensively in the large glasshouse industry or on grain farms, or in other enterprises with a large acreage and many users.

Inevitably, the manufacturers will not make pesticides or organic materials for little market gardeners and other small guys, to be used in a minority or niche market. If the day ever comes when organic farming is the majority market, it will be worth while for manufacturers to make products for it.

I suspect that the Government will not be able to accept the new clause today, but I hope that the Minister will be able to say that it contains a point worth taking further, either in another place or with simple amending legislation, to try to ensure, as far as is possible, that, while protecting human health and safety from dodgy materials made in the garden shed, legitimate organic pesticides are available for those who wish to use them.

The Minister of State, Ministry of Agriculture, Fisheries and Food (Mr. Jeff Rooker): I am grateful for the way in which the right hon. Member for Penrith and The Border (Mr. Maclean) introduced his new clause, and especially for what he said about my Department, repeating my own words. I recall the night in question, and we were deprived of the chance of listening to the president of the National Farmers Union because we had to be cleared out of the hotel when the fire alarm went off.

The right hon. Gentleman has raised an important point. Clearly the new clause must be in order, or it would not have been selected by Madam Speaker, but the essential purpose of the Bill is as a piece of freedom of information legislation. I freely admit that it was a handout Bill left over from the previous Government, and not an invention of the present Government. It has been hanging around Whitehall gathering dust for a while. However, it fills a gap identified some time ago, and we are pleased to be able to support my hon. Friend the Member for Exeter (Mr. Bradshaw) in promoting it.

The cost of bringing new pesticides and veterinary medicines on to the market has been raised. The right hon. Member for Penrith and The Border is right to say that, despite the high costs of the licence and the documents needed to submit the application—those fill several filing cabinets; I have seen them in the stores both at York and at Weybridge—it is the research that gets the product to that point which is the most expensive.

I take the point that some products are used by individual gardeners as home remedies, and I imagine that the pesticides inspectors turn a blind eye to those for home use. However, when we are talking about products that may be used on foods for consumption, we are in a different ball game. We must be very rigorous about what we allow to be sprayed on food.

Mr. Evans: The Minister will know that many people grow their own food for home consumption, and they could have problems. Will he say something about that? Secondly, am I right in thinking that if there were an organic pesticide it could not be patented as other pesticides could, and that is why some of the chemical industries are not interested in producing one? Much research would be necessary; we have already heard how expensive that is. Yet, after all that, anybody else could produce the pesticide, too, because no patent would be involved.

Mr. Rooker: I do not know the specific answer to the hon. Gentleman's question. I am about to deal with the organic aspect, but I do not know whether the problem with organic pesticides is the inability to patent them. The hon. Gentleman's point is well made; that probably is the case. However, as the right hon. Member for Penrith and The Border said, we have not been able to produce a definition of "organic". We freely admit that that is a problem. The word "organic" is hard to define.

We must not assume that natural products are automatically safe. That is why I ask the House to resist the new clause. Even if we could define the term, we still

[Mr. Rooker]

could not have a general exemption for organic pesticides en bloc because they are not always safe. I have one example for the House—that of derris, which is permitted for use by organic growers, yet is extremely toxic to aquatic life. Just because a product is labelled "organic", that is not a buzzword for "safe". Like the previous Government, we want to improve organic production. This country has the worst record in the European Union for the amount that we produce organically. We import most of the organic foods on sale in our shops. There is no good reason why we cannot substantially increase organic production, despite all the difficulties involved.

The new clause mentions the use of live ladybirds. The pesticides regulations already exclude the use of ladybirds and certain other products that present no great risk or are covered by other legislation. The purpose of this Bill is not to deal with pesticides in the round; its provisions are very narrow. Clause 1 deals with freedom of information to the public about pesticides, and clause 2 deals with improving the operation of investigations where allegations have been made, bringing it into line with the normal procedures of the health and safety directorate.

Mr. Clifton-Brown: First, I declare an interest: I am a farmer and user of licensed pesticides.

It is a good idea to place on the record the fact that pesticide use in the United Kingdom is probably the most tightly regulated in the world. The Food and Environment Protection Act 1985 sets out the framework for the licensing and use of pesticides, and ensures that pesticides are used only if they are safe.

The Bill may lead some people to think that all pesticides should be outlawed because they are highly dangerous and injurious to human health. That is a common fallacy. Without some pesticide use, it would be impossible to produce food that the average modern housewife would want to buy. Although we want to encourage organic production, because of the price differential between non-organic and organic produce, the average modern housewife will go for the cheapest product. That is invariably produced using pesticides, which enable a greater quantity of clean food to be produced.

I am all for encouraging organic production, which can be achieved with a properly sustained public information campaign and advertising. One of the main planks for organic production is that only carefully and narrowly defined pesticides are allowed. The Minister has already referred to derris, a naturally occurring organic substance which our ancestors knew about generations ago.

Given that that environment is so tightly regulated, and that the Government will shortly introduce the Food Standards Agency to tighten the use and control of pesticides and food safety in general even further, I am not sure whether the Bill is necessary. Ministers should explain to the general public what extensive powers they already have.

Mr. Evans: I am not a gardener, but my constituency is full of gardeners who grow produce for home consumption—for their families and for others around them. For all we know, they may sell their produce from the garden gate—that still goes on in my constituency. That is why the provisions in the Bill need to be strengthened. The Minister said that, now and again, people turn a blind eye. Does my hon. Friend agree that if the Bill is too strictly interpreted, it will cover people who grow food for their own consumption? The Minister did not respond to that point.

Mr. Clifton-Brown: My hon. Friend makes an interesting point. Garden pesticides and commercially used pesticides are controlled in the same way, but it is much more difficult to enforce regulations on home-used products. I am a practitioner who knows how to use the pesticides—there is a huge difference in the way in which they are mixed, in their application rates, in the spray nozzles that are used and in the effect of weather conditions. A huge number of factors affect the amount of active ingredient that ends up on the plant, which is one of the difficulties—

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. This is all very interesting, but it goes well beyond the scope of the new clause. The hon. Gentleman must confine his remarks to the terms of the new clause.

12.15 pm

Mr. Clifton-Brown: I am grateful for your guidance, Mr. Deputy Speaker. The subject is so interesting, and my hon. Friend the Member for Ribble Valley (Mr. Evans) led me astray. The new clause relates to the use of naturally occurring substances. It states:

"Regulations made under the Food and Environment Protection Act 1985 shall not apply to old or new organic pesticides".

My general remarks related to the importance of the method of application of organic and inorganic pesticides to their effectiveness.

On the definition of "organic", my right hon. Friend the Member for Penrith and The Border (Mr. Maclean) pooh-poohed my suggestion of a naturally occurring substance. As with any simplistic concept, people will find ways in which to get round regulations. However, I should not have thought it beyond the wit of the Ministry of Agriculture, Fisheries and Food and its specialist advisers to come up with a satisfactory definition.

Given the panoply of licensing authorities, it should be possible to exempt some organic pesticides, which would help the organic sector. As the Minister said, organic products are much more widely available on the continent than in this country. Indeed, the lack of home-grown organic products is a deficit in our food production system. Unless the new clause is accepted, the Bill could make conditions for the organic sector even more difficult. I hope that the House will accept at least a variant of the new clause.

Mr. James Paice (South-East Cambridgeshire): Like my hon. Friend the Member for Cotswold (Mr. Clifton-Brown), I declare an interest as someone who occasionally uses pesticides.

I sympathise with my right hon. Friend the Member for Penrith and The Border (Mr. Maclean), who is rightly concerned about costs to the industry. We shall, I hope, soon discuss an amendment that I tabled specifically to address that issue.

The new clause relates to the use of organic, naturally occurring, chemicals, including old ones. On this occasion, I must resort to supporting the Government, as the Minister was absolutely right to suggest that the matter is not as simple as it appears to be. I very much welcome his comment that just because something is natural or organic, that does not mean it is safe. It is right and proper that we should put to rest the mystique that often surrounds organic products. As my right hon. Friend the Member for Penrith and The Border and others will be aware, many plants and vegetables contain chemicals that, although naturally occurring, can be very toxic if taken in extreme quantities or extracted and used in some other way.

Mr. Peter Atkinson: Rhubarb.

Mr. Paice: I take it that my hon. Friend is politely reminding me that rhubarb is one such plant, rather than referring to the quality of my speech. He is right. Rhubarb, potatoes, spinach, mushrooms and many other foods contain naturally occurring chemicals that are toxic and should not be used.

The new clause refers to the use of old organic products. That is not a new idea; it goes back a long way. In about 400 BC, Democritos of Abdera recommended soaking seeds in sedum juice to protect them against disease before sowing. A little later, in about 50 BC, Plinius the Elder reported on the use of ashes, crushed cypress leaves and diluted urine as crop protection products. Not many hon. Members would want such things applied without any regulation, which is what is being proposed.

Mr. Peter Atkinson: Given that my constituency is in the north-east, where leek growing and competitive leek growing are important, I would hate my hon. Friend to stop people from using the traditional methods to grow leeks, which include using urine and burying old mattresses. Those people would be alarmed to be caught under the pesticides regulations.

Mr. Paice: I was close to my hon. Friend's constituency all day yesterday and am well aware of some of the activities that go on there. I certainly do not want to prevent keen gardeners from doing such things. I am merely concerned, as are my hon. Friends, to ensure that the legislation is properly targeted so that it does not have any unfortunate side-effects or consequences.

Mr. Clifton-Brown: Even if the new clause were accepted, organic pesticides would still have to be licensed. As I pointed out, our licensing system is one of the most stringent in the world. It specifies the concentration of the naturally occurring produce, the formulation and the maximum residue levels permitted in plants, so the public would still have extensive and stringent protection if the new clause were accepted.

Mr. Paice: My hon. Friend is right, but we are considering the information that is made available to the public. If something is to be licensed and to go through the rigorous process to which he referred, it is only right and proper that relevant information should be made available. As the Minister said, the previous Government prepared this legislation, but did not have time to introduce it. I shall table some amendments that may improve it a little, but the public should have access to the information. I hope that my hon. Friend will not pursue the matter further because of the great problem of defining the word organic.

None of the definitions stands up, including "naturally occurring products", when one considers all the naturally occurring products that are toxic. If the new clause is added to the Bill, we will merely create another opportunity for lawyers to argue at length about the definitions used in it, which I do not want to do.

Mr. Ben Bradshaw (Exeter): I do not want to delay the debate. Perhaps I can reassure the hon. Member for Cotswold (Mr. Clifton-Brown) that the Bill is not about regulation but about information, which is what we should be discussing.

All the flaws of the new clause have been pointed out, but I will remind hon. Members of them. They are the difficulty of defining "organic" and the fact that organic material can be toxic. It is as simple as that, and I hope that the right hon. Member for Penrith and The Border (Mr. Maclean) may feel able to withdraw the new clause.

Mr. Maclean: It is clearly inappropriate for the new clause to be added to the Bill. I appreciate the difficulties that have been pointed out, but I hope that I have flagged up a little problem with which the Government will have to grapple. I should have liked to grapple with it five or six years ago, but the matter was a low priority because we had to carry out so many reviews of existing pesticides.

After the Government have speeded up or completed the reviews, and if they want to encourage organic farming, they must turn their mind to the problem of organic compounds, some of which are made in garden sheds and are highly dangerous.

We have had an excellent debate, and I beg to ask leave to withdraw the motion.

Motion and clause, by leave, withdrawn.

Clause 1

REGULATION OF PESTICIDES

Mr. Paice: I beg to move amendment No. 1, in page 1, line 20, at end insert

'which shall not include the cost of original research on the pesticide, nor the costs of collating the information for Government departments or the manufacturer's own use.'.

We discussed costs in Committee, and I asked what charges would be levied on those who wanted access to the information. The Minister gave a number of assurances. On reflection, I think that they should be in the Bill, but the problem is the vexed question of what is meant in law by the phrase "attributable to".

The courts have found it difficult to answer that causation problem clearly and conclusively in many other contexts, most notably concerning what damages are caused by acts or conduct constituting, for example, breach of contract or tort. The cost of original research is attributable to the supply of information, because

[Mr. Paice]

information could not be supplied without such research being carried out. The amendment would prevent the cost of research being brought into the charging equation.

It would be unreasonable to expect members of the public who want access to the information to pay such costs, but fine words do not necessarily achieve the results that we want, which is why the assurances should be in the Bill. The cost of providing the information—in Committee, the Minister mentioned photocopying—would be low, but I am concerned. The Minister has answered parliamentary questions on the subject. One of his replies stated:

"The cost of providing information to the public about agricultural pesticides is borne by the Department and, certain publication charges apart, is not recovered from the public."

Most seriously, he added:

"An estimate of the cost of provision of this service cannot be provided without incurring disproportionate costs."—[*Official Report*, 20 March 1998; Vol. 309, c. *74*.]

If the costs are to be the basis for introducing a charging mechanism, we must know what they are. The hon. Member for Exeter (Mr. Bradshaw) and the Minister must reconsider the issue. If they can be worked out, the Minister's answer is not as helpful as it could be; if the cost of provision cannot be disaggregated from the other costs of the pesticides safety directorate, there is added impetus to agree to amendment No. 1.

I am concerned that there is no accurate basis on which to arrange the charging mechanism. In another parliamentary answer, the Minister stated:

"The costs of providing information to the public under the Food and Environment Protection Act 1985 is borne by the Department. No charge for the work is passed on to the agrochemical industry."—[*Official Report*, 20 March 1998; Vol. 309, c. *75*.]

That is technically correct, but I have raised the matter with the agrochemical industry, which told me that few, if any, requests have been made to view data in the pesticides safety directorate reading room. The directorate also made the point that it would therefore be wrong to devote manpower and expenditure to prepare the information for disclosure if there was little public interest in seeing that information. Another written answer revealed that there were only seven requests in 1997 to see the data. However, the British Agrochemicals Association clearly suggests that disclosure would impose costs on the agrochemical industry.

12.30 pm

Mr. Forth: I have also read the Minister's comments in Committee, which were partly helpful, but not very. I hope to catch your eye, Mr. Deputy Speaker, to reinforce the points that my hon. Friend is making. In Committee, the Minister said:

"I understand that the Pesticides Safety Directorate has an incredible number of overseas visitors who trawl through the paperwork in the library."—[*Official Report, Standing Committee C*, 4 March 1998; c. 6.]

That strikes me as totally at odds with the answers received by my hon. Friend. The issue is clouded by confusion and misinformation, so I do not know how we can expect to achieve a proper costing mechanism to fulfil the requirements of the Bill.

Mr. Paice: My right hon. Friend makes an important point, and I hope that the Minister will address what appears to be a contradiction in those two statements. All I seek is to write into the Bill the principle that the charges made to those who wish to access information will be purely the extra costs incurred by the directorate in making the information available. The directorate should not be able to take the opportunity to load on to the charges any of the other costs that it incurs. The directorate's cost runs into many millions of pounds and is mainly covered by a levy from the industry—I welcome the fact that the levy has recently been reduced.

The method by which the charges are calculated is important, and I have outlined my concerns about whether it is possible to calculate them fairly and equitably. I am not against charging for information, because it is right and proper that if people want to access data they should pay the proper charge. However, I seek to ensure that they pay the proper charge and no more. My amendment would ensure that.

Mr. Forth: I shall follow directly on what my hon. Friend has said, because it strikes me that the position is getting unnecessarily muddled. The problem arises from the wording of Bill, which is not as helpful as it might be, even though the Minister claimed that the phrase

"reasonably attributable to the supply of information"

represented a breakthrough, which I doubt. The word "reasonable" has a distinguished history in legislation in this country and is deemed generally to be understood, but in this case I wonder. In Committee, the Minister said:

"We intend to fix charges at no more than the cost of supply. Generally speaking, that will be the cost of photocopying—large administration costs will not be involved."—[*Official Report, Standing Committee C*, 4 March 1998; c. 5.]

I wonder whether that will be the case.

I am not sure whether I entirely agree with the amendment. It states—not unreasonably—that the cost

"shall not include the cost of original research on the pesticide, nor the costs of collating the information".

So far, so good, but it continues:

"for . . . the manufacturer's own use."

If a manufacturer required information, it might not be unreasonable to require the manufacturer to pay for it. A distinction should be made between the private citizen and the manufacturer. I am, therefore, not totally happy with the amendment.

I hope that the amendment's real purpose is to try to elicit from the Minister a much more structured reply than any that we have had to date. Certainly, we did not get such a reply in Committee. I hope that, since the Committee on 4 March, the Minister and his officials have come up with more helpful information. From what my hon. Friend the Member for South-East Cambridgeshire (Mr. Paice) said, I understand that his attempt to probe through parliamentary questions led to no greater success than in Committee or, I fear, than we will have today. However, let us give it another try.

If we cannot make any progress on costs, I may have to press the point on Third Reading. I have some comments to make now, but I have further comments on the Bill's financial effects and its effects on public service manpower. Third Reading may be a more appropriate time for that. To keep my comments brief, I want simply to reinforce what my hon. Friend the Member for South-East Cambridgeshire said. It is reasonable to ask

the Minister or the Bill's promoter for figures on the sort of costs known to be associated with the provision of information and some estimate of the costs that would result from the Bill so that we have some idea of the costs involved. We are asking not for precision but for relatively broad figures. A request for orders of magnitude is not unreasonable.

Apart from good management and good government, I ask for this information because private Members' Bills to which no costs are attached are increasingly brought before the House. We are asked to pass them with blank cheques attached. That is unreasonable and unacceptable. Ideally, private Members' Bills should involve no additional public expenditure. If they do, that expenditure should be modest, and it should be shown far better than often happens. The importance of the amendment is that it gives the Minister and the promoter an opportunity to give us information and guidance to reassure us so that we can speed the Bill on its way.

Mr. Waterson: This is an important Bill, but the amendment is also important and has my whole-hearted support. I endorse the comments my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth).

We are discussing the phrase

"costs reasonably attributable to the supply of the information".

As we have heard, in a recent written answer, the Minister usefully confirmed that under, I think, section 16 of the Food and Environment Protection Act 1985, which the Bill would amend, the whole cost of providing information to the public is borne by the Department. The Bill represents a major departure, possibly a precedent, in such legislation. It is therefore fair to press the Minister a little further. I am sure that, in his usually helpful fashion, he will deal with the matter and say exactly what is envisaged.

The Bill's aim could not be more laudable and I am sure that it enjoys cross-party support: it is to make more information available to the public and to make it as accessible as possible. Perhaps we are gradually moving more towards right to information legislation such as has existed in the United States for many years. It would make nonsense of that aspiration if the Bill included a practical deterrent to members of the public who wanted to seek out such information, as they no doubt will for valid and, for them, important reasons. It would be wrong to build deterrence into the charging structure. The amendment is very much a public interest argument, which is why I support it.

Presumably, the Minister will in due course produce regulations setting out the precise nature of the charges, as is normal. For much of the previous Parliament, I served on the Joint Committee on Statutory Instruments, which considered more than 3,000 statutory instruments a year. One feature which we often noticed on a cross-party and cross-House basis was, that in legislation with a set of charges in place to obtain documents or information, we were often dealing with statutory instruments that increased those charges. All too often, the charges were to be increased by a considerable multiple of the rate of increase in the cost of living. I am not saying that that has happened in the Minister's Department, but some Departments with a charging system in place were apt to seek to increase the charges dramatically.

It would be helpful if the Minister would deal with the immediate proposal and give what the Americans call a ballpark idea of the figure about which we are talking. He should try also to give an undertaking—as far as he can bind his successors or himself in the future—that the charges will not shoot up once the system is established, as that is a worry.

All too often, the Treasury is a sinister ghostly presence, lurking in the background of legislation. In this case, it makes an appearance in the clause and is mentioned by name. At one end of the scale, the Minister could look at the simple cost of preparing photocopies of certain information. As a lawyer, I suggest that that is likely to be the most consistent interpretation of the wording of the clause. However, there are alternatives at the other end of the scale, including elements for staff costs, overheads and research.

Mr. Forth: My hon. Friend will know that the subject of the internet was raised in Committee. I know little about the internet and care less, but I suspect that, although it is often regarded as a cost-free method of dissemination, there must be costs associated with putting information on the internet in a structured way to make it easily retrievable. To those costs one might add the cost of the famous reading room in York to which the Minister referred. The possibility of a range of costs may be more wide than my hon. Friend suggested.

Mr. Waterson: My right hon. Friend makes a valid and, by his standards, modern point. Perhaps the Minister would like to factor that into his answer—perhaps he will put it on the internet.

The central question is: what pound of flesh is the Treasury seeking in this instance? What orders has the Minister received from his Treasury colleagues? Are there guidelines in other legislation, or is there an accepted formula for producing the charging rates? As my hon. Friend the Member for South-East Cambridgeshire (Mr. Paice) said, it all comes down to working out the meaning of the word "attributable". As a matter of law, we are talking about causation and the link between the charge and the costs which led to it. Could it be argued that the costs of the original research are attributable for this purpose because the research is an absolute precondition to the information being available in the first place? That matter needs to be addressed. If, as I hope and expect, the Minister gives a reassuring response, what would be the harm of putting the amendment in the Bill to make it clear?

I think it was Oscar Wilde who spoke about a man who knew the cost of everything and the value of nothing. In this instance, we are talking about information which will have a potentially high value for those seeking and receiving it, but also—we hope—will have a low cost to obtain. This is an important point of principle, not a minor matter, so it is worthy of the consideration that I am sure the Minister will have given it. It would be right to have some guidance clearly stated in the Bill.

Mrs. Llin Golding (Newcastle-under-Lyme): I shall not detain the House long, but I am slightly puzzled about the question of cost. Will there be any cost to the Ministry from the provision of information relating to the withdrawal of a pesticide that was previously considered safe?

I bring to the attention of the House the question of Rose Clear—the spray that was withdrawn. I still cannot understand why it was withdrawn, because, despite all my

[Mrs. Llin Golding]

letters to the Ministry, the only information I was able to obtain was that it was an irritant when sprayed into the eyes. Most things are an irritant if they are sprayed into someone's eyes and I was never able to find out why Rose Clear in particular was withdrawn. Huge costs must have been involved in the withdrawal and, since withdrawal was the Ministry's decision, did the Ministry bear any of those costs and does the Bill mean that it will bear such costs in future?

12.45 pm

Mr. Rooker: First, I shall deal, albeit probably inadequately, with the point raised by my hon. Friend the Member for Newcastle-under-Lyme (Mrs. Golding). I have a very modest garden, but I remember, when Rose Clear was withdrawn, finding a bottle on the shelf in the garage. I freely admit that I continued to use it. [HON. MEMBERS: "Ah."] It was a tiny bottle and it soon went. I do not know what the costs of the withdrawal were—obviously, the decision was taken by one of my predecessors in the previous Administration. If my hon. Friend continues to be unhappy with the letters I send her, I shall look further into the matter and reply to her separately.

Mrs. Golding: I have never asked my hon. Friend for further information. Rose Clear was withdrawn under the previous Administration and it is to them that I wrote.

Mr. Rooker: There are many people still writing to me about Rose Clear. I shall look into the matter, because my hon. Friend asked a specific question about the cost to the Ministry of the withdrawal. Although I do not carry the information around with me, I should say that pesticides are regularly withdrawn. I remember answering a question asked by the hon. Member for Lewes (Mr. Baker) some months ago and being astonished to find that a number of pesticides, running into several hundreds, had been withdrawn for many reasons. There had been no complaint, because that is part of the process of regulation and of the coming and going of products.

The right hon. Member for Bromley and Chislehurst (Mr. Forth) asked about the reference which I made in Committee to administration costs. What I said was true: I had been to York, visited the pesticides safety directorate as part of my responsibility and seen the reading room. The point which I was making to the Committee—inadequately, I admit—was that we have a world-class organisation in the pesticides safety directorate, as we do in the veterinary medicines directorate, and overseas researchers and manufacturers queue up to come and see the way we regulate. Sometimes, they want their products regulated and registered in Britain, because we have a good organisation and they know that they can market their product if they go through our regulatory process.

My point is that people visit York to see the procedures we use there and the information that is retained there and to experience the way we do things. It is an educational process, for which we do not charge because it is part of the "public good" cost of running the PSD. I realise that some of the costs come back via the levy and, as has been said, we have recently reduced the charges. However, we do not make a charge for that activity by the PSD and we do not intend to start charging for it. It is good for Britain that we have people coming from overseas to see part of the Ministry and our regulatory process. We have a world-class organisation.

Mr. Forth: Is the Minister saying that there can and should be no distinction drawn between the provision of information to United Kingdom citizens on the one hand and to foreign nationals and companies on the other; or does he at least admit the possibility that it would not be unreasonable to draw that distinction and charge overseas individuals more? From his remarks, it is clear that a significant element of the costs incurred are attributable to use by non-UK nationals and businesses.

Mr. Rooker: No. The right hon. Gentleman misunderstands my, probably inadequate, explanation. At York, we run seminars for international groups of visitors, from universities and from Government Departments throughout the world. They do not walk away with the type of documents relating to the individual pesticides whose availability the Bill provides for. There is a collaborative process. Occasionally, people from this country take the pesticides safety directorate roadshow, so to speak, to overseas Governments, and to overseas universities for collaborative work. The issue of pesticides and veterinary medicines is not confined within the borders of specific countries; it is international.

The information that we make available in seminars and overseas visits relates to the overall regulatory process—the checks and balances—whereas the Bill would make available precise information relating to specific pesticides and to the regulatory process and the information that we had been given.

In that regard, there is a paradox in the Bill. There is a cost to the taxpayer and there is a cost to the individual who makes the request. One must always divide the area where the public good meets the private good. I repeat what I said in Committee: it is not our intention to start to introduce new charges, such as charges for the reading room at York.

If we put pesticides information on the internet, although we would not charge, there might be a resultant saving. The Ministry of Agriculture, Fisheries and Food website, which is separate from MAFF, is one of the most visited sites on the internet. There is a BSE site as well. Both sites are regularly updated. Journalists are encouraged to use those sites. When they obtain information from the internet, it reduces the need for them to telephone Whitehall place and Nobel house for information. That reduces pressure, at a time when an increasing amount of information is required from the information department in MAFF.

Although I would not claim that we can cut the information department or lower the costs, I can say that good use of the internet can control increased costs in future, when we might be churning out more and more information. People are encouraged to use the internet, and they are responding. If we have a good website service, more people will be encouraged to use it. By definition, I hope, a reasonable person would not expect the cost of information officers in MAFF to burgeon. To that extent, use of the internet is important.

As I said in Committee, essentially we are talking about the cost of further photocopying—the cost of supplying paper. By and large, we already charge people for making

information available in evaluations. The price depends on the number of documents, the size and the maximum. We now have a maximum set price of £25. Sometimes information is provided free in correspondence, or is provided in priced publications.

We do not intend to put onerous costs on people for the information that will flow from the Bill, which will include detailed regulations. The price should not go beyond the cost of providing the necessary paperwork. Paperwork can run to thousands of sheets, so we must consider that matter in due course, but currently the maximum cost to the user is £25.

We are under no pressure from the Treasury to use the Bill as a money-making measure. We would reject any such pressure, partly because part of the pesticides safety directorate is run by a levy on the industry, which means, in turn, that the industry is entitled to know the costs. Recently, we have been able to reduce costs, partly as a result of the directorate's efficiency.

Mr. Paice: I want to clarify the costs issue. The Minister helpfully outlined the costs involved. However, I bring back to the written answer that he gave me four days ago, in which he said:

"An estimate of the cost of provision of this service cannot be provided without incurring disproportionate costs."—[*Official Report*, 23 March 1998; Vol. 309, c. 74.]

On what basis will the Government work out the charging mechanism that will be in the Bill?

Mr. Rooker: It could be the marginal cost of the purchase of the paper and the photocopying. We could walk up and down the high streets of this country and see how much photocopying costs. I do not expect the costs to be much higher than that. I am not prepared to ask officers of MAFF or the pesticides safety directorate to conduct a huge exercise and employ consultants to calculate the existing costs. According to the information that I have received, those costs are very small. Obviously, one can never tell what will happen when new information areas are opened, but we shall have better information when the regulations are drafted.

In my written answer, I also pointed out that, in 1997, we had a list of 47 organisations that we contacted automatically and provided with information. We dealt with only 98 one-off requests for evaluation documents in 1997, and only seven of those requests sought underlying data. Many requests may be met reasonably through correspondence rather than by providing underlying data.

Mr. Waterson: I know that the Minister is trying to be helpful. If he is not in a position today to give us the likely specific cost, will he address my other point and assure the House that, whatever the initial cost, it will not be increased in future by more than inflation?

Mr. Rooker: The answer is yes. In asking the House to reject the amendment, I stress that, under the Bill as it is presently drafted, it will be illegal for the pesticides safety directorate to exceed the costs that are related only to the supply of information—which does not include the regulatory process or research.

Mr. Bradshaw: I think that there is a slight misunderstanding about the costs involved. It is not about the costs of the regulatory procedure, which occurs anyway. The details are available: it is simply a matter of how much it will cost to make them public.

I make one point that the Minister omitted to mention in terms of accessibility and the cost of getting information at present and in the future. As well as the internet, I understand that the pesticides safety directorate in York and the Health and Safety Executive in Bootle provide copies of documents free to libraries and education establishments around the country. Therefore, if people cannot afford to travel to York, they can receive free of charge the information that they need.

In asking the hon. Gentleman to ask leave to withdraw the amendment, I point out that its wording is worse than what appears in my Bill—which I believe is an improvement on existing legislation. The Bill refers to restricting the cost of the supply of information, whereas the old wording refers to a "reasonable fee". It does not restrict the fee to the cost of simply supplying the information. I hope that the hon. Gentleman will consider that fact and ask leave to withdraw his amendment.

Mr. Paice: I am grateful to the Minister and to the hon. Member for Exeter (Mr. Bradshaw). I accept the hon. Gentleman's claim that the Bill is an improvement on existing legislation—I do not detract from that statement. However, the amendment is based on my concern about the phrase "reasonably attributable". Once we introduce a qualification such as that, the matter is open to debate. My amendment seeks to limit the scope of debate about the phrase "reasonably attributable".

I accept the Minister's assurance that his Department has no intention of profiteering on the back of this measure and that the Treasury is not pressuring him to do so. I have no doubt that that is true today. However, my concern is always not what a Minister may say, in all honesty, today, but what one of his successors may decide to do at some stage in the future. A Bill is not only for today, but for all eternity—or at least for a long period.

Nevertheless, this has been a good debate, and I welcome the Minister's comments. It is extremely important that he ensures that the pesticides safety directorate abides by his words and does not impose charges that are not connected with the actual copying, typing or whatever of information. On that basis, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Order for Third Reading read.

Motion made, and Question proposed, That the Bill be now read the Third time.—*[Mr. Bradshaw.]*

12.59 pm

Mr. Peter Atkinson: I am sorry that my hon. Friend the Member for South-East Cambridgeshire (Mr. Paice) did not move amendment No. 3, as it related to important aspects of the Bill that should have been discussed. On the face of it, the Bill allows access to greater information about pesticides, but it contains draconian measures that give me cause for considerable concern.

My first objection is that this is not a private Member's Bill; it is a Government handout Bill. The Minister admitted that it is a Government Bill that had been kicking around on the shelves of the Ministry of Agriculture, Fisheries and Food under the previous Government,

[Mr. Peter Atkinson]

and it was still kicking around on the shelves of MAFF under this Government, until someone pulled it down, dusted it off and put it into the House.

Mr. Simon Hughes (Southwark, North and Bermondsey): If the hon. Gentleman had that objection to every Bill that had started on a Government shelf, the number of Bills going through the House in private Members' time with the general agreement of the House would probably be reduced by about three quarters. If private Members had the drafting back-up of the civil service, we could all produce Bills, but sadly, as yet, we do not.

Mr. Atkinson: I regret that a Liberal Democrat is going along with the system. Back-Bench Members have fewer and fewer powers, rights and opportunities to make their voice heard in the Chamber. One such opportunity is the private Members' Bill system. I accept that Government Bills will be picked up under the private Members' ballot system. I confess that I did that myself when I was a new Member, but I think that it is an abuse of the House.

The Bill, which extends powers considerably, has not been properly debated. It was given a Second Reading on the nod. It went to Committee, where it was debated for less than 30 minutes. Only half the matters were discussed.

The Bill extends powers from Ministers to local authorities, and allows local authorities to appoint others to break into people's houses with a warrant and to search business premises. Its amendments to schedule 2 to the 1985 Act are draconian. It lists the powers in relation to searching ships, aircraft, houses and containers, and it provides for people to be dealt with if they do not answer questions properly. The officers empowered under the Bill are given the powers of police officers. That aspect of the Bill has not been debated at all. I was hoping that my hon. Friend the Member for South-East Cambridgeshire would move his amendment, so that we could debate that aspect, which causes me such concern.

It is a pity that we chuck the Bill, half dealt with and not properly considered, through to the House of Lords so that it can do what this House has not done. The Bill should not be allowed to pass without concern being expressed by hon. Members about the abuse of the private Members' Bill system, because the Bill has taken away another hon. Member's opportunity for a debate on his or her own Bill.

1.2 pm

Mr. Simon Hughes: I shall deal with the point made by the hon. Member for Hexham (Mr. Atkinson) and one other. Many Bills that go through the House and which have had Government support never get on to the Floor in Government time, because the Government also have time constraints. It is not a party matter. The hon. Gentleman admitted that the same happened when he was first here, under a Conservative Administration. Little changes in the law—one-clause or two-clause changes—often do not feature in the Government's plan when they present big Bills to the House.

The fact that when a Back Bencher is looking for a Bill to promote, he finds out which Bills in an area of interest are waiting on the shelf is, in itself, no argument against the system. Let me give the hon. Gentleman an example. I should love to reform the law on inquests. I know that there has been a file on the Home Office desk for years on reform of inquests, but nobody has done anything about it. One of the Bills that I would consider if I ever won the ballot—I do not know what one has to do—

Mr. Deputy Speaker (Mr. Michael Lord): Order. I would rather the hon. Gentleman did not stray into the way in which the House works, but stuck to the Bill's Third Reading.

Mr. Hughes: I accept your advice, Mr. Deputy Speaker. I rest my case on the fact that we have many opportunities, but taking Bills from the Government would not be appropriate.

My substantive point is that the issue matters hugely to the public, who are generally concerned about pesticides—their impact and information about them. Anything that we can do to ensure better access to information, provided in a controlled way, should be welcomed.

I am one of the Bill's sponsors, because I believe that it is a matter of public concern about which there should be maximum information. There was an opportunity to raise issues in Committee, where the Bill could have been debated longer, but hon. Members chose not to. The public hugely support the Bill's general thrust.

Mr. Cynog Dafis (Ceredigion): May I just say to the hon. Gentleman that every minute is now precious? It is terribly important to some of us that the fourth Bill on the list, the Road Traffic Reduction (National Targets) Bill, receives its Third Reading.

Mr. Hughes: The hon. Gentleman makes a point which we all understand about Fridays. I support his Bill.

The public will benefit from the Pesticides Bill, which I hope will receive Third Reading without opposition in the House and go on to further consideration in another place.

1.5 pm

Mrs. Golding: I congratulate my hon. Friend the Member for Exeter (Mr. Bradshaw) on his fine Bill. On behalf of all those who fish and care about the rivers in this country, may I say that the Bill will be of great help to people who find pollution in those rivers? On behalf of all fishermen, I thank my hon. Friend for taking the time and effort to introduce this important Bill.

1.6 pm

Sir Richard Body (Boston and Skegness): I have one eye on the clock as I am conscious that we have some good Bills yet to discuss.

I rise to speak only because it is said that pesticides are used more extensively in my constituency than anywhere else in the United Kingdom. At the same time, the incidence of two sorts of cancer is, according to the cancer map, worse there than in any other part of the United Kingdom. Many of my constituents therefore see a connection.

I welcome the Bill, although I appreciate that it contains defects. It is a mouse of a Bill—a nice mouse or perhaps a dormouse of a Bill. I hope that the Minister agrees that it does not go far enough, and I look forward to him introducing a Government Bill that will go far further, on the assumption that the proposed freedom of information Bill will not go quite as far as either of us would like.

1.7 pm

Mr. Paice: I, too, understand the desire to move on.

I congratulate the hon. Member for Exeter (Mr. Bradshaw) on promoting the Bill which, as has been said several times, was already in the frame under the previous Government. It therefore has the support of Conservative Members.

I understand the disappointment of my hon. Friend the Member for Hexham (Mr. Atkinson) that I did not move amendment No. 3 or speak to the amendments in that group. That was partly because of an answer that I received from the Minister earlier this week stating that, despite all the concerns, in 1997 no pesticides were seized or destroyed by inspectors when they visited farms. Another reason for not moving the amendment was my understanding that, assuming the Bill receives its Third Reading, it will proceed to the other place, where the amendments that I did not speak to will receive a better hearing. They involve legal technicalities that may well require the judgment of those in the other place, who perhaps have more expertise in such matters than I do.

The Opposition congratulate the hon. Member for Exeter and are more than happy to agree to the Bill's Third Reading.

1.8 pm

Mr. Rooker: I, too, congratulate my hon. Friend the Member for Exeter (Mr. Bradshaw). The Bill's two key parts—access to information and improvement of the enforcement mechanism—although discussed only briefly in Committee, were debated to the satisfaction of hon. Members, who considered the matters both before the Bill entered Committee and in Committee. This House is not the final arbiter. Down the corridor, the other place will also look at the Bill in its entirety, and if it is dissatisfied, it will send it back.

I understand the displeasure of the hon. Member for Hexham (Mr. Atkinson) at a Back Bencher promoting a Bill that was proposed by the previous Government, but frankly, the Bill is for the greater good of the public. It is up to each hon. Member, successful or otherwise in the ballot, to choose the subject of a Bill. It is not for Governments to impose Bills on Back Benchers.

1.9 pm

Mr. Ben Bradshaw (Exeter): I reassure the hon. Member for Hexham (Mr. Atkinson) that although I have taken on a Bill that was around for a long time and dusted it off, that does not mean that I do not feel strongly about the issues that it raises. The hon. Members for Southwark, North and Bermondsey (Mr. Hughes) and for Boston and Skegness (Sir R. Body) made the important point that there is growing public concern. There is also a certain amount of scientific evidence that increases concern about long-term effects of pesticide use and consumption, especially in relation to cancer and infectious diseases.

Mr. Peter Atkinson: I want to make it clear that I have no objection to the Bill. I object to the Bill, worthy as it may be, not being debated in Government time. The Government have pinched private Members' time.

Mr. Bradshaw: I am not here to defend a system about which I am still learning after only 10 months in the House.

The hon. Member for Hexham also said that the Bill was draconian. The hon. Member for Boston and Skegness said that it was a dormouse of a Bill. I hope that it is rather more than that, and that it is not as draconian as the hon. Member for Hexham would have us think. Some of the measures that he mentioned, such as bursting into people's homes and boarding hovercrafts and boats, are in the original Food and Environment Protection Act 1985, which is nothing to do with my Bill. This Bill simply makes the enforcement procedure fairer and more effective. He may also have overlooked the fact that the Bill is concerned with not only pesticides in agriculture but those used in people's homes. To deprive enforcement officers of the possibility of being able to enter a home and take photographs, or to pass other measures in the amendments that the hon. Member for South-East Cambridgeshire (Mr. Paice) wanted to move, is to lose sight of an aspect of pesticide control.

We have had a full and open debate, and I do not want to hold up procedures any longer. I know that other hon. Members' Bills, about which their promoters feel very strongly, are yet to be discussed. I hope that the House feels that the Bill improves public access and the enforcement system. In the light of recent food scares, it is in the interest not only of consumers but of producers and the industry that public confidence in the safety of food and the environment is increased. It is a question of credibility. I hope that the Bill will help to restore and safeguard that confidence, and I commend it to the House.

Question put and agreed to.

Bill accordingly read the Third time, and passed.

Animal Health (Amendment) Bill

Not amended (in the Standing Committee), considered.

Order for Third Reading read.

1.12 pm

Mr. Paul Flynn (Newport, West): I beg to move, That the Bill be now read the Third time.

The Pesticides Bill was described as a mouse of a Bill, but this Bill is protozoan in its modesty. It will, however, significantly improve animal welfare. It is a one-clause Bill intended to perform two functions.

The first function is to give more security and certainty to laws that stipulate that premises where animals are held in quarantine are secure. That ensures that animals do not escape and that any case of rabies does not spread from animal to animal or from animal to human.

The second function is to fill a gap in the law. At the moment, inspectors have no right to enter kennels where there might be misuse of animals. Unfortunately, I have heard of 100 distressing cases of animals being neglected or misused, or where symptoms of ill health have not been spotted. I shall not burden the House with the details.

The quarantine industry is well run. Of the 81 existing kennels, all but five have a good record of abiding by the voluntary code of practice laid down by the Ministry. Three have refused to take part, and two, when examined, did not come up to the necessary standards. Those are improving their standards. I do not wish to name the offending kennels that are not covered by the Bill, because I hope that they will be persuaded by the example set by the Bill and come in and adopt the necessary standards of welfare.

The Bill will help us to reduce the anxiety and distress that owners of companion animals suffer when their animals go into quarantine—not only because of the length of time that they are to be parted from the animals, but because of the awful uncertainty about conditions in the kennels. It will also go some way towards reducing man's inhumanity to defenceless animals.

1.15 pm

Mr. Eric Forth (Bromley and Chislehurst): I welcome the Bill for several reasons, not least because it strikes me as being almost the ideal candidate for private Members' legislation. I say to its promoter, the hon. Member for Newport, West (Mr. Flynn), that it is modest but important in its aspirations, and relatively non-controversial. It also has another quality that to me is as important as anything: it carries no direct public expenditure implications, and therefore does not require a money resolution or a Ways and Means resolution.

I also welcome the Bill because it seeks to strengthen and reinforce the excellent and long-standing system of quarantine that we enjoy in this country, which I strongly support.

I wonder in passing how possible it is that the intentions and effects of the Bill may give rise to an increase in costs at kennels, and therefore in charges made for quarantine purposes. To the extent to which that may happen, could the Bill risk deterring people from going through the proper quarantine procedures, and encourage them to seek to evade the rules?

There is a balance to be struck—I accept what the hon. Member for Newport, West said about that—between making quarantine secure and attractive, and causing any danger of costs escalating to the point where we could move in the opposite direction and find that we were deterring people from using quarantine properly. I mention that possibility simply to put down a marker.

There is another reason why I welcome the Bill. My eye was caught by an article in the *New Scientist* on 17 January, entitled, "Price of Pet Freedom". It pointed out that, apart from safeguarding us against rabies, which is the element of the system usually mentioned,

"quarantine also guards Britain from other dangerous diseases."

The article continues:

"quarantine kennels regularly detect and treat other animal diseases that are prevalent on the Continent".

It goes on to list some of those. I shall not attempt to do so myself, mainly because I could not pronounce them—but they sound pretty frightening to me.

That important element of our quarantine system is sometimes overlooked, and people tend, understandably, to discuss it more narrowly in terms of rabies alone. The fact that they then construct an argument for doing away with our quarantine provisions is wrong, based on that narrow view, and regrettable. One of the valuable aspects of the Bill is that, to the extent to which it strengthens our quarantine provisions and makes them more secure, it helps to perform a useful public service, in trying to ensure that those other diseases do not come into this country.

The Bill is appropriate on a variety of levels. It is timely and it does something that is both modest and sensible. For those reasons, I give it my whole-hearted support.

1.18 pm

Mr. James Paice (South-East Cambridgeshire): I, too, support the Bill, but wish to raise just one issue. I congratulate the hon. Member for Newport, West (Mr. Flynn) on, as he said, filling a little gap in the legislation. However, one aspect of the impact of the Bill to which he did not refer is that it would allow the Minister to make regulations on animal welfare in quarantine kennels. The Parliamentary Secretary to the Ministry of Agriculture, Fisheries and Food, the hon. Member for Scunthorpe (Mr. Morley), has already said that although the minimum standards are acceptable, the code of practice requires higher standards, which should be legislated for.

If the Government use the Bill as a basis for improving welfare standards in quarantine kennels, the owners of those premises will incur costs. I do not wish to debate whether it is right or wrong to improve welfare standards; I am concerned only about the cost that would be incurred as a result.

The Government are also reviewing quarantine regulations, and have published a discussion document containing five options for reforming the quarantine regulations. I understand why my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) wants no change in the status quo, but others take a different view. I challenge the Government on the timing of the outcome of their deliberations on the future of quarantine. If they decide that quarantine as we know it should stop, and that it should be replaced by vaccinations or pet

passports—I refer to quarantine within the European Union, rather than animals coming from countries where rabies is endemic—that will dramatically reduce the demand for quarantine facilities. The Government must not load significant costs on kennel owners by forcing them to improve their facilities if, within a year or two, they might have no business from which to recover those costs.

I hope that the Minister can allay my concerns by saying that he will either not produce regulations on the welfare of animals in quarantine until we know the outcome of the Government's deliberations on quarantine, or ensure that any change in the system will be made on such a time scale that anyone who invests in facilities as a result of the Bill will have time to recover the costs.

1.21 pm

Mr. Simon Hughes (Southwark, North and Bermondsey): I welcome this modest proposal, which the hon. Member for Newport, West (Mr. Flynn) modestly presented to the House. He is a constituent of mine, and I often support him. I hope that the House will support the Bill and not be distracted by arguments about quarantine changes, which can be dealt with at a later date.

1.22 pm

The Minister of State, Ministry of Agriculture, Fisheries and Food (Mr. Jeff Rooker): I, too, congratulate my hon. Friend the Member for Newport, West (Mr. Flynn).

I appreciate the point made by the right hon. Member for Bromley and Chislehurst (Mr. Forth): it is a myth that quarantine is all about rabies. The pressure mounted by lobby groups to abolish the quarantine laws ignores all the other issues raised in the *New Scientist* article to which the right hon. Gentleman referred. We should therefore not rush judgment on that issue. It is not a question of not wanting to be the Government who let rabies into the country. This matter goes well beyond rabies, to issues such as climatic change and bugs discovered in quarantine cells.

All those matters are being thoroughly examined by a group of experts headed by Professor Kennedy, and we expect to receive its report in May or June. If it decides that one or more of the five options are as good as, or better than, the status quo, we shall go to full public consultation. I cannot forecast when or whether the usual quarantine regulations will be changed.

The Bill has another good quality—it started life as a ten-minute Bill. I always think that it is a real plus when an hon. Member manages to put something on the statute book by using that process.

We currently have no powers to enforce the welfare code. Thousands of pet owners assume that because the quarantine kennels are registered by the Ministry of Agriculture, Fisheries and Food, they have a seal of approval—that is not the case. We may need to establish a star rating for the quality of welfare.

To avoid doubt about the numbers involved, I refer hon. Members to columns *270-73* of yesterday's *Hansard*, which contain the written answer that I gave to the question tabled by the hon. Member for South-East Cambridgeshire (Mr. Paice) on quarantine establishments. I said that, in 1997, the total throughput of all the quarantine premises in England included 3,351 cats, 4,028 dogs, 29 rabbits, 11 ferrets, five guinea pigs, one rat, two gerbils and four chinchilla. All those animals deserved to be looked after properly. The cost to owners is substantial—owners must be able to put their pets in quarantine kennels secure in the knowledge that they will be well looked after. The Government support the Bill, and I hope that the House will give it its Third Reading.

1.25 pm

Mr. Flynn: I am very grateful for the comments that have been made. It is not anticipated that there will be any additional costs on the great mass of owners of premises, as they accepted the previous Government's sensible policy of operating the code of conduct and conditions with the co-operation of the industry. The only purposes of the Bill in that respect are to eliminate rogue operators who may not comply with the regulations, and to deal with changes of ownership. I commend the Bill to the House.

Question put and agreed to.

Bill accordingly read the Third time, and passed.

Road Traffic Reduction (National Targets) Bill

As amended (in the Standing Committee), considered.

New clause 2

NEEDS OF THE ELDERLY AND FAMILIES WITH YOUNG CHILDREN

'.—In considering how to comply with the requirements of section 2(1) and (2) of this Act the Secretary of State shall have regard to—

(a) the mobility needs of the elderly and

(b) the mobility needs of families with young children;

and any increase in the volume of traffic that may result from the fulfilment of those needs.'.—*[Mr. Chope.]*

Brought up, and read the First time.

1.26 pm

Mr. Christopher Chope (Christchurch): I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker (Mr. Michael Lord): With this, it will be convenient to discuss the following amendments: No. 9, in clause 2, page 1, line 27, at end insert '( ) noise'.

No. 13, in page 1, line 27, at end insert—

'(3A) In considering how to comply with the requirements of subsections (1) and (2), the Secretary of State shall have regard to—

(a) the mobility needs of persons with disabilities, and

(b) the need for an adequate provision of taxi services in rural and non-rural areas.'.

Mr. Chope: First, I point out that amendment No. 13, which was tabled by the promoter, the hon. Member for Ceredigion (Mr. Dafis), is the same as new clause 1, which I tabled, but which was not selected for debate.

It will not have escaped the notice of the House that clause 2 was substantially rewritten in Committee. Indeed, the whole Bill was changed, including its title, which used to refer to "United Kingdom targets". We may be able to say more about that when we discuss the next group of amendments.

I am delighted that the promoter tabled amendment No. 13 and that it is supported by the Minister. It arises from the concern, which I expressed in Committee, that the Bill differentiated between good and bad road traffic—it placed all cars and lorries in the bad category, and all public transport vehicles, however polluting, in the good category.

Clause 1 was amended in Committee so that the definition of road traffic excluded all vehicles with capacity for eight or more passengers. I said in Committee that road traffic comprising vehicles carrying or designed to carry people with disabilities were good, and that the Bill should specify those vehicles as well as public transport vehicles that could carry eight or more passengers.

I also said that the elderly and the disabled often found it more appropriate to travel by taxi. The Minister was reluctant to accept any of my arguments in Committee, but, when pressed by her hon. Friends the Members for Birmingham, Hall Green (Mr. McCabe) and for Lancaster and Wyre (Mr. Dawson), who took her to task for not defining taxis as good vehicles, she relented and put her name to amendment No. 13.

I shall concentrate on new clause 2, which builds on the argument that the hon. Member for Ceredigion and the Minister have now accepted on the mobility needs of people with disabilities. The new clause would require the Secretary of State to have regard not merely to the mobility needs of persons with disabilities and the need for adequate taxi services in rural and non-rural areas when considering how to comply with the requirements, of clause 2(1) and (2), but to

"the mobility needs of the elderly and . . . the mobility needs of families with young children;

and any increase in the volume of traffic that may result from the fulfilment of those needs."

That is obvious common sense. Many supermarkets and shopping centres make special parking provision for families with young children because they recognise the mobility needs of such families.

Mr. Eric Forth (Bromley and Chislehurst): I hope that my hon. Friend will not think this a frivolous question—it is not intended as such—but what has he in mind when he says young children? Obviously, that is open to interpretation. In discussing the matter with some of my constituents, I found that one of the problems they find it most difficult to come to terms with is the large volume of traffic caused by parents taking children to school. Would the amendment cover that group, and how young are the children that he has in mind?

Mr. Chope: I was thinking of children up to the age of 10, perhaps, most of whom have to rely on parents, friends and relatives to transport them not merely to school but to places of recreation. I am the father of two children under 10, and I do not expect them to go on trips on their own. They are wholly dependent on their parents and others to transport them. I would certainly not allow my children to go out on their own on the roads on bicycles or to walk.

That is the group of people I had in mind and it is a topical subject today because the Government are crowing about the fact that they will provide extra nursery school places this autumn—60,000 extra, I think. Without doubt, more traffic will result. I am saying that it is a good thing even if more traffic is generated—I see the hon. Member for Hyndburn (Mr. Pope) nodding from the Government Front Bench—to enable people to take advantage of those extra places. However, the Government have not put anything on the record to show that they regard it as a good thing. Indeed, the whole tone of this debate has been how important it is to reduce road traffic, yet the Government are today promoting a policy that would increase it. I hope that the Minister will tell us why she thinks—if she does think it—that it is not reasonable that there should be an increase in road traffic as a result of that policy announcement.

The merits of the new clause speak for themselves. Once the House, the Government and the promoter had accepted the principle lying behind their amendment No. 13, it logically followed that my new clause should also be accepted.

Amendment No. 9 would add noise to the items listed as adverse impacts of road traffic. It is conspicuous in its absence in the Bill and we know from our constituents that it is a significant concern. Many of my constituents are affected by road traffic noise.

New clause 2 refers to the special needs of elderly people, who form a high proportion of my constituents. I know the extent to which they depend on motor vehicles to fulfil their transport needs.

Mr. Forth: I welcome the new clause, because it opens up debate on the Bill's undifferentiated approach to road traffic, which is a weakness. As hon. Friend the Member for Christchurch (Mr. Chope) said, it is dangerous to regard all things with wheels as undesirable and to press for reduced traffic in some undifferentiated way. Such an approach is unproductive. The new clause teases out legitimate mobility needs which it might, in some cases, be desirable to meet. He mentioned the issue of meeting such needs in the context of this morning's announcement on nursery provision.

Even those who dislike motor vehicles and believe that traffic should be reduced must accept that there has to be a degree of differentiation between vehicles. In my view, several elements of traffic are essential components of modern living. Many people regret the increase in the number of out-of-town supermarkets, but it is a reality. An enormous development involving millions of square feet of retail and recreation space is being completed near my constituency. Many people and families from my constituency and elsewhere will want to visit it in all weathers in the security of their own vehicles.

We must be clearer about traffic of which we disapprove and therefore want to reduce, and about traffic that must be accepted as inevitable or even desirable. My hon. Friend mentioned elderly people, whose views should be listened to carefully. Many elderly people feel much more secure and comfortable in their own cars; indeed, it would be difficult for frail or disabled elderly people to use public transport, even if it were superb, modern, low-cost and secure.

At the other end of the spectrum are people with young children. It is legitimate or even highly desirable to take children to and from leisure, family and social activities in a car. I deliberately did not mention taking children to and from school. Many people in many areas experience traffic difficulties caused by people taking children, especially primary school children, to and from school by car, which is a recent development.

There is much less traffic on our roads during school holidays, but we are still faced with traffic problems. How should they be solved? If one argues for a dramatic reduction, perhaps to zero, of parents taking young children to school by car, one has to suggest an alternative. It is arguable whether it is feasible, logistically or in terms of cost, to envisage a school bus system that could fully replace all the journeys that now take place.

The onus is on those who support the Bill, and talk about the desirability of traffic reduction, to suggest which categories of traffic they believe can and should be reduced and how that could be achieved. What does one say to elderly people, who may be frail or unsteady on their feet? How can we tell them that we do not want their cars on the roads any more? How can we demand that they use public transport? What do we say to the parents of young children in urban areas, where they might feel threatened occasionally, or in rural areas, with longer distances to travel? Can we tell them that we will provide a satisfactory alternative means of transport for their children to reduce traffic?

I mentioned out-of-town supermarkets, those much criticised but much used facilities. It is odd how many people rush to criticise the out-of-town supermarket but use them happily. I myself happily use both an in-town and an out-of-town supermarket. With many parents both working, the weekly shop in a supermarket with adequate parking facilities has become part of the modern way of life and necessarily involves the use of a car. When I go shopping, as I do every week with my wife, our weekly shopping just for the two of us is more than I can envisage carrying on public transport. There is too much to carry other than in a car. I surmise that those with families must have to deal with much larger volumes of shopping. Is such traffic to be reduced? If so, what is the reasonable alternative?

If we are make sense of the Bill—if it is not to be merely declaratory or wishful thinking or comforting—it is essential that we take a much more detailed approach to it, as suggested in the new clause, and face up to the realities of modern life and the relationship that modern communities have with their motor cars. We must examine which categories of traffic can be criticised and expected to be reduced, and what the alternatives might be. When we reach that stage, we might begin to make some progress.

I welcome the new clause, and I hope that it will be accepted so that we can make more sense of the Bill than has hitherto been the case. I hope that we will have some encouraging news on that point from either the Minister or the promoter of the Bill.

Mr. Gerald Howarth (Aldershot): I rise briefly to support the new clause. I am a car user, but, as a cyclist, I am also a supporter of the bicycle. When I first encountered Hyde park corner, I removed my bike from the road, took to the pavement and thought, "There's no way I can go round this." I then decided that I had as much right to use Hyde park corner as any motorist and embarked on the journey round it. I found that if one declared one's intentions sufficiently determinedly to motor transport, one tended to be given as much right to the highway as others enjoyed.

I wish to add to the comments of my hon. Friend the Member for Christchurch (Mr. Chope) about the elderly. It is important that when Ministers draw up the reports required by the Bill, they take particular account of the needs of the elderly, for whom the car is an important factor. As people approach old age, they realise that limitations are inevitably imposed on their independence. The motor car confers on them a continuing independence that would otherwise go the way of other forms of independence that they enjoy. It is not only a question of being able to use the car whenever they want but of feeling that, like the telephone, it is there for family emergencies and other circumstances.

I urge the Minister to consider seriously the needs of the elderly, along the lines suggested in respect of families with young children by my hon. Friend the Member for Christchurch and my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth).

1.45 pm

Amendment No. 9 would add noise to the list of adverse impacts of road traffic to be taken into consideration in drawing up the report. That is an

[Mr. Gerald Howarth]

important factor and a noticeable omission from the list. When we were considering the original scheme for the Birmingham northern relief road, which would have gone through part of my then constituency, traffic noise was important to my constituents. We considered the relative impacts of different road surfaces. We noted that concrete surfaces tend to give off much more noise than do tarmac surfaces, despite what the Department of Transport said at the time about the scientific evidence showing that there was little difference. The truth is that the public perception is that tarmac road surfaces are less intrusive than concrete ones.

The Blackwater valley relief road in Aldershot uses a tarmac surface which has produced noticeably less noise than the surfaces of surrounding motorways. I hope that the noise factor will be added to the Bill. I say to the promoter of the Bill, as much as to the Minister, that I hope that that will be taken on board. With those two observations, I support the new clause.

Mr. Cynog Dafis (Ceredigion): On new clause 2, it is worth pointing out that mobility does not necessarily mean mobility in a motorised vehicle. Mobility can be enhanced by a reduction in the number of motorised vehicles. Some hon. Members know about the safe routes to school initiative, which enables children to get to school at peak travelling times through various methods facilitated locally. We need to consider the matters mentioned in the new clause.

On the comments of the right hon. Member for Bromley and Chislehurst (Mr. Forth), the Bill is based on the assumption that it is possible to get a net reduction in road traffic, even recognising that in certain circumstances and in certain categories, there may well be increases. He should examine the work of various people on the subject, especially that of John Whitelegg, who shows clearly in what categories reduction can be brought about.

We do not think that new clause 2 should be included in the Bill, although we recognise that the considerations that it mentions must be borne in mind in drawing up the strategy. We do not need to put a strategy in a Bill. More appropriate for a Bill is the principle of targets, as is recognised increasingly in Government policy and legislation.

Finally, I am glad that we were able to table amendment No. 13 in response to concerns raised in Committee by the hon. Member for Christchurch (Mr. Chope).

The Minister for Transport in London (Ms Glenda Jackson): I support amendment No. 13, standing in my name and that of the hon. Member for Ceredigion (Mr. Dafis), and I oppose new clause 2 and amendment No. 9, standing in the name of the hon. Member for Christchurch (Mr. Chope).

The hon. Members who spoke in support of new clause 2 and amendment No. 9 were espousing a policy of despair. They seemed to believe that it was virtually impossible to reduce an over-dependence on the private car. They had no belief in a strategy to create an integrated transport system.

Mr. Chope: Does the Minister agree that today's announcement on the extension of nursery education places by some 60,000 is bound to lead to an overall increase in the amount of road traffic?

Ms Jackson: I had intended to touch on the particularly bizarre interpretation that the hon. Gentleman puts on an announcement by the Government which has been generally welcomed. The only person in the country who regards the provision of nursery places as leading automatically to an increase in traffic on our roads is the hon. Gentleman. Many of my constituents welcome the Government's provision of additional nursery places, in the knowledge that it will be possible for them to walk their children to such nursery places. It is not only education that parents value for their children, but the social skills inherent in such places.

Mr. Chope: In that case, will the Minister make it a condition of the new nursery places that nobody can take them up if they use a car to transport their children to the nurseries?

Ms Jackson: I question whether that contribution warrants any kind of response. The hon. Gentleman has moved from the bizarre to the overly fantastical.

The majority of parents wish their children to take the provision because of the undoubted educational and social advantages inherent in the additional places provided by the Government. They prefer the knowledge that such establishments are within their local areas. A matter of parental, and grandparental, concern is the danger of an ever-increasing number of cars on the roads and the inability for children to play in their own street.

New clause 2 refers to the needs of the elderly to get about, to see their families and to have social contact—all exclusively provided by the private car. Regrettably, this is the case in many instances because, for 18 long years, the previous Administration did little or nothing to create a properly integrated transport strategy. They actively introduced legislation which destroyed public transport as far as buses and the railways were concerned.

This Government have been actively engaged in putting that right since we took office. I do not share the philosophy of despair emanating from the Opposition that it will be impossible to reduce an over-dependence on the private car. Public transport, allied with other policies, will reduce traffic on roads.

The hon. Member for Aldershot (Mr. Howarth) talked about cycles and, if he does not already know of it, I am sure that he will be delighted by the news that, despite tight spending limits, the Government have managed to find an additional £1 million for the London cycle network. We have asked that the money should be used strategically, especially to facilitate safe passage for cyclists around roundabouts.

The hon. Member also raised the issue of elderly people's dependence on their cars, for example, in emergencies. There is nothing in this or any other Bill that will impact on the use of the private car in such circumstances. The general thrust of the Bill is to reduce

the seemingly unstoppable growth of traffic on our roads, which impacts particularly on the elderly and on children by creating environments that are highly dangerous.

The hon. Gentleman supports amendment No. 9 and does not believe that the issue of noise pollution is sufficiently addressed in the Bill. I would argue that that is not the case: noise is covered by more than one of the sub-headings that the Secretary of State must consider in devising the targets he wishes to set, not least those issues connected with health and biodiversity.

Mr. Gerald Howarth: I can see how noise comes under matters of health, although I think that it is not entirely a matter of health, but rather one of irritation as well as health; however, I cannot understand how biodiversity comes into it. Can the Minister give me some guidance?

Ms Jackson: Certainly. I am sure that the hon. Gentleman is aware that the Government are actively engaged in protecting sites of special scientific interest or sites where wildlife needs to be protected. The incursion of extreme noise in such areas can affect, for example, the breeding habits of birds. Therefore, if we regard our wildlife as part of a biodiverse structure, as I do, we see that noise can clearly inflict harm.

On amendment No. 13, provision will undoubtedly need to be made for people with disabilities, especially orange badge holders. Every local authority gives consideration to the needs of such people, and I see no reason why the Bill should work against that.

In addition, given the huge damage inflicted by the previous Administration on public transport in rural areas and because the current Government regard taxis as part of our public transport system, we believe that the amendment would enhance the Bill by covering two areas that require special notice in the legislation.

The other two amendments are essentially based on the list principle and, as I said in Committee, the trouble with lists is that someone is always left out. In the light of my remarks, I hope that the hon. Member for Christchurch will not press new clause 2 and amendment No. 9.

Mr. Chope: I disagree with almost everything the Minister has said. It will be noteworthy outside this place that she denies that 60,000 extra nursery school places will generate an increase in road traffic. That defies belief and shows that the Minister takes an unrealistic approach to the subject.

Ms Glenda Jackson: Will the hon. Gentleman give way?

Mr. Chope: No, because I want to make progress on the Bill and move on to the next group of amendments. I shall not press the new clause and the amendment, in the hope that the other place will be able to return to the issue and develop the list that the Minister has started in amendment No. 13. I beg to ask leave to withdraw the motion.

Motion and clause, by leave, withdrawn.

New clause 3

VEHICLE EXCISE DUTY AND HYDROCARBON OIL DUTY

'( ) It shall be a duty of the Secretary of State to publish annually a report on forecasts of the effect of changes in vehicle excise duty and hydrocarbon oil duty upon the level of road traffic in England, Scotland, Wales and Northern Ireland.'.—*[Mr. Chope.]*

Brought up, and read the First time.

2 pm

Mr. Chope: I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker: With this, it will be convenient to discuss the following: New clause 6—*Separate reports for England, Wales, Scotland and Northern Ireland—*

'.—It shall be the duty of the Secretary of State within six months of the commencement of this Act to publish separate figures for the incidence of road traffic in England, Wales, Scotland and Northern Ireland.

Amendment No. 15, in clause 2, page 1, line 11, after 'England', insert 'other than London, London,'.

Amendment No. 1, in page 1, line 11, at end insert—

'(1A) The Secretary of State shall not set targets under subsection (1)—

(a) for Scotland, unless he has obtained the consent of the Scottish Parliament, or

(b) for Wales, unless he has obtained the consent of the Welsh Assembly.'.

Amendment No. 16, in page 1, line 11, at end insert—

'(1A) The Secretary of State shall not set targets under subsection (1) in respect of London unless he has obtained the consent of the Mayor of London and any body known as Transport for London established following Cm 3897.'.

Amendment No. 10, in page 2, line 7, at end insert

'and before the Scottish Parliament and the Welsh Assembly.'.

Mr. Chope: The thinking behind new clause 3 has its origins in this year's Red Book.

Table 5.3 on page 78 sets out the environmental impact of the increases in taxes on motoring and motorists. The increases in taxes announced in the Budget give an extra Exchequer yield of £1,720 million in 1998–99—£1.7 billion. On page 153 of the Red Book they are described as environmental measures, but table 5.3 shows that the swingeing fuel duty increases will reduce car mileage in 2010 by only 1.875 billion car miles, given that the Government's road traffic forecasts predict 351 billion car miles in 2010.

Those are very large figures, but in summary they show that less than half of 1 per cent. of the traffic that is predicted by the Government to be on our roads in 2010 will be removed as a result of those swingeing fuel duty increases.

That is why flat increases in fuel duties have been attacked by the Automobile Association and other experts. Indeed, some people from Friends of the Earth are extremely sceptical about the environmental benefit of those swingeing increases, and they are saying that they are a most ineffective way of reducing increases in road traffic.

It is worth pointing out that 125 billion fewer car miles per year must be travelled in 2010 if the Government are to achieve the target of the 10 per cent. traffic reduction

[Mr. Chope]

on 1990 figures signed up to in Hampstead high street by the Minister this time last year. That is 125 billion fewer car miles in 2010; the effect of the Budget is to reduce that amount by just 1.8 billion. There is an enormous credibility gap between what the Minister said in Hampstead high street and what Government policy will achieve, on the Government's own figures.

New clause 3 would require the Government to produce separate forecasts of the effect of changes in motoring taxation on different parts of the country. That would fit the new wording of the Bill, which calls on—but does not require—the Secretary of State to

"set . . . targets for road traffic reduction in England, Wales and Scotland."

If the new clause were incorporated in the Bill, it would be possible to see how fairly the Government were allocating the extra proceeds of motoring taxation to public transport investment among the different parts of the United Kingdom. The Minister made much of public transport in her response to the previous short debate. In the Budget statement, the Chancellor of the Exchequer made much of his public transport package. He quoted a headline figure of £500 million, but, of course, when we examined the small print, we read that that was to be spread, not over one year, but over three, and that the £175 million total additional spending on public transport next year was only 10 per cent. of the extra tax yield from motorists.

Of the £500 million over three years, £50 million—only 10 per cent.—was identified as available for rural areas and, of that, only £5 million for community-based initiatives. People outside London are bound to draw a contrast between the paltry sum made available for public transport in rural areas and areas outside London and the £300 million for London Underground.

We were not told in the Budget statement that £300 million of the £500 million package that the Chancellor of the Exchequer talked about would be allocated to London Underground a few days later by the Deputy Prime Minister, leaving a paltry amount to be spread around other public transport needs.

As we discussed in Committee, and as we are well aware, 35 per cent. of the population have access to regular public transport. Most of those people live in London—the city one of whose constituencies the Minister has the privilege to represent. However, an enormous number of people who live outside London—most of the other 65 per cent.—are paying the bulk of the fuel taxes because, by dint of geography and lack of public transport, they are obliged to travel further by car than those who live in the conurbation. People who live outside London are paying dearly through their taxes, and new clause 3 would force the Government to come clean about that.

New clause 6 would require separate figures for England, Wales, Scotland and Northern Ireland with regard to road traffic forecasts. Those figures are not produced in the 1997 forecasts. Amendment No. 15 seeks separate targets for England other than London and for London. That is a reasonable amendment in light of the Government's recent London White Paper. Amendments Nos. 1, 16 and 10 seek the involvement of the Scottish Parliament, the National Assembly for Wales, the mayor of London and Transport for London in this process. They are reasonable amendments advanced in an attempt to make the Bill better. It is already a better Bill as a result of the pressure that I applied in Committee, and I hope that the hon. Member for Ceredigion (Mr. Dafis), and the Government will accept those amendments.

Mr. Forth: I support amendment No. 1 and new clause 6. I take my cue in this matter from remarks of the Minister in Committee, which are relevant to my amendment. She said:

"there is no equality between the four constituent parts of the United Kingdom in terms of car ownership . . . there are also wide disparities in economic potential and employment prospects. There are many other variations throughout the United Kingdom's comparatively small land mass."

She went on to say:

"In reducing greenhouses gases, for example, each of the four territories of the United Kingdom is responsible for playing its part in achieving national targets."

Finally, and most tellingly, she said:

"setting a flat rate for every territory of the United Kingdom to work towards would be unachievable, ineffective and not in the best interests of all the territories concerned."—[*Official Report, Standing Committee E*, 12 March 1998; c. 83.]

That statement was helpful in Committee, and it will certainly assist our deliberations at this stage of the Bill's progress. Even more helpful were the comments of the hon. Member for Ceredigion (Mr. Dafis), who said:

"In the Bill, 'national' refers to England, Wales and Scotland. Let me clarify that 'UK targets' refers to the whole of the United Kingdom."—[*Official Report, Standing Committee E*, 19 March 1998; c. 84.]

My amendment and new clause 6 would acknowledge the role that the new Scottish Parliament and the Welsh assembly will increasingly play in our governance. That point is directly relevant. Following the Minister's comments about the variations that exist throughout the United Kingdom—she mentioned several different factors—the hon. Member for Ceredigion went on to talk about England, Wales and Scotland. That leads inevitably to the realisation that the new bodies, which will be responsible for different parts of the United Kingdom, should and must be involved in the process of target setting that the Bill sets in train.

Logically, we cannot have a national target comprising the totality of different regional targets while, as a result of the Government's constitutional changes, having bodies with extensive responsibilities for their own parts of the United Kingdom. Those same bodies must be an integral part of the process. Surely the Government, and particularly the hon. Member for Ceredigion—given his loyalties and those of his party—would want to ensure the maximum possible involvement of the new bodies, with their new responsibilities, in the process that the Bill requires. In saying that, I thought that I would be going with the flow of what may be characterised as "modern thinking". I am not the greatest devotee of the devolution process, but it is proceeding apace.

That leads to another issue that was raised in Committee and on which the Minister may be able to help us further. Given what I am arguing about the responsibilities in Scotland and Wales, I assume that the figures for England will continue to be produced by the Department. That raises as an interesting side

issue the possibility of an English parliament. Recognition of the national identities and responsibilities in Scotland and Wales leaves us in the anomalous position that Whitehall and Westminster remain responsible for English matters because there is no other body to assume that responsibility. I shall not pursue that thought, but it is a consideration.

I wish that I could have made specific reference to England in my amendment, but that would probably not have been allowed. The anomaly remains that we expect English figures to be produced by what remains of the national bodies in Westminster and Whitehall, whereas the regional figures, if I may call them that, will have to involve the Scottish Parliament and the National Assembly for Wales.

Mr. Gerald Howarth: Perhaps my right hon. Friend can help me. In drawing up the reports, as the United Kingdom Minister will be required to do, will he need the approval of the Scottish Parliament before drawing up targets for Scotland, as transport is not a power reserved to the Westminster Parliament?

Mr. Forth: I am not sufficiently expert to give my hon. Friend a confident reply. In order for the national targets required by the Bill to be firmly based, in order to take account of the diversity and variety that the Minister pointed out so eloquently in Committee and in order to recognise the important role to be played by the Scottish Parliament and Welsh assembly, my amendment suggests that those bodies must be involved as an integral part of the process. Taken together with new clause 6, that produces a more coherent picture.

It follows the logic of the previous group of amendments that we should recognise the huge diversity in the nature of traffic, and the vehicles and users that make up that traffic, and that, in parallel, we should take account of the regional variations in the United Kingdom in patterns of traffic and so on. It is well known that there are enormous variations between the large, empty spaces of most of Scotland and the traffic generated in and around London and the south-east of England.

I hope that those comments are relatively uncontroversial and that they add to the effectiveness of the Bill, rather than detracting from it. I hope also that they take full account of the important developments taking place in our constitution.

2.15 pm

Ms Glenda Jackson: I oppose new clauses 3 and 6, and amendments Nos. 15, 1, 16 and 10. I was not aware that the work of the hon. Member for Christchurch (Mr. Chope) in Committee had strengthened the Bill, or that any of his amendments were accepted. I am sure that all rural communities will be interested to note that he opposes the fact that the Chancellor has found £50 million a year over the next three years for the restructuring of public transport in such areas, given that the Administration whom the hon. Gentleman served privatised bus services and reduced many rural areas to a public transport system that is non-existent or totally inadequate.

New clause 3 is unnecessary. The Bill places on the Secretary of State under clause 2(1) or (2) a duty to have regard to the impact of any changes in vehicle excise duty or fuel duty on road traffic. Those, however, are only two of the triggers available to the Secretary of State. He will need to consider a wide range of factors; there is no reason to single out this particular fiscal trigger; nor would it be sensible to list all the potential triggers available to a Secretary of State in setting and achieving targets.

New clause 6 is unnecessary. Road traffic statistics are currently produced at regular intervals, so there is no need for specific legislation.

The Bill's subject matter is a devolved matter in Northern Ireland. The Bill, as amended in Standing Committee, provides for analogous legislation to be introduced in Northern Ireland.

Amendments Nos. 15 and 16 refer to London. My right hon. Friend the Deputy Prime Minister announced earlier this week that, subject to the referendum to be held on 7 May, there will be a directly elected mayor for London from 2000. The mayor will be responsible for transport in the capital. The White Paper "A Mayor and Assembly for London" makes it clear that the mayor's integrated transport strategy will be set in the context of a national policy. It therefore makes no sense to set separate figures for London or to require the consent of the mayor to measures that we believe should be applied nationally.

I cannot support either amendment No. 1 or amendment No. 10. The existence of the Scottish Parliament and the National Assembly for Wales is contingent on the devolution legislation going through, which cannot, for the purposes of the Bill, be assumed. If the legislation were passed in advance of the Bill, the Scottish Parliament and the National Assembly for Wales would automatically be involved in the way suggested by the amendments, as the subject matter of Bill would be a devolved matter in both countries. I therefore ask the hon. Member for Christchurch not to press the new clause.

Mr. Chope: I am disappointed in not just the content, but the manner of delivery, of the Minister's reply: she is being totally graceless about the matter. She knows that in Committee a number of the points that I raised were accepted by the Bill's promoter, if not by her, and that one of the amendments in the first group arose directly as a result of points that I first raised in Committee.

I wish to move quickly to the final group of amendments, so I shall not respond in more detail to what the Minister said. I can say that I do not agree with almost anything that she has uttered in the Chamber this afternoon.

I beg to ask leave to withdraw the motion.

Motion and clause, by leave, withdrawn.

New clause 5

REPORTS UNDER ROAD TRAFFIC REDUCTION ACT 1997

'( ) The Secretary of State shall not require any local authority to produce a report pursuant to the Road Traffic Reduction Act 1997 until at least six months after the publication by the Secretary of State of the first report under section 2.'.—*[Mr. Chope.]*

Brought up, and read the First time.

Mr. Chope: I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker: With this, it will be convenient to discuss amendment No. 11, in clause 4, page 2, line 12, after 'Act', insert

'and which is made within six months of the coming into effect of this Act'.

Mr. Chope: The new clause links the Bill with the Road Traffic Reduction Act 1997. The thinking behind it is to put pressure on the Minister to produce her report, under clause 2, more quickly than she has suggested hitherto. She has suggested that she will produce the first report around the year 2000. The Government said that they wanted national targets, but they are now saying that they will wait for information from local authorities before deciding to set any targets—if so, what targets? The Government have it round the wrong way. It is reasonable to expect the Government to set the national framework and then for the local authorities to follow on from that. I understood that that was the point that the Minister was seeking to make in answer to points raised by my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) in the previous debate.

Amendment No. 11 arises from a commitment made by the Minister in Committee to extend the Bill by Order in Council to Northern Ireland within three to four months of its enactment. It would require that to be done by affirmative resolution if it were delayed beyond six months from enactment. That measure tries to put pressure on the Government.

Ms Glenda Jackson: I am delighted that I disappointed the hon. Member for Christchurch (Mr. Chope). I take no particular pride in that because, of course, it is so easy for me so to do. To be dubbed graceless by Conservative Members I regard as no small compliment.

I oppose new clause 5 and amendment No. 11. It would not be sensible to delay the production of local authority reports. There seemed to be a somewhat ironic paradox in the argument of the hon. Member for Christchurch. He was critical of the time scale for publishing a national target, yet wished to delay local authority work. In drawing up their report, the Government will want to look closely at the targets set by local authorities and their likely effect on traffic levels. The reports will play a valuable part in devising and stating the national target. Therefore, any delay in their production would not be helpful.

I turn to amendment No. 11, which I oppose on legal advice. I understand that a time limit cannot be prescribed in the Bill, as it would be incompatible with the constitutional arrangements applying to Northern Ireland as regards the treatment of devolved matters. It is however usual for an Order in Council to be made within three to four months of enactment of a Bill in Westminster. I assure the House that the Government have no intention of delaying the process. I therefore ask the hon. Member for Christchurch to withdraw the motion.

Mr. Chope: There have been times during the Minister's remarks when I have wondered whether it is her purpose to try to ensure that the Bill is talked out by so provoking me. I am not going to fall for that old trick. I shall reserve my venom for the Minister for another occasion. I hope that she becomes the mayoral candidate for London so that we can campaign against her in Hampstead high street and tell people there exactly what she was saying a year ago and is now completely disregarding in her attitude to the Bill. The Bill was an embarrassment for her in Committee. If I were charitable, I would say that that might be the reason for the tone of some of her remarks.

I shall ask leave to withdraw the motion, to enable completion of Report today. I hope that, as a result, people who have suggested at various stages in the proceedings that it was my objective to frustrate and destroy the Bill will withdraw those allegations. As we know, actions speak louder than words. That is why we are so critical of the Minister's behaviour—having behaved in one way on Hampstead high street and not being able in Committee to explain her actions that day, I beg to ask leave to withdraw the motion.

Motion and clause, by leave, withdrawn.

Clause 2

ROAD TRAFFIC REDUCTION TARGETS

Amendment made: No. 13, in page 1, line 27, at end insert—

'(3A) In considering how to comply with the requirements of subsections (1) and (2), the Secretary of State shall have regard to—

(a) the mobility needs of persons with disabilities, and

(b) the need for an adequate provision of taxi services in rural and non-rural areas.'.—*[Ms Glenda Jackson.]*

Order for Third Reading read.

To be read the Third time on Friday 24 April.

Local Authority Tenders Bill

As amended (in the Standing Committee), considered.

Clause 1

LOCAL AND OTHER PUBLIC AUTHORITY CONTRACTS: RESTRICTION OF DUTY TO EXCLUDE NON-COMMERCIAL CONSIDERATIONS

2.24 pm

Mr. Eric Forth (Bromley and Chislehurst): I beg to move amendment No. 1, in page 2, leave out lines 8 to 12.

I hope that we can deal with this matter very quickly. The hon. Member for Bethnal Green and Bow (Ms King), the Bill's promoter, has gone to extraordinary lengths to deal with the questions raised by my amendments. I do not want to delay the House; I simply want to raise a matter that bothers me considerably.

The Bill states:

"If . . . an order under subsection (1) above would be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, it shall proceed in that House as if it were not such an instrument."

Because of the diligence of the promoter of the Bill, it just so happens that the Under-Secretary of State for the Environment, Transport and the Regions, the hon. Member for Greenwich and Woolwich (Mr. Raynsford), wrote to try to reassure me that that would not necessarily happen. For the sake of completeness, I shall read out an extract from his letter so that the details are clear to all. I hope that that is an acceptable way of proceeding.

The letter says:

"Your first amendment would remove the provision in the Bill making it unnecessary for an order to follow the hybrid instrument procedure in the House of Lords. In fact, it is unlikely that the Secretary of State will make an order under the proposed power which would be subject to the hybrid instruments procedure. We envisage that any order would affect public authorities, their functions and contracts across the board. However, in the unlikely event that an order were made in respect of an individual local authority, I believe the provision in the Bill is necessary in order to avoid delay in its implementation. Moreover, the requirement in the Bill to obtain the approval of both Houses to a draft order is in itself a sufficient safeguard against any abuse of the power to make an order."

The Minister seemed to be saying that it was unlikely that the measure would need to be used. That is a matter of judgment. He then said that he still wanted the power to be available. The promoter explained to me that she thought that it would be necessary to allow the running of pilot schemes to demonstrate what the Bill is intended to do.

In the context, that makes some sense, but whether we should accept the last sentence in that passage from the letter—

"the requirement in the Bill to obtain the approval of both Houses to a draft order is in itself a sufficient safeguard against any abuse of the power to make an order"—

as the reassurance offered is a matter of judgment.

Mr. David Maclean (Penrith and The Border): I must confess that I had paid no attention to the point until I saw my right hon. Friend's amendments on the amendment paper, which forced me to read the Bill again. The provision seems extraordinary to me. In the extensive research that I am aware he conducts on such matters, has my right hon. Friend come across any other examples of clauses in Bills with words to the effect of "Notwithstanding the fact that the Bill", or order, "may be hybrid, it is given carte blanche to be treated as if it were not hybrid", thereby obviating the need to use the procedures of the House?

Mr. Forth: I am not aware of any precedent.

Ms Oona King (Bethnal Green and Bow): The provisions that the right hon. Gentleman seeks to amend are fairly normal in such cases. Recent examples include section 79(4) of the Airports Act 1986, section 34(4) of the Police Act 1996 and section 87(9) of the Environment Act 1995. I shall not continue, but there are several other examples.

Mr. Forth: I am grateful to the promoter of the Bill, who obviously does her homework, too—extraordinarily thoroughly, as my right hon. Friend the Member for Penrith and The Border (Mr. Maclean) can see.

I was about to conclude my remarks on the subject by saying that it is for right hon. and hon. Members to judge whether they should accept the safeguard that the Minister offers us—the need for the approval of both Houses for a draft order. From the Opposition Benches now, looking at the size of the Government's majority and the way in which they use it, at the attitude of Ministers and at the Government's proposals for the upper House, all I can say is that I leave it for others to judge whether the safeguard offered is sufficient.

Mr. Maclean: When a Bill or order is regarded as hybrid, is there not a special procedure whereby representatives of the private interests that may be affected can appear before a special Select Committee to put their case, as happens with private Bills? If the Bill goes ahead with the wording in the clause unchanged, that would not happen in some cases. We shall have to look at the precedents in the Acts that the hon. Member for Bethnal Green and Bow (Ms King) mentioned. I cannot recall their being brought to my attention when they went through the House.

Mr. Forth: I suspect that my right hon. Friend is right. I have received assurances and, thanks to the promoter of the Bill, I met someone from the private sector who assured me that he and the rest of the private sector were fully satisfied that the Bill would help them in tendering and contracting for local government. He did not seem unduly bothered about the provision.

The letter so kindly transmitted to me by the Minister at least attempts to answer the question about hybridity, and I thought that the House should be aware of what it said.

The Under-Secretary of State for the Environment, Transport and the Regions (Ms Glenda Jackson): My hon. Friend the Member for Bethnal Green and Bow (Ms King) pointed out the number of times that orders have been made. The right hon. Gentleman is obviously concerned that there should be no abuse of power. The Bill requires the approval of both Houses before a

[Ms Glenda Jackson]

draft order can be made, so that is a sufficient safeguard against any abuse of power. I therefore ask the right hon. Gentleman not to press the amendment.

Mr. Forth: In view of the letter from the Under-Secretary and what the Minister has said, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 2

SHORT TITLE, COMMENCEMENT AND EXTENT

Mr. Forth: I beg to move amendment No. 2, in page 2, line 19, leave out 'two' and insert 'six'.

I tabled the amendment because I was uneasy about the two-month implementation period in the Bill—

It being half-past Two o'clock, further consideration of the Bill stood adjourned.

Bill to be further considered on Friday 24 April.

Remaining Private Members' Bills

PRIVATE HIRE VEHICLES (LONDON) BILL

Order read for consideration in Committee.

Hon. Members: Object.

Committee deferred till Friday 24 April.

PUBLIC RECORDS (AMENDMENT) BILL

Order read for resuming adjourned debate on Question [30 January], That the Bill be now read a Second time.

Hon. Members: Object.

Debate to be resumed on Friday 24 April.

SCHOOL CHILDREN'S CLOTHING AND FOOTWEAR (VALUE ADDED TAX) BILL

Order for Second Reading read.

Hon. Members: Object.

Second Reading deferred till Friday 3 July.

LOCAL GOVERNMENT BOUNDARY CHANGES (REFERENDUM) BILL

Order for Second Reading read.

Hon. Members: Object.

Second Reading deferred till Friday 24 April.

DOOR SUPERVISORS (REGISTRATION) BILL

Order for Second Reading read.

Hon. Members: Object.

Second Reading deferred till Friday 3 July.

FARMING OF ANIMALS FOR FUR (PROHIBITION) BILL

Order for Second Reading read.

Hon. Members: Object.

Second Reading deferred till Friday 24 April.

COMPANIES (MILLENNIUM COMPUTER COMPLIANCE) BILL

Order for Second Reading read.

Hon. Members: Object.

Second Reading deferred till Friday 24 April.

REFORM OF QUARANTINE REGULATIONS BILL

Order for Second Reading read.

Hon. Members: Object.

Second Reading deferred till Friday 24 April.

VOLUNTARY PERSONAL SECURITY CARDS BILL

Order for Second Reading read.

Hon. Members: Object.

Second Reading deferred till Friday 24 April.

REGIONAL DEVELOPMENT AGENCIES BILL (PROGRAMME)

Ordered,

That the following provisions shall apply to the remaining proceedings on the Regional Development Agencies Bill:

1. The proceedings on consideration shall, if not previously concluded, be brought to a conclusion at half-past Ten o'clock on Wednesday 1st April and proceedings on Third Reading shall, if not previously concluded, be brought to a conclusion at midnight on that day; and paragraph (1) of Standing Order No. 15 (Exempted business) shall apply to proceedings on the Bill for two hours after Ten o'clock.

2. Standing Order No. 82 (Business Committee) shall apply to proceedings on the Bill.

3. For the purpose of concluding any proceedings which are to be brought to a conclusion at a time appointed by or under this Order—

(1) The Speaker shall put forthwith the following Questions (but no others)—

(a) any Question already proposed from the Chair;

(b) any Question necessary to bring to a decision a Question so proposed (including in the case of a new Clause or Schedule which has been read a second time, the Question that the Clause or Schedule be added to the Bill);

(c) the Question that any remaining new Clauses or new Schedules standing in the name of a member of the Government be added to the Bill;

(d) the Question that all remaining amendments standing in the name of a member of the Government be made; and

(e) any other Question necessary for the disposal of the business to be concluded.

(2) Proceedings under sub-paragraph (1) shall not be interrupted under any Standing Order relating to sittings of the House and may be decided, though opposed, at any hour.—[*Mr. Dowd.*]

Middle East

Motion made, and Question proposed, That this House do now adjourn.—[*Mr. Dowd.*]

2.32 pm

Mr. George Galloway (Glasgow, Kelvin): First, I extend my warm congratulations to my right hon. Friend the Foreign Secretary on his important initiative, during his recent tour of middle eastern capitals, which attempted to restart the ailing middle east peace process. I noticed in this morning's press that my right hon. Friend is to be denied the pleasure of yet another dinner as a result of his principled and courageous efforts to achieve peace with honour, peace with justice, and peace for land in the middle east.

The well-publicised rudeness of Netanyahu, and that of his settler supporters and his police, tried but failed to divert world attention from the importance of illegally occupied Jerusalem. The Foreign Secretary was right to visit the illegal settlement in occupied Jerusalem. He was also right to say publicly that Jerusalem was a Palestinian capital as well. It is occupied in exactly the way that Kuwait was occupied by Iraq—by armed force. It is held in defiance of repeated decisions by the United Nations Security Council.

Similar rudeness by Netanyahu's cheerleaders here in Britain will equally fail, and will merely draw further attention to their hero's arrogant refusal to implement international law and solemn and binding treaties signed by his predecessors.

I also congratulate my right hon. Friend the Prime Minister in anticipation of his visit to the Palestine National Authority. There are great expectations of him and his visit in the territory. Like the Foreign Secretary's efforts, the prospect of the visit has done much to lift the air of despair and depression in the Arab world and has buttressed the standing of this country in an area that is of great interest to us.

We maintain a huge balance of trade surplus with the Arab world. Our annual trade with Saudi Arabia alone is worth £3.8 billion—more than the total in trade with the whole of Latin America. Our surplus with the United Arab Emirates alone is £1 billion per year. We must never forget that, in pursuing a more balanced policy in the middle east, we are not only doing what is right, but serving our national interest, which is, after all, a legitimate part of any Government's foreign policy.

The middle east is historically important to us—nobody knows the area better than we do. We were guiding statecraft in Arabia when the cowboys were still wiping out the indigenous population of America and when the idea of obliterating the name Palestine from the maps of the world would have seemed incredible. The other day, Netanyahu had the nerve to say that the Europeans had no place in the middle east peace process because they did not understand the area. The House will recall that Sykes and Picot were not Americans.

The truth is that the reason why Netanyahu does not want us in the peace process is not that we do not understand the area, but that we understand it only too well. We understand the canyon of despair in the middle east that was created by the failure of Netanyahu to implement the Oslo agreements and by the failure of the United Nations and the world to force him to do so.

[Mr. George Galloway]

That is what the Government have been told by our friends in the area—people who are our good customers and loyal allies, and who have taken considerable risks for peace.

I am talking about friends such as Qatar's admirable Foreign Minister Sheikh Hammed, who has expressed his fears about the rise of fanaticism in the area in the wake of that failure. The Crown Prince of Jordan last night spelt out on television the high price that our friends the Jordanians are paying and may yet pay for the paralysis in the peace process and the continuing crisis in the Gulf. The Egyptian president, Hosni Mubarak, warned us of the shock waves of extremism that lurk in the Arab world, which will be unleashed unless something is done.

I had the opportunity of following the progress of my right hon. Friend the Foreign Secretary while I was in three Arab countries—Syria, Jordan and Iraq—to which I travelled at the expense of, and in my capacity as, secretary of the Emergency Committee on Iraq. I can therefore tell the House that the British Government's stance—advocated in the name of the European Union, the largest collection of democracies in the world—was warmly received in both the chanceries and streets of the Arab world.

My right hon. Friend the Foreign Secretary should not be deterred by the predictable chorus of pro-Netanyahu propaganda that is recycled—to their discredit—by some Opposition Members and some newspapers, who irresponsibly adopt the Israeli line on these events not because they support Netanyahu, but because they are out to damage the Foreign Secretary and the Government.

As I said, I recently returned from that other flashpoint in the area—Iraq. Again, I thank my right hon. Friend the Foreign Secretary for the generosity of spirit with which he received my entreaties on behalf of the suffering children of that country. My right hon. Friend has always said that Britain has no quarrel with the ordinary people of Iraq, and I have always said that we should go out of our way to prove that—this, he has done.

There are encouraging signs of peace breaking out in Iraq. Mr. Richard Butler, the far from easily pleased head of the United Nations Special Commission spoke earlier this week of

"a remarkable new atmosphere of co-operation"

emerging between the United Nations inspectorate, its diplomatic escorts and the Iraqi Government. The first presidential site was successfully visited by a huge UNSCOM team yesterday.

When I met Iraq's Deputy Prime Minister Tariq Aziz last week, I stressed to him the importance of the swift and comprehensive implementation of the agreement brokered with great skill by the United Nations Secretary-General. I stressed the importance of avoiding at all costs any mistakes or misunderstandings in the implementation of those accords. The Deputy Prime Minister was clear that Iraq would implement the Secretary-General's agreement, both in spirit and to the letter.

Judging by what Mr. Butler has said, progress has started well. At this rate, the sites about which so much has been said will all have been inspected soon. Of course, there are rather fewer of them than we were told at the height of the recent crisis—eight rather than 48—and they are rather smaller than we were told or, indeed, shown on specially prepared maps here in the Chamber. Alas, the quality of our intelligence from Iraq has been poor, perhaps deliberately so.

In any case, let us be positive. That means that the job will be completed all the sooner. We must hope so, because time is running out for the long-suffering people of Iraq, a nation of 22 millions, with which we have had a long and close association and with which, not so long ago, we conducted huge volumes of business—I am talking about respectable business and not the obscenities of the arms trade—whose people we educated in our universities in huge numbers and whose tourists used to come here in greater numbers than from any other Arab country.

Time is running out because even a people with the fortitude of the Iraqis cannot suffer the depredations of sanctions indefinitely. Pre-famine conditions exist in Iraq, as the United Nations Food and Agricultural Organisation has stated. UNICEF, the United Nation's Childrens Fund, says that 31 per cent. of Iraqi children under five are suffering from chronic malnutrition—almost one in three. On average, every child in Iraq suffers around 15 bouts of diarrhoea a year with a one in 50 chance of dying from what is an easily cured condition.

The Government may say that food and medicine are not covered by sanctions, but that is misleading to the point of being untrue. First, the current levels of the oil-for-food deal, which are double what they were, allow Iraq to sell just £2 billion worth of oil every six months, with strict UN supervision of how the money is spent. Of that sum, more than one third is deducted immediately for reparations payments to Kuwait and to cover the cost of the vast UN apparatus in Kuwait and Iraq. That leaves less than £3 billion per year for all food, medicines and other supplies for a country with a population nearly half the size of Britain's—30 cents per person per day.

To obtain a comparison, let us look at our expenditure on our health service alone of £44 billion per year. We see that the figure falls grotesquely short of Iraq's needs before even taking into account the aggregate effect of seven and a half long years of sanctions. It is true that the Government are proposing a further doubling of the amount, but it is equally true that Iraq cannot pump the amount of oil needed to realise that new sum without substantial rehabilitation of its capacity. Even if the figure is doubled to 60 cents per day, it will be a drop in the ocean.

Iraq is a sea of water-borne diseases. The sewerage systems have collapsed and the water purification systems too. Sometimes, solid waste comes through the taps. Many parts of Iraq have had no electricity since the war and all parts still suffer power black-outs, even hospitals, sometimes during operations. Cholera, typhoid and enteric diseases are on the march in that once-modern land. In 1990, there were 485 cases of Kwashiorkor, the starvation affliction introduced to the word's public in Biafra 30 years ago. Last year in Iraq, there were 28,475 cases. I beg my hon. Friend not to treat those figures as though they were controversial. They are not mine—I have deliberately chosen figures produced by the United Nations agencies.

I walked through that misery in Iraq last week, and hard-bitten journalists from the American, French, German and British media wept with me at what we found

in two children's hospitals, which were filthy because cleaning materials are banned under sanctions. Cleaners do not turn up to work because their salaries are only $2 a month, and doctors sweep floors as well as treating patients and comforting their families for only $3 a month. There are no sheets on beds, because they are banned under sanctions, and other bedclothes are washed in diesel, because detergents are banned under sanctions.

Hospital equipment has virtually all broken down, and spare parts are banned under sanctions. There is almost no intravenous fluid: it, too, is banned under sanctions, as are insulin; vitamins; until recently, syringes; doctors' pencils; and even plastic bags that hold blood or collect waste matter from open wounds. Anaesthetic is virtually unobtainable, as are radiotherapy treatment and X-rays, which are banned under sanctions.

Drugs are either unaffordable or undependable, and arrive in the wrong combinations at the wrong times. Much worse, a cancer epidemic afflicting many children who were not born at the time of the conflict between this country and Iraq appears to have broken out. In 1989, there were 2,185 cases of leukaemia, and 385 deaths. In 1996, there were 9,785 new cases of cancer, and 3,320 deaths. The figures for 1997 suggest that the trend is accelerating.

The incomparable Robert Fisk, writing in *The Independent*, and other noble British journalists who are investigating this disaster, point to the enormous bombardment of southern Iraq in 1991 with 927,000 uranium-tipped aircraft bullets and 30,000 armour-piercing shells which were tipped with depleted uranium for greater penetrative power. Those weapons were tested in Scotland, and 20 tonnes of them still lie festering in the Solway firth, but 300 tonnes of uranium dust has been left in the sands of the Gulf—in the water and in the food chain, and in the chests and blood of the children of Iraq.

Our own service men were ignored by the previous Government when they complained of Gulf war syndrome. Fisk argues that the syndrome and the suffering of the Iraqis, who were on the receiving end of the ordnance, may be linked. Like the children of parents poisoned by agent orange, the American chemical weapon used in attacks on the peoples of Vietnam, Iraqi children are victims of a conflict that they did not choose and could not affect.

Having visited the cancers on Iraq's children, we would be putting them in double jeopardy if we maintained a blockade that effectively starved Iraq's children of the remedies. I cannot prove that those weapons cause the cancers, but there is a case to answer, and the question mark hanging over it is so large that it demands a response.

We have an armada of soldiers and sailors armed with cruise missiles standing to in the Arabian gulf. Hon. Members would do much to inform the people of Iraq of the values of western civilisation if we sent an army of cancer experts armed with radiotherapy equipment, diagnostic tools and suitcases of chemotherapy drugs to help the beleaguered Iraqi health service to combat this malignancy.

This policy must end sooner or later—we are not fighting the hundred years war—and it no longer commands the support in the Arab world, among our European partners or in the Security Council that it did. It would be better to bring the policy to an end in a calculated and negotiated way. If that is not done, it will begin to collapse in ways which we cannot accurately foretell and which may lead to even more terrifying instability in the region, to the detriment of people with whom we have no quarrel, of friendly Governments in the neighbouring middle eastern countries and, ultimately, of our own national interests.

2.48 pm

The Minister of State, Foreign and Commonwealth Office (Mr. Derek Fatchett): May I first thank my hon. Friend the Member for Glasgow, Kelvin (Mr. Galloway) for his remarks and his congratulations to our right hon. Friend the Foreign Secretary? I agree with my hon. Friend that those congratulations were well earned.

I shall first address the need for urgent progress in the middle east peace process. My hon. Friend is right to say that a deep sense of frustration and despair is felt in all the Arab countries, which has been built up by the lack of progress in the peace process. We are keen to see progress because we believe that it is in the interests of everyone, including Israel, the Palestinians and the rest of the region.

One of the reasons why my right hon. Friend the Foreign Secretary made the speech that he did a few weeks ago, which achieved such widespread support and acclamation, was that he wanted to ensure a distinct and clear European Union voice in the process. He also wished to set out our ambitions and aspirations for the middle east peace process.

My hon. Friend will have watched recent developments. We have set out the important steps that we believe need to be taken by the parties. We have always stressed that the parties are under an obligation to fulfil their commitments under previous agreements. It does not make any difference in international law if those agreements are signed by a previous Government: the simple fact is that they are signed on behalf of states, not by individual Governments, and the commitments do not fall into abeyance once the Government changes. It is crucial that all the parties carry out the commitments that they have undertaken in previous agreements.

As my hon. Friend said, we have been even-handed. We have reminded the Palestinians of their obligations. We have talked about the need for the Palestinians to deliver on security and, as part of our presidency of the European Union, we have made clear our commitment to the Palestinians to help with that issue.

I am pleased to tell the House that there is now a strong view in the United States and among our European Union colleagues that the Palestinians are making every possible effort to deliver on their security obligations. We wish them well, because security is a crucial part of the process of developing and maintaining confidence.

We have also said that no other action should be taken by either party that diverts attention from or undermines the existing process. For that reason, as my hon. Friend knows, we have been strong in our criticism of settlements, because they contradict international law and are in contravention of the spirit of the peace process. The settlements make it difficult, if not impossible, to restore the confidence that is crucial to making progress. That is why my right hon. Friend the Foreign Secretary made a strong statement about settlements on his recent visit to the middle east. We will continue to make such statements, because they are important. Israel should not

[Mr. Derek Fatchett]

be able to pre-empt the final status negotiations by continued settlement development. That position is not unique to the United Kingdom: it is held by the European Union and has been affirmed on many occasions by the United States.

The Foreign Secretary, in his speech recently, also said that there was a need for other action that would enable the peace process to move forward. He itemised four areas that are especially important. First, progress needs to be made on further redeployments. I hope that it is clearly understood that the term is "redeployments" in the plural. Commitments exist that make it clear that the next redeployment will not be the last in the process before final status negotiations. We have argued that there must be meaningful and significant movement on further redeployments. The figures have been discussed and are out in the open in rumour form, but it is important that more progress is made.

The other areas in which progress can be made are economic measures to win confidence, the development of the industrial estate in Gaza and the opening of the airport there, and the provision of the southern safe passage route. All those measures will restore confidence. It is a remarkable testimony to the patience of the Palestinian people that, since the Oslo peace accords, their living standards have fallen, on average, by nearly 40 per cent. That must make it difficult for the average Palestinian to have any confidence in the peace process, but they still appear to be strongly committed to it. It is important that those interim economic measures are taken to build confidence and, above all, to maintain and improve living standards.

My hon. Friend was in Palestine at the same time as I was, just over two years ago, for the Palestine National Authority elections. He knows that that was a day of great hope, not only for the Palestinians but for those of us who had the opportunity of talking to ordinary Israelis. They, too, hoped that two neighbouring democracies were being born in the middle east that could work together and build confidence, one in the other. We must ensure that hope is put back into the peace process so that the ordinary people of the region can see a future. We must replace frustration with hope.

My hon. Friend has a clear commitment from the Government, as part of our European Union presidency and beyond, that we will give a high priority in our diplomatic efforts to ensuring progress in the middle east peace process.

The Prime Minister and the Foreign Secretary are in regular close consultation with our European Union partners and with the United States to discuss ways in which we can advance the process. There is good collaboration between Europe and the United States. We hope that before too long—the quicker, the better—the United States will table its own proposals. They will be watershed proposals that open the prospect of making the progress that we all seek. Europe will have played a significant part in delivering them to the table and creating confidence in the process.

I welcome my hon. Friend's opening comments on those issues. He has from me the assurance that we will continue to be active in the middle east peace process.

My hon. Friend talked about several issues relating to Iraq. I congratulate him on the points that he made to the Iraqi Deputy Prime Minister, Tariq Aziz. It is crucial that the agreement made by Kofi Annan is adhered to; there must be compliance. We are pleased that, so far, there has been co-operation and that the inspections are going ahead. We have always argued that there had to be unrestricted access. So far, we have to report that progress has been reassuring, and we wish that to continue.

When my hon. Friend was speaking, I was reminded of an important point. If Iraq can now co-operate so fully with the inspection regime, why did it not co-operate earlier? That shows that responsibility for the continuation of sanctions rests with the Iraqi regime and no one else. We have always said that compliance with the United Nations Security Council resolutions would lead to the lifting of sanctions. I am sure that my hon. Friend recognises that non-compliance over the years—the refusal to go along with the inspection team—has created the problems that may now exist in the form that he described. The fact is that such co-operation could have been given by the Iraqi regime a long time ago, and many of the issues could have been resolved. If that had been the case, Iraq would have been free of its weapons of mass destruction.

When my hon. Friend visited other capitals in the region, he would have been told time and again that those countries share our objective of ensuring that Iraq is clear of chemical, biological and nuclear weapons. They want Iraq to be clear of its weapons of mass destruction.

My hon. Friend was very kind in his comments on the Government's concern for the ordinary people of Iraq. He is right that we have no argument with the ordinary people of Iraq. The Government have been proud to take action in two important areas. First, we led in the Security Council to ensure that there was a new humanitarian Security Council resolution. We were responsible for taking the initiative to double the amount of oil that could be sold by Iraq to meet a range of requirements. We are proud to have taken that position, and it is further evidence that the United Kingdom has no argument with the ordinary people of Iraq. We are trying to deliver to the ordinary people of Iraq.

We have taken a further initiative in calling for a conference—to take place next month, we hope—to look at the humanitarian issues and the ways of providing further assistance to the ordinary people of Iraq. We have got together with our European Union partners, and the conference will involve other countries. We hope that we can be imaginative in dealing with some of the issues of immediate importance to the people of Iraq.

My hon. Friend wrote to my right hon. Friend the Foreign Secretary about the case of Marian Hamza, although he did not mention that case today. My right hon. Friend has replied, and will do all he can to ensure that appropriate humanitarian assistance is made available. I am sure that my right hon. Friend will keep in touch with us on those issues.

My hon. Friend referred to the use of depleted uranium and his fears in that respect. Given the shortness of time available and the importance of the issue, I promise to write to him to do justice to his remarks. It would be wrong at this stage to try to push those aside with a sleight of parliamentary hand. My hon. Friend deserves a fuller

reply, and it may be useful to the House if, with his agreement, I make my reply available through the House of Commons Library.

I conclude by thanking my hon. Friend for raising the issues. The middle east is important to the UK. As he rightly said, we have experience and expertise in the region. We are determined to be fair and active players, and we understand the importance of the issues, and the concerns and priorities of all people. If we can deliver political solutions to what have been intractable problems, it will be a real contribution by this Government and the United Kingdom. We will work towards those with our best endeavours. As always, we cannot promise satisfaction—

The motion having been made after half-past Two o'clock, and the debate having continued for half an hour, MR. DEPUTY SPEAKER *adjourned the House without Question put, pursuant to the Standing Order.*

Adjourned at two minutes past Three o'clock.

House of Commons

Monday 30 March 1998

The House met at half-past Two o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

Oral Answers to Questions

HOME DEPARTMENT

The Secretary of State was asked—

Illegal Immigrants

1. **Mr. Viggers:** If he will estimate the number of persons who entered the United Kingdom illegally in the past year. [35148]

The Parliamentary Under-Secretary of State for the Home Department (Mr. Mike O'Brien): By the nature of the problem, we do not know, and estimates may be misleading. It is not possible to establish whether a person is in the United Kingdom illegally until he or she is traced. Provisional figures for 1997 show that 14,150 people were traced and served with illegal entry papers, but many of them may have entered in previous years.

Mr. Viggers: If 250,000 people have applied for political asylum in this country in the past 10 years, of whom 10,700 have been granted asylum and 13,000 deported, where does the Minister think that the other 226,300 people are? Moreover, bearing in mind the recent growth in economic migration, does he think that our institutions are strong enough to cope with it?

Mr. O'Brien: Our inheritance from the previous Government was pretty appalling; in fact, the asylum system that we inherited was a shambles. There were 50,000 people in the Home Office backlog, there were 23,000 in the appeal system and other people had simply disappeared. We are now reviewing the whole process and ensuring that we put in place a firmer, faster and fairer asylum system.

Mr. Campbell-Savours: To raise an issue that I have raised many times, why do we not seriously consider introducing in the United Kingdom a national identity card scheme, which would deal with very many problems that are being repeatedly raised with all Departments of State, at least during this Parliament?

Mr. O'Brien: There is something to be said for a voluntary ID scheme, but a compulsory one might create as many problems as it resolved, as Lord Chief Justice Goddard—of all people—said as long ago as 1952, when he expressed concern about the way in which it could affect the relationship between the citizen and the police. Nevertheless, those issues are a legitimate part of the political debate.

Mr. Beith: Although I welcome the Minister's caution on the difficult issue of identity cards, may I ask him what is being done through the EU presidency to make states take a responsible attitude to asylum seekers, instead of dumping them on the Eurostar train as Belgium has done? Does he recognise that we need to ensure that genuine asylum seekers have their cases dealt with quickly to prevent the situation where, as the Minister said, very many people are disappearing into the system because cases have not been dealt with quickly enough?

Mr. O'Brien: The presidency is doing a great deal to try to sort out some of the difficulties that we inherited, one of which is the Dublin convention. It was signed in 1991 and came into force in September 1997, and it has caused us enormous difficulties in removing some of the people who would usually have been dealt with in the European country from which they came. That convention must have been appallingly negotiated; we have been left to clear up that mess, too. Much work is being done on it during the presidency.

On the recent events in relation to persons coming from Brussels on Eurostar, we quickly contacted the Belgian authorities, who have assured us of their co-operation and their effective efforts to deal with the problem on our behalf.

Sir Brian Mawhinney: After nearly a year in power, the hon. Gentleman must eventually stop wringing his hands and start governing. Given his answer and the new Labour briefing that has been going on, of which I am sure he is aware, to the effect that the Government are considering an amnesty for some people, will he take this opportunity to rule out an amnesty for those who have been in the United Kingdom for many years, but whose permanent residence has not been regularised?

Mr. O'Brien: The previous Government—as the right hon. Gentleman will undoubtedly know—had a rule: when someone had been caught in the asylum system for seven years, his or her circumstances would be regularised. He will also know that, in the 1990s, there were periods in which exceptional leave to remain was granted to more than one in two of those in the list. We are, therefore, examining all aspects of the asylum process. I assure the right hon. Gentleman—let me be very clear about it—that we do not plan any blanket amnesty for 50,000 people caught in the backlog, as erroneously reported a couple of weeks ago by *The Mail on Sunday*.

Bribery of Members

2. **Mr. Cranston:** If he will make a statement on his plans to make bribery of hon. Members an offence. [35149]

The Parliamentary Under-Secretary of State for the Home Department (Mr. George Howarth): We are committed to tackling all forms of corruption, including bribery of hon. Members. We expect to make a statement as soon as possible on the reform of the law, taking

account of the results of various consultation exercises—including the views of the Joint Committee on Parliamentary Privilege, if those are available.

Mr. Cranston: I thank my hon. Friend for that reply. However, may I press him a bit further? The legal and conceptual issues are quite simple, and have been discussed over many years—in the 1970s, in the Salmon committee's report; more recently, by the Nolan committee; and now, in the Law Commission's very clear paper on corruption. Where is the delay? Is there a problem with the Joint Committee on Parliamentary Privilege? May I have a specific assurance that, in the next parliamentary Session, the next criminal justice Bill will contain a provision to deal with the matter?

Mr. Howarth: Obviously, this is a matter of concern, and my hon. Friend is right to say that we are concerned about it. In June, my right hon. Friend the Home Secretary made a statement on the Law Commission's report on corruption offences. The work of the Joint Committee on Parliamentary Privilege, and all the emerging conclusions, are under consideration. We hope to take action as soon as is reasonably possible, given the Government's other commitments.

Sir Sydney Chapman: In the Minister's definition of bribery and corruption, would he include an attempt by one hon. Member to induce another to give up his seat in return for a peerage? As the Minister is a reasonable person, will he have a quiet word with the leader of the Labour party on that exact point?

Mr. Howarth: The hon. Gentleman is himself a nice person, but I am not prepared to take any lectures from Conservative Members on the use and abuse of power in that type of activity—in which we are not involved, although he and the Conservative party know plenty about it.

Mr. Skinner: Does my hon. Friend agree that, in the past 18 years—[HON. MEMBERS: "Oh."] Oh yes, 18 years. Does he agree that, in that time, nearly every single Tory Back Bencher, with the possible exception of the hon. Member for Macclesfield (Mr. Winterton), has been given a knighthood for services to the Tory party? On top of that, scores of them were given peerages to keep quiet. I tell my hon. Friend that I do not want one, because I am going to keep opening my mouth.

Mr. Howarth: My hon. Friend will disappoint not only other hon. Members but the public, all of whom would like to refer to him as "Sir Dennis". Every sensible suggestion that we made when we were in opposition was resisted by Conservative Members because—my hon. Friend is quite right—they had no interest in cleaning up our politics. However, we will do it.

Inquests

3. **Mr. Simon Hughes:** When he will reform the laws of procedure on the conduct of inquests. [35150]

The Secretary of State for the Home Department (Mr. Jack Straw): In his recent report on the Hillsborough disaster, Lord Justice Stuart-Smith endorsed the recommendation of a Home Office working group that, in its current form, the inquest system was an inappropriate way in which to inquire into major disasters. I agree with that, and shall introduce legislation as soon as a suitable legislative opportunity arises.

Mr. Hughes: I am very encouraged by the Home Secretary's answer, for which I thank him. For many years, there has been a file on the desk of his predecessors marked "Reform of the Inquest System", which has lain unattended to.

I share the right hon. Gentleman's view—it is not just the view of Lord Justice Stuart-Smith—on the Hillsborough inquiry. The families of people who lost their lives in the sinking of the Marchioness and many others feel that, unless we sort out the relationship between inquests, civil and criminal proceedings and public inquiries, we are condemning many people to a lottery of decisions, often involving many years of grief and difficulty. May I tell the right hon. Gentleman that if he wants support and encouragement to get an agreed procedure, many of us will be happy to oblige?

Mr. Straw: I am afraid that I cannot vouch for the contents of my predecessor's desk, as it was cleared just before I got to the room. Of course, I entirely share the hon. Gentleman's concerns about the inappropriate interaction between inquests, civil proceedings and major inquiries of the type established in the wake of the Hillsborough disaster. I have made it clear, not least in my statement on the Hillsborough disaster, that it was quite unnecessary and inappropriate and merely added to the grief of the families involved for the initial inquest, which would always take place to establish the immediate cause of death, to be followed by a major public inquiry, in this instance conducted by Lord Justice Taylor—it did a very good job—and for the families then to be put through the mill of further, detailed inquests, which frankly served very little purpose.

Maria Eagle: I welcome my right hon. Friend's commitment to reforming the inquest system. In that connection, will he consider the adverse impact that findings of accidental death have on families of the bereaved in circumstances such as those surrounding Hillsborough? Will he include in his review and in any legislation some attempt either to refine or to widen the type of verdict available to the coroner, because it is the idea that people died accidentally that the families of the Hillsborough victims find so unacceptable and with which they cannot cope?

Mr. Straw: Yes, we will, of course, take that on board. One of the continuing problems with inquests is that they are intended to deal with a very narrow issue,—the immediate or medical cause of death—not with the wider causes. That is a further reason why, when there has been a major inquiry of the kind established after Hillsborough, it should not be followed by further inquests. That simply implies that an inquest is meant to establish wider causes when it does not have that function or locus at the moment.

Youth Crime

5. **Mr. Love:** What plans he has to tackle crime among young people. [35154]

Mr. Straw: The Government's plans for reducing youth crime were set out in the White Paper "No More Excuses" which was published last November. Proposals to speed up youth justice proceedings, to replace repeat cautions with a new final warning scheme, to introduce new community-based sentences and to establish a national youth justice board and local youth offending teams are included in the Crime and Disorder Bill.

Mr. Love: I thank my right hon. Friend for that reply. As he will be aware from his recent visit to Edmonton, many people in the Bush Hill Park area of my constituency have been subjected to the criminal activities of a few persistent young offenders. Does he agree that the time is now right to take action against those people?

Mr. Straw: I entirely agree with my hon. Friend. On my visit to the Bush Hill Park area of my hon. Friend's constituency a few weeks ago, I saw, yet again, the trouble caused by young offenders who are allowed to offend again and again, and who have received the message that they can go on doing so and get away with it. It is for that reason that we are proposing in the Crime and Disorder Bill a root and branch reform of the youth justice system, so that never again will a generation of youngsters believe that it can offend and behave criminally with impunity.

Sir Brian Mawhinney: May I direct the Home Secretary's attention to one particular aspect of youth crime, which is that committed by a small minority of people while they are allegedly supporting football teams and attending football matches? I am sure that all hon. Members extend their sympathy to the family and friends of the fan who was so brutally murdered on Saturday.

In that context, at least one Minister has known since last year of the new knife sponsored by FIFA during the World cup. Were the use and selling of the knives considered at the seminar on policing the World cup which the Home Secretary held in Blackburn earlier this year? What steps does he plan to take to reinforce the message that, no doubt, all hon. Members would support—that taking knives to football matches in Britain or at the World cup is totally unacceptable?

Mr. Straw: As the right hon. Gentleman said, I am sure that the whole House joins me in expressing the deepest sympathy with the family and friends of Matthew Fox, who was brutally murdered on Saturday as he came out of Priestfield Park football ground at Gillingham, and profound anger at the reappearance of football hooliganism. I assure the House that, in co-operation with the police and the football authorities, we shall do all that we can to ensure that such hooliganism is clamped down on heavily.

The right hon. Gentleman also referred to the FIFA-branded knife which, wholly inappropriately, is being sold in France as part of the so-called World cup memorabilia. My hon. Friend the Minister for Sport raised the matter with me as soon as he became aware of it—I think that it was earlier this year rather than last year. I have taken it up with the football authorities in France and with FIFA. It is a matter of enormous regret to me that they have not acted on those representations, as it sends out entirely the wrong message to sell knives as part of the memorabilia for football games.

Mr. Paul Clark: May I, too, refer to the tragic events on Saturday at Priestfield stadium in my constituency of Gillingham? They have stunned the people of Gillingham and the Medway towns. Of course we add our condolences to the relatives and friends of Matthew Fox who was so tragically killed. May I inform my right hon. Friend that I, too, was at that match? Both sides played excellent football; the match was conducted in good humour and good spirit, and was extremely well policed and organised. Gillingham prides itself on being a family club and that was the atmosphere that afternoon. May I ask for further assurances that, wherever possible, steps will be taken to eradicate the violence that we witnessed at Priestfield Park on Saturday and that all the relevant authorities will leave no stone unturned, and will find out what happened and the lessons to be learnt?

Mr. Straw: As I have said, we share the grief of my hon. Friend's constituents and the family and friends of Matthew Fox, the young man who was murdered. We all understand the sense of shock that affects the entire community in the wake of an unnecessary tragedy. My hon. Friend asked me what inquiries were being made. The police are assiduously pursuing their inquiries and the Football Association is also establishing an inquiry into matters of crowd control, and that is quite right.

Juvenile Remand Prisoners

6. **Dr. Julian Lewis:** What representations he has received with regard to the remand of 15 and 16-year-olds in adult prisons. [35155]

The Minister of State, Home Office (Ms Joyce Quin): I have received a number of representations expressing concern about 15 and 16-year-olds on remand in adult prisons. As the hon. Gentleman will know, the Government have initiated a review of the juvenile secure estate.

Dr. Lewis: I thank the Minister for that reply. Does she agree that the primary way in which to deal with youngsters on remand in that age group is to try to find them secure local authority accommodation? In that connection, does she recall the repeated attacks by members of her ministerial team and the Prime Minister when they were in the shadow Home Office team on the Conservative Government's programme of building 170 such places? How does she square that attack with the revelation by the Under-Secretary of State for Health in a written answer on 11 March that the new Government planned only six such places to be built between 2 May 1997 and 31 December 1998?

Ms Quin: The hon. Gentleman seems to have forgotten that, although the Conservative Government introduced legislation to end the remanding of juveniles to prison in 1991, six years later, the problem had become worse.

Mr. Cunliffe: I am sure that my hon. Friend is aware that many of the young offenders on remand are drug

takers. Will she bear in mind the astounding success of the American drug courts, which have a specialised judge and a specialised team of workers? Their aims are to deter and to rehabilitate young offenders. Statistically, the programme has been a resounding success. Does she agree that adopting such an approach would speed up the process of bringing young offenders to trial? Will she consider at least a pilot scheme to tackle that very grave problem for young people?

Ms Quin: My hon. Friend makes an important point. We must respond appropriately to the problems of those who offend because they are addicted to drugs. The Government are introducing a drug treatment and testing order to enable us to work with such people.

Mr. Clappison: Is the Minister aware that the Crime and Disorder Bill will explicitly allow the remanding of 15 and 16-year-olds to adult prisons? The Government are providing for only six places—that is places for six individuals, not six institutions. Will that not ensure that 15 and 16-year-old boys continue to be remanded to adult prisons for many years, even though Labour Front-Bench spokesmen said that the situation was a scandal when they were in opposition? Is not the real scandal the comprehensive failure of the Labour party—including the Prime Minister—to deliver on its promises?

Ms Quin: The hon. Gentleman knows that the real scandal is the comprehensive failure of his Government over six years to tackle the problem. Indeed, they made it a good deal worse. We are committed to dealing with the problem that they left us.

WPC Fletcher

7. **Mr. Dalyell:** Pursuant to his answer of 22 December 1997, *Official Report*, column *569*, if he will make a statement on the police investigations into the murder of Woman Police Constable Fletcher. [35156]

Mr. Straw: The current police investigation into the murder of Police Constable Yvonne Fletcher was established last year to inquire into the issues raised by the "Dispatches" programme. The investigation, which has proved more complex than originally expected, involves extensive inquiries overseas and is continuing. I expect to receive a report as soon as is practicable after the police inquiries are completed.

Mr. Dalyell: I saw Assistant Commissioner David Veness in Scotland Yard last July. I have not the slightest doubt that the police are doing everything possible to get to the bottom of a case that affects one of their own. However, will my right hon. Friend have a word with the Foreign Secretary, because these complex issues involve overseas visits? Does he accept that, as with Lockerbie, the case against Libya is not so simple that it can form a sound basis for continued United Nations sanctions? As a senior member of the Government, will he confront the Foreign Secretary on that?

Mr. Straw: The first thing that I shall do is pass on my hon. Friend's thanks to Assistant Commissioner David Veness. The police have been pursuing the matter with the greatest of assiduity. I have no intention of confronting my right hon. Friend the Foreign Secretary. However, I talk to him frequently. I shall certainly raise what my hon. Friend has said.

Probation Service

9. **Mr. Bill Michie:** If he will make a statement on the role of his Department in respect of complaints against the probation service. [35159]

Ms Quin: The responsibility for dealing with individual complaints rests with the probation committee for the area concerned. We have no evidence that any committee is failing to carry out those responsibilities properly, but if such evidence became available, we have power to make an order directing remedial action. In the longer term, the question of how complaints are dealt with will need to be considered further in the light of consultation on the future of the family court welfare service and the prisons and probation review.

Mr. Michie: I thank my hon. Friend for that answer. It goes some way to resolving the problems that some people face when complaining about what happens in the probation service. As far as I understand it, the first complaint goes to the probation service. If it is not satisfactorily resolved, it goes to a probation committee and can go no further unless it is a complaint about maladministration. Neither the Parliamentary Commissioner for Administration nor the local government ombudsman has a remit to interfere if there is a complaint. The Home Office will not interfere unless there is some other evidence. I hope that we can review and tighten up the regulations so that people who have a genuine complaint feel that they are treated satisfactorily.

Ms Quin: It is important to state that there are very few complaints against the probation service. The majority of them tend to concern family court welfare issues, where perhaps, by the very nature of the issue, one party to the dispute feels aggrieved, particularly if it is denied custody of a child, for example. None the less, I have listened carefully to my hon. Friend's point. We shall certainly look at the complaints procedure, but we believe that probation committees represent interests apart from probation officers, such as magistrates and local authorities, and have a good record for taking an independent view.

Mr. Baldry: Does the hon. Lady find it a little depressing that the only questions her hon. Friends ever ask her on the criminal justice system concern complaints about judges and police officers, and now probation officers? Does she agree that the role of probation officers is one of the most unsung parts of the criminal justice system? If there is to be any hope of an alternative to custodial and community sentences that will work, should not Labour Members herald the work done by probation officers in our constituencies instead of trying to undermine the probation service and other parts of the criminal justice system?

Ms Quin: I am surprised by the hon. Gentleman's questions. It is simply not true that my hon. Friends have made only complaints; they have made many

complimentary comments about the probation service in their areas in Question Times since May. Indeed, it is quite obvious that they have made far more complimentary comments about the probation service than the previous Home Secretary.

Prisoners

10. **Mr. Rhodri Morgan:** What estimates he has made of the level of the prison population in England and Wales on 1 April *(a)* 1998, *(b)* 1999 and *(c)* 2000. [35160]

Ms Quin: The prison population is projected to be 65,100 at the end of March, 69,000 by March 1999 and 72,400 by March 2000. However, projections exclude proposals not yet implemented, such as home detention curfew, which may reduce the need for additional prison places by about 3,000, and the new community sentence provisions and orders, which the Government are introducing, particularly under the Crime and Disorder Bill.

Mr. Morgan: I thank my hon. Friend very much for that comprehensive reply. Does she agree that, financially and administratively, it would be very imprudent to think of signing 25-year contracts with Securicor, the Corrections Corporation of Connecticut or whatever company for extra prisons if we do not know whether the prison population will rise, as it did under the Home Secretary's appalling predecessor, or fall, as it did under the right hon. and learned Member for Rushcliffe (Mr. Clarke)?

Ms Quin: I am sure that my hon. Friend will realise that, given the projections that I described, it would not be responsible not to plan for that accommodation. At the same time, the question is not just of choosing between approaches adopted by two previous Conservative Home Secretaries. There is our own Labour Government approach, which will make for a better criminal justice system in terms of reducing delays, increasing bail support and making much better use of probation and electronic monitoring.

Mrs. Virginia Bottomley: The Minister will be aware that many share her concerns about the increasing prison population. Obviously, some people need a prison sentence, but there are others for whom a community sentence would be much more appropriate. The Minister could try education and exhortation, or she could introduce additional sentences; ultimately, however, there is central funding for prison sentences, while community sentences are funded locally. Behind the rhetoric, the Government have starved local probation services and those providing community services of cash. Will she tackle the perverse financial incentive in the system that makes a prison sentence easier?

Ms Quin: The cut that affected the right hon. Lady's probation service was introduced by the Conservative Government. There is central funding for the probation service, which we want to be properly resourced in future. We are looking at the issues as part of the comprehensive spending review. We can build confidence in community sentences, which can be effective and challenging, and we look forward to such sentences operating even more successfully in the future.

Mr. Grocott: Can my hon. Friend confirm that levels of crime were dramatically lower—and that a prison population of 40,000 was regarded as dangerously high—under the Labour Government of the 1970s? Can she further confirm that the enormous pressure on the Prison Service and the increasing prison population today is a direct consequence of one shameful statistic—that crime doubled under the Tories?

Ms Quin: My hon. Friend is absolutely right on both points. The Government's approach—particularly in the Crime and Disorder Bill, the work on crime prevention and early intervention with young offenders—will mean that, over time, fewer people will come into the prison system because we will have taken more appropriate measures earlier.

Mr. Llwyd: I endorse the Minister's comments on community-based sentences, but may I remind her respectfully that such programmes will need to be properly financed if they are to be used more? If community sentences are used more frequently, they can be economic in terms of low reoffending rates and compared with the cost of keeping someone in prison.

Ms Quin: The measures in the Crime and Disorder Bill will be resourced. That is important. Many probation services do an excellent job, but there is tremendous variation across the country. For that reason, it is important to identify the best and most cost-effective programmes and build on them for the future.

Mrs. Dunwoody: Will my hon. Friend take a hard look at the statistics on women in prison, as the increasing number of women being committed to prison is quite frightening? One wonders whether the severity of the sentences reflects the severity of the charges. It is always right that people should be punished, but the families pay an inordinately high price.

Ms Quin: I assure my hon. Friend that I take a particular interest in women in prison. We are committed to ensuring that the delays in the system, which seem to affect women on remand in particular, are curbed. We must act to ensure that people are not held unnecessarily in prison; we must also ensure that those who are imprisoned are those who present a risk to the public and have committed serious offences.

Asylum Seekers

11. **Mr. Loughton:** What changes the Government are planning to introduce to the current system of admitting asylum seekers; and whether he will make a statement. [35162]

Mr. Mike O'Brien: We are considering the report of an interdepartmental study of the asylum process carried out as part of the Home Office comprehensive spending review and will announce our conclusions in due course.

Mr. Loughton: Given that the number of asylum seekers has fallen by some 20 per cent. since the

Asylum and Immigration Act 1996 was enacted, and given the success of the previous Government in changing benefit restrictions, how does the Minister account for press reports that the Home Office is being overwhelmed with processing applications; and that up to 55,000 bogus asylum seekers may be granted permission to stay indefinitely in this country?

Mr. O'Brien: The hon. Gentleman must be aware of the asylum shambles that we inherited from the previous Government. There will be no blanket asylum for 50,000 asylum seekers—the hon. Gentleman should not believe everything he reads in the newspapers. I might add that those in glass houses should not.

An examination of the statistics on grants to asylum seekers of exceptional leave to remain shows that, last year, 3,000 people received it—about 9 per cent. of all asylum seekers. That excludes those with refugee status. In the first six months of 1993, under the Conservative Administration, the ELR granting statistics leapt—to 57 per cent. of asylum seekers, or 11,000 people. In addition, refugee status was granted to 7 per cent. The figure dropped back to 14 per cent. in the second six months of 1993. In 1992, the Conservatives granted ELR to 15,000 asylum seekers, or 44 per cent. of the then total. Was that a Tory amnesty, or was it the pragmatic granting of ELR to cut the backlog? I shall say no more.

Mr. Gerrard: Does my hon. Friend agree that it is a bit rich for the people responsible for leaving more than 10,000 applications undecided from before the Asylum and Immigration Appeals Act 1993 to complain about what is happening now? They talked tough but did nothing—nothing to enforce refusals and nothing to regulate unscrupulous and fraudulent immigration advisers. Does my hon. Friend agree that, when bringing in a fairer system, it is essential to deal with the huge backlog, or the whole system will be bogged down? We have been left with a great many people who have been in the country several years and, often, who have had children here; in effect, they have become settled here.

Mr. O'Brien: I broadly agree with my hon. Friend. We will put in place sensible proposals that will ensure a firmer, faster and fairer asylum system.

Sentencing Tariffs

12. **Mr. Clifton-Brown:** What plans he has to amend the tariff system on length of sentences for serious indictable offences. [35163]

The Minister of State, Home Office (Mr. Alun Michael): We have no plans to amend the tariff systems that apply to mandatory and discretionary life sentences. We intend to ensure that courts have the powers they need. Severe maximum penalties and in some cases minimum and mandatory penalties are available for serious indictable offences. We will keep these penalties under review.

Mr. Clifton-Brown: Does the Minister agree that persistent and repeated offences of burglary and serious drug dealing are a scourge on society? Does he recall that we proposed in our manifesto mandatory sentences for such offences? Will he consider introducing such mandatory sentences? If not, how does he intend to enhance Labour's reputation, enunciated by the Prime Minister before the election, to the effect that he would be tough on crime and on the causes of crime?

Mr. Michael: The hon. Gentleman should be aware that the Government are tough on crime and tough on the causes of crime. He should also be aware, although it was not part of our manifesto, that we have implemented mandatory sentences in the way proposed by the former Government.

Vulnerable Witnesses

13. **Angela Smith:** What plans he has to ensure that vulnerable witnesses are afforded greater protection in court. [35164]

Mr. Straw: In June last year, I announced a wide-ranging review of the way in which vulnerable and intimidated witnesses are treated in the criminal justice system. The review, which is nearing completion, has looked at issues from the investigation stage through to the trial, including ways to assist such witnesses to give their evidence safely to the court.

Angela Smith: I, too, welcome the review. I should like, however, to press my right hon. Friend a little further about its aims. I should like a commitment that vulnerable witnesses will be able to give evidence safely and without fear of retribution.

Mr. Straw: Yes, I can give my hon. Friend that assurance. The whole House resiled in horror from some of the stories about rape victims being cross-examined by defendants, quite unnecessarily, about their sexual histories in a way that was not relevant to the issue before the trial.

Mr. Hogg: While it is right that the Home Secretary should look into safeguarding the interests of vulnerable witnesses, will he take care to ensure that the proper interests of defendants are not prejudiced?

Mr. Straw: Yes.

Mr. Miller: Will my right hon. Friend bear in mind the fact that witnesses in local drugs trials face a great deal of intimidation, with the result that many cases that should be prosecuted are probably not being prosecuted?

Mr. Straw: Yes. As well as the action that we hope to take in respect of vulnerable and intimidated witnesses, I draw my hon. Friend's attention to the fact that in the current Crime and Disorder Bill, which will have its Second Reading next Wednesday, we have provisions for anti-social behaviour orders, which are designed to crack down heavily on anti-social behaviour, including drug dealing. Those are civil orders where the burden of proof is lower and, therefore, action against people causing such intimidation should be easier to secure.

Sir Brian Mawhinney: The right hon. Gentleman knows that across the House we find unacceptable the way in which some rape victims have been interviewed and cross-questioned in court by the defendants. The Home Secretary said that he would introduce legislation on that matter, but not until the next parliamentary Session in a proposed criminal justice Bill. Because there is a shared view that such cross-questioning is unacceptable, may I persuade the right hon. Gentleman to introduce such legislation by way of amendment of the Crime and Disorder Bill in this Session of Parliament and not to wait for another year?

Mr. Straw: There is one thing worse than no law, and that is bad law. I hope that the right hon. Gentleman will not make the issue a political football between the parties. My predecessor as Home Secretary was concerned about the matter and so am I, but, precisely for the reasons mentioned by the right hon. and learned Member for Sleaford and North Hykeham (Mr. Hogg), we must balance the interests of witnesses against the necessary interests of defendants. This is a complicated matter on which it is important to get the law right. For that reason it is appropriate for the working party to submit its report, for that to be digested and considered, not least by Members of Parliament, and for legislation to be introduced next Session.

Firearms

14. **Mr. Amess:** How many representations he has received in respect of the payment of compensation to gun owners who have surrendered their firearms. [35165]

Mr. Michael: We have received a great many queries and representations, most of which refer to the progress of individual compensation claims. Few have commented on the outstanding work of the police and the firearms compensation section, which has so far led to more than 41,670 payments, to a value of more than £41 million.

Mr. Amess: I thank the hon. Gentleman for his kindness and courtesy in inviting me to today's dress rehearsal for Home Office questions in room W1, where I would be given a helpful supplementary. I apologise to the hon. Gentleman that I could not be present, but as I am a Conservative Member I prefer to ask my own supplementary: when can gun owners and gun companies in Southend, West, who surrendered their arms in good faith last September, expect compensation, particularly in relation to category C?

Mr. Michael: The hon. Gentleman might have got a better standard of question if he had attended the briefing. The more straightforward option A and B claims based on published values are expected to be completed by the end of May. The more complicated option C claims will take longer, but the bulk of them should be completed by the end of the year. We are moving as quickly as we can.

Mr. Greenway: Does not the Minister realise that gun owners are angry? On the figures that he has just given to my hon. Friend the Member for Southend, West (Mr. Amess), gun owners have received barely more than a third of the £115 million that the Government expected to pay out by tomorrow—the end of the financial year. What more evidence could anyone need of the Government's inept handling of the matter and their contempt for the interests of gun owners? Has the Minister any real idea when all claims, including category C, will be met? Can gun owners expect their money by Christmas, or by this time next year, or by the opening of the millennium dome? When? What would he consider sufficient delay to justify the payment of interest?

Mr. Michael: If the hon. Gentleman had listened to my reply to the hon. Member for Southend, West (Mr. Amess), he would have heard me answer that question precisely. These matters are being dealt with very quickly, but we have a complicated compensation scheme—as he and his colleagues knew when they passed the original legislation.

Security Service

16. **Mr. Baker:** What conclusions he has reached in his consideration of possible changes to improve the accountability of MI5. [35168]

Mr. Straw: The arrangements for ministerial accountability of the Security Service are set out in the Security Service Act 1989. They have been strengthened by the establishment and work of the Intelligence and Security Committee, and I am always happy to receive the views of hon. Members, including the hon. Member for Lewes (Mr. Baker), on such matters.

Mr. Baker: Will the Home Secretary confirm that it will be possible to introduce much more openness into the Security Service without endangering national security in any way? For example, will it be possible to publish information on the number of individuals on whom files are held? Perhaps the method of dealing with telephone tapping warrants could be changed so that the public can know how many warrants have been issued in relation to individuals.

Mr. Straw: I accept that there should be the greatest openness in the work of the Security Service, provided it does not endanger national security in any way. That is a key proviso. The hon. Gentleman will know that I have taken several decisions that have secured greater openness. I hope to continue to do that, but the test must always be whether a change will endanger national security.

Mr. Soames: I applaud the Home Secretary's answer. Does he agree that openness is all very well so long as the Security Service's ability to do its job remains of the first importance? Will he take it from me that the process has gone quite far enough and that the Security Service must now settle down and get on with doing its extremely important job without feeling that someone is leaning over its shoulder any more than is absolutely necessary?

Mr. Straw: I am grateful for the hon. Gentleman's compliments in the first part of his question. It is important that everyone in the public service, including those in the security and intelligence agencies, are accountable for their actions and are held properly to account, particularly by responsible Ministers. The issue of openness often arises in respect of the history of those

agencies, but it cannot, in practice, arise in respect of their day-to-day current work. There is quite a good case for opening more historical files than have been opened up to now, and I am currently considering that matter.

Young Offenders

17. **Mrs. Brinton:** What plans he has to introduce schemes to *(a)* identify and *(b)* improve literacy and numeracy standards among young offenders in non–custodial regimes. [35169]

Mr. Michael: There are three measures that will help in particular: the final warning scheme will give an opportunity to nip things in the bud; the action plan order will give the courts the means to address a young offender's educational needs where those are relevant to offending; and the youth offending teams will include educational staff and have a key role in planning and supervising community sentences.

Mrs. Brinton: Does my hon. Friend agree with me—I am speaking as an ex-teacher—that many learning difficulties, particularly dyslexia, can lead to problems of social exclusion and alienation? Is he aware of the work that the Cambridgeshire probation service, which is based in Peterborough, is doing to research that important matter?

Mr. Michael: I am certainly interested in the results of any scheme. My hon. Friend is right to say that the failure to identify learning difficulties can lead to problems. Addressing offending behaviour often involves changing several aspects of young people's lives. I shall certainly study with interest any specific example on which my hon. Friend can provide information.

Mrs. Ann Winterton: Does the hon. Gentleman recognise that these matters should be considered in relation to young people on bail in bail hostels? Is he aware of the difficulties being faced by local communities, such as Elworth near Sandbach in my constituency, where young people take drugs during daylight hours when they are completely free? Would it not be a good idea to provide further education for such young people or to occupy their time constructively in some other way?

Mr. Michael: I agree with the hon. Lady's final sentence. I hope that she will support the Government in introducing youth offending teams, one of whose targets will be bail support in order to ensure that such activities are avoided and something better is put in place for youngsters awaiting trial.

European Convention on Human Rights

18. **Mrs. Anne Campbell:** If he will make a statement on the impact of the European convention on human rights on United Kingdom citizens. [35171]

Mr. Mike O'Brien: The Human Rights Bill will enable people in the United Kingdom to have access to their convention rights before our own courts and will significantly enhance the protection of human rights in this country.

Mrs. Campbell: Does my hon. Friend agree that it is absurd that British citizens are not able to access the protection of the convention through the British courts and have instead to take expensive and lengthy cases to the European Court in Strasbourg? Will he join me in welcoming the fact that it is new Labour which is putting this right?

Mr. O'Brien: Yes. The Bill will enable everyone in the UK to enforce their convention rights before our own courts; it will bring rights home to the British people. It will not only improve access but reduce delays and costs—and it will not affect the sovereignty of Parliament.

Mr. Collins: Does the Minister believe that confidence among United Kingdom citizens in the proposals would be increased if they had the unanimous support of the Churches, which they do not, and if he was proposing reforms to tackle the fact that some members of the Court do not have a legal qualification?

Mr. O'Brien: The Churches do not have a unanimous view on this, but many of them have welcomed in principle the convention's entry into our legal system. We are discussing with the Churches the issues about which they are concerned. We hope that we shall be able to bring the Churches with us in granting greater rights to all their members in our British courts.

Asylum Seekers

19. **Sir Teddy Taylor:** If he will make a statement on procedures for dealing with political refugees. [35172]

Mr. Mike O'Brien: Applications for asylum are considered in accordance with the criteria set out in the 1951 United Nations convention relating to the status of refugees.

Sir Teddy Taylor: Is it really the case that third world refugees who apply for asylum and have been sent to Britain from Belgium and France are not permitted to be sent back to Belgium or France if we find them unsuitable? Is not that a scandal? Where does that rule come from? Can the Government do something about it? I do not want to make a political point, as I appreciate that these Euro rules come up no matter who is in power, but can the Minister at least say how this can be sorted out? Does not it cost the Government a great deal of money, and is it not nonsense?

Mr. O'Brien: The hon. Gentleman is entirely right: it is a shambles and a disgrace—and one which we inherited. It is partly due to the Dublin convention of 1991, which was signed up to by the previous Government and was clearly inadequately negotiated. That convention has caused enormous problems in sending some people back to claim asylum in the European countries where they should be claiming it. The convention came into force in September last year and has

caused us many difficulties and made the way in which refugees are dealt with a lot more hazardous. If he wants to blame someone, they are all sitting over there, on the Conservative Benches.

Fiona Mactaggart: Does my hon. Friend agree that the present situation with regard to asylum seekers is ludicrous? Genuine asylum seekers face huge delays, as do those whose claim may not succeed under the convention. Perhaps he will comment on the case of my constituent, Mr. Din, who applied for asylum in 1991, but was not even interviewed until 1996. His application was refused in 1997, but, because of delays, he is still awaiting an appeal. In the meantime, having lived here for so long, he has married a disabled woman who is dependent on him for support. Will my hon. Friend ensure, as part of the review, that claims to remain on some other basis are examined rather than there being continuing delays in the asylum process?

Mr. O'Brien: Individual cases will be considered on their merits, but my hon. Friend is quite right to point out that her constituent and 9,999 or so others have been in the backlog since before 1993. We inherited that backlog. Our aim is to protect the integrity of the asylum system to ensure that we protect genuine refugees and tackle the problems caused by abusive asylum seekers.

20. **Dr. Harris:** If he will make a statement on the detention of asylum seekers. [35173]

Mr. Mike O'Brien: No one is detained merely because he has sought asylum. The Government's position is that detention should be used very sparingly and normally only where there is a reasonable belief that the individual will fail to keep the terms of temporary admission or release.

Dr. Harris: Does the Minister accept that our practice of detention, including that at Campsfield house in my constituency, has been criticised by the United Nations High Commissioner for Refugees, among others? Will he accept also that the chief inspector of prisons inspected Campsfield house in mid-October, submitted a draft report to the Home Office in mid-November and that a final report was sent on 19 January, which has not been heard of since? Will the Minister explain why that report has not been published? Will he write to the chief inspector of prisons today, giving him permission to publish this long-awaited report so that my constituents may have some relief from some of the bad practices in our detention centres?

Mr. O'Brien: I regret that the hon. Gentleman has not approached the Campsfield house report very sensibly. My officials received the final report of Her Majesty's inspector of prisons on the Campsfield detention centre on 16 March. I read the report over this weekend. My right hon. Friend the Home Secretary has not seen it yet. We shall publish the report after Easter due to Sir David Ramsbotham's, and my, holiday commitments. The inspection was carried out at my request and I intend to get the report into the public arena as soon as is reasonable and practicable.

Points of Order

3.30 pm

Mr. Tim Collins (Westmorland and Lonsdale): On a point of order, Madam Speaker. Recently, there have been a number of occasions when you have had cause to give rulings on ways in which the press are informed of matters before the House is made aware of them. In that connection, I wonder whether you have had notification today of any intention by the Prime Minister to make a statement on the subject of his relationships with Mr. Rupert Murdoch, about which a great deal of rapidly changing information has been given to the press by his officials and on which the Prime Minister's officials have scandalously abused and insulted journalists who have written perfectly proper and accurate stories.

Madam Speaker: I am not aware that any Minister is seeking to make a statement today.

Mr. Crispin Blunt (Reigate): On a point of order, Madam Speaker. We have a further example of the Government's attempt to ensure that the Executive has easy questions, as a result of a briefing that was supposed to take place in Room W1. On several questions this afternoon, the only hon. Members rising to ask supplementary questions were on the Opposition Benches. I know—[HON. MEMBERS: "Not true."] I am thinking of Questions 13 and 14, on which no one rose from the Government Benches. I know that it is custom and practice for you to alternate questions between Government and Opposition Members. Perhaps you will consider the position when no one from the two thirds of the House represented by the Government party will allow the third of us who represent Opposition parties to hold the Executive to account.

Madam Speaker: No. The hon. Gentleman is not correct. Mr. Miller rose on Question 13. I shall check the position on Question 14. More often than not—*[Interruption.]*—Members rise. Let us have it correct. Mr. Miller rose on Question 13, as I have said. I am well aware of who rises. I keep a good balance in the House, which includes the minority parties, which will bear me out on this issue.

Mr. Dennis Skinner (Bolsover): Further to that point of order, Madam Speaker. I cannot believe what I am hearing about the idea that there are planted questions in Room W1. That is the Room which is occupied by the socialist Campaign Group. We meet every Wednesday night at 6 o'clock.

Madam Speaker: Internal party matters are not for me.

Mr. Nicholas Soames (Mid-Sussex): Further to the point of order of my hon. Friend the Member for Westmorland and Lonsdale (Mr. Collins), do you, Madam Speaker, not think it extraordinary that the Prime Minister has not made a statement on why he intervened on behalf of Mr. Murdoch in a commercial deal in Italy? Do you not think that the House has a right to hear an explanation? The issue has been so well aired in the press, yet not in the House.

Madam Speaker: That is not a matter for me. The hon. Gentleman is a long-standing Member and a former Minister. He knows full well that he is seeking a statement from a Minister. There are procedures by which he does that, and he does not use the Chair. The procedures are called the usual channels. If the hon. Gentleman does not know how to use them and if he comes to see me, I shall tell him how to do so.

Mr. John Bercow (Buckingham): On a point of order, Madam Speaker.

Madam Speaker: I hope it will not be like the previous point of order.

Mr. Bercow: It is further to points of order raised by my hon. Friends, Madam Speaker, in respect of which I seek your guidance, and I shall be grateful for it. If it transpired that information relating to the relationship between the Prime Minister and Mr. Rupert Murdoch had been inaccurate, and that inaccurate information had entirely inadvertently been given to right hon. and hon. Members, would you, in such circumstances, expect the Prime Minister, as a matter of courtesy, to come to the House to put the record straight and to explain himself to right hon. and hon. Members?

Madam Speaker: The hon. Gentleman is not a long-standing Member of the House, but let me tell him now that I do not deal with hypothetical situations. He will know in future not to ask me hypothetical points of order.

SCOTLAND BILL (PROGRAMME)

Motion made, and Question put forthwith, pursuant to Order [13 January],

That the Order [13th January] relating to the Scotland Bill (Programme) be further amended as follows:

(a) In paragraph 1, by leaving out 'at Ten o'clock' and inserting 'six hours and thirty minutes after the House resolves itself into a Committee on the Bill', and

(b) By inserting after paragraph 1A the following paragraph—

'1B. On the seventh and eighth allotted days paragraph (1) of Standing Order No. 15 (Exempted business) shall apply to the proceedings on the Bill for any part of the period of six hours and thirty minutes after the House resolves itself into a Committee on the Bill which falls after Ten o'clock'.—*[Mr. McFall.]*

Question agreed to.

SCOTLAND BILL (PROGRAMME)

Motion made, and Question put forthwith, pursuant to Standing Order No. 82 (Business Committee),

That the further Report [26th March] from the Business Committee be now considered.—*[Mr. McFall.]*

Question agreed to.

Motion made, and Question put forthwith, pursuant to Standing Order No. 82 (Business Committee),

That this House agrees with the Committee in its resolution.—*[Mr. McFall.]*

Question agreed to.

The Resolution of the Business Committee was as follows:

Proceedings shall, if not previously concluded, be brought to a conclusion at the end of the periods specified below (if the motions relating to the Scotland Bill (Programme) are agreed to):

Schedule 5 up to and including line 16 on page 59 of the Bill—20 minutes

Schedule 5 up to and including line 35 on page 59 of the Bill—40 minutes

Schedule 5 up to and including line 30 on page 60 of the Bill—2 hours 10 minutes

Schedule 5 up to and including line 40 on page 60 of the Bill—3 hours

Schedule 5 up to and including line 44 on page 60 of the Bill—3 hours 15 minutes

Schedule 5 up to and including line 18 on page 61 of the Bill—3 hours 30 minutes

Schedule 5 up to and including line 20 on page 63 of the Bill—5 hours

Schedule 5 up to and including line 44 on page 65 of the Bill—6 hours 10 minutes

Schedule 5 up to and including line 27 on page 68 of the Bill—6 hours 30 minutes

Orders of the Day

Scotland Bill

[7TH ALLOTTED DAY]

Considered in Committee, [Progress 4 March]

[SIR ALAN HASELHURST *in the Chair*]

3.36 pm

Mr. Michael Ancram (Devizes): On a point of order, Sir Alan. According to the *Official Report*, an exchange of views took place across the Dispatch Boxes on 4 March, and I refer you to it because I believe that it raises a serious point.

I had previously referred to what I understood to be the readiness of Ministers to consider an English Grand Committee as part of the solution to the problem that we were then discussing. The Minister for Home Affairs and Devolution, Scottish Office said:

"I tell the right hon. Member for Devizes (Mr. Ancram) that we have absolutely no plans to consider an English Parliament or an English Grand Committee."

At that point, my hon. Friend the Member for North Essex (Mr. Jenkin), referring to an article in *The Scotsman* newspaper of that day, said:

"What about this article in this morning's press?"

The front page of *The Scotsman* stated:

"The Scottish Office circulated a briefing paper which holds out the prospect of an English grand committee at Westminster as an answer to the West Lothian question."

The Minister of State answered:

"There was absolutely no foundation in that article".—[*Official Report*, 4 March 1998; Vol. 307, c. 1092.

On Monday 9 March, the Minister was asked:

"what briefing on the establishment of an English Grand Committee of the House was circulated to the Press before the debate on . . . the Scotland Bill; and if he will place a copy of the briefing in the Library."

He answered:

"I briefed the Parliamentary lobby correspondents on Tuesday 3 March on the background to the 6th day of the Commons Committee Stage of the Scotland Bill. As part of the briefing I made available a lobby note to help the correspondents to understand the part of the Bill due to be debated and the issues which might be raised in the debate. The note, as usual, is not an official Government document and was not intended for publication or reproduction."—[*Official Report*, 9 March 1998; Vol. 307, c. *81-82*.]

The note, which was attached to the answer, stated:

"As to the establishment of an English Grand Committee, it will be for the House to decide in due course whether it would improve the efficient conduct of business to establish such a Committee. There are arguments for and against, but certainly not something to be included in the Scotland Bill."

It appears from the answer that it was incorrect to claim that the article, which stated that a briefing paper held out that prospect, was absolutely without foundation.

I rise to ask two questions: first, have you, Sir Alan, had any request from the Minister to make a statement to the Committee today to correct what may have been his unintentionally misleading the Committee? His remarks were certainly not consistent with his subsequent answer.

[Mr. Michael Ancram]

Secondly, what is the view of the Chair about briefing papers relating to debates in Committee being issued to the press but not to hon. Members? The press apparently has a clearer indication than hon. Members of the Government's view before the debate starts. I ask for your counsel on both matters.

The Chairman of Ways and Means (Sir Alan Haselhurst): It has already been made clear on a number of occasions by Madam Speaker that the fullest possible information on all matters should be made available to hon. Members at the earliest possible moment. The substance of the matter is hardly a matter of order for the Chair. The right hon. Gentleman knows that there may be other ways of extracting information from those on the Treasury Bench.

Schedule 5

Reserved Matters

The Minister for Home Affairs and Devolution, Scottish Office (Mr. Henry McLeish): I beg to move amendment No. 509, in page 59, line 8, leave out from beginning to end of line 11 and insert—

'Paragraph 1 does not reserve—

( ) Her Majesty's prerogative and other executive functions, or

( ) functions exercisable by any person acting on behalf of the Crown'.

The Chairman: With this, it will be convenient to discuss the following amendments: No. 486, in page 59, line 8, leave out

'(1) Subject to sub-paragraph (2),'.

Government amendment No. 510.

No. 487, in page 59, leave out lines 12 to 16.

Government amendments Nos. 511 to 521.

Mr. McLeish: Government amendments Nos. 509 to 520 make minor technical amendments to the part of schedule 5 dealing with the constitution. Amendment No. 509 would alter the wording of paragraph 2(1) to extend the Scottish Parliament's legislative competence so that it can make provision for all the prerogative and other executive functions carried out personally or in the name of the Queen in so far as they relate to matters that are not reserved. A key example of its effect as against the present provision would be to enable the Scottish Parliament to confer powers of appointment on the Queen, for example to appoint the Scottish Parliamentary Ombudsman. Not to make this amendment would leave a significant and unnecessary gap in a range of powers available to the Parliament.

Mr. Tam Dalyell (Linlithgow): Have the amendment and its substance been agreed with the Palace?

Mr. McLeish: Yes.

Amendments Nos. 510 and 511 would adjust the wording of paragraph 2(2) to take into account amendment No. 509. Amendment No. 511 would clarify the fact that the Lyon Court and the Lord Lyon in his judicial capacity are devolved, despite the reservation of the functions of the Lord Lyon in relation to the granting of arms. Amendments Nos. 512, 513 and 514 would amend paragraph 3(1) to ensure that Crown property owned by or held in trust for anyone acting on behalf of the Crown is not caught by the general reservation of the Crown. That is to ensure that the property of the Scottish Executive is covered by this provision. The reference to "government department" in the present version of the Bill could leave that in doubt. Amendment No. 515 would alter the wording of paragraph 3(3) to take that change into account.

Amendment No. 516 would make it clear that the compulsory acquisition of property held by a Minister of the Crown is reserved, so that the Scottish Parliament could not compulsorily acquire property held by Departments of the United Kingdom Government. In general, the law relating to compulsory purchase will be a matter for the Scottish Parliament, but it would obviously not be right for the Scottish Parliament or the Scottish Executive to be entitled to purchase compulsorily property held by, for example, the Ministry of Defence or by the Department of Social Security for reserved purposes.

Dr. Norman A. Godman (Greenock and Inverclyde): Which Department will be responsible for the cost of the maintenance of Holyroodhouse? Will the Scottish Parliament or a Department in London pay that bill? I understand that the annual cost of upkeep is slightly in excess of £1 million.

Mr. McLeish: The cost will be borne by the Scottish Parliament and administered from Holyrood.

The general exception for Crown property was not designed to permit such compulsory purchase, and amendment No. 516 makes that clear.

Amendments Nos. 517 and 518 adjust the drafting of paragraph 4 to take account of other changes in drafting, including amendment No. 509. Paragraph 4 makes it clear that property held by the Queen in her private capacity is not reserved—it will be subject to general legislation of the Scottish Parliament on matters such as planning and the environment—but that the regulation of that property under the Crown Private Estates Acts is reserved.

Amendments Nos. 519 and 520 would delete paragraphs 5(a) and (c), which would be redundant if the other amendments are made.

I trust that the House will agree that these amendments are necessary to clarify these matters.

Amendment No. 521 would add an express reservation for the registration and funding of political parties. As hon Members will be aware, the Government will be introducing legislation for a national scheme of party registration, and party funding is currently being considered by the Neill committee. It is expected that such provision will be developed at a United Kingdom level. This amendment would ensure that these issues are reserved along with matters relating to the constitution and elections.

Mr. Donald Gorrie (Edinburgh, West): The Liberal Democrats have two amendments. Amendment No. 486 is a paving amendment. Amendment No. 487 would

remove the reservation regarding the function of the Lord Lyon King of Arms in the granting of arms and the honours and dignities apart from his functions. This is not the world's most earth-shattering issue, although the matter of honours considerably excited the Scottish media recently.

Not everyone wants a coat of arms and it is not an important issue, but why should the Lord Lyon King of Arms and his staff be answerable to the Government in London rather than to the Parliament in Edinburgh? There seems to be no logic in that. Surely, if it has been accepted in a Government amendment that the Lord Lyon's legal functions should be dealt with by the Scottish system, all his other functions should as well, for the sake of tidiness. I am sure that the Scottish Parliament would not interfere with the normal way in which the Lord Lyon makes his decisions—although Lord Russell-Johnston, formerly a Member of the House of Commons, recently encountered enormous difficulties relating to his title. I gather, however, that that involved the Garter King of Arms. Certain hon. Members with much more distinguished careers than mine may have a vested interest in the matter; I simply think it tidy and logical for all the Lord Lyon's functions to be dealt with by the Scottish Parliament.

3.45 pm

Different Members will have different views about the honours system, but surely, whatever method is used to make recommendations to the Queen—who will eventually grant the honours—that process should go through the Scottish Parliament rather than some Minister in London. Again, our suggestion strikes me as sensible, tidy and logical. It will avoid the difficulties that arose recently, when various parties blamed various other parties. The buck should stop clearly with the Scottish Administration and the Scottish Parliament.

I think that our amendments are worth supporting, and I hope that the Government will consider them.

Mr. Dalyell: May I raise a question about the Crown Estate? I know that I am the object of suspicion whenever I say anything about that, but I ask my question in all seriousness and with good intent.

The Parliament building is to be erected on the Holyrood site. Am I right in thinking that the archaeology of the site is almost certain to be extremely important in relation to early mediaeval Edinburgh? Preliminary investigations by Mr. Gordon Barclay and others have produced evidence that there could be important findings under the site. The matter is relevant to the Crown Estate Commissioners, and I do not know under what other part of the Bill I could raise it.

Let me ask the Minister a question, which I do not expect him to answer off the top of his head. If he went to Frankfurt, he would see a remarkable development. After the bombing, a new museum was built on what turned out to be a very important archaeological site on which were Gallo-Roman remains. Those remains were put in the museum.

I know that a good deal of expense would be involved, but when public buildings—let alone parliamentary buildings—are erected, surely those in authority have some obligation to set an example. It is often said in the House that we must look after our archaeology. I do not know how important the findings are likely to be—nor, I suspect, does anyone else—but I should like an assurance that the subject will be taken seriously, that proper inquiries will be made of the relevant authorities in Historic Scotland before there is any question of bulldozers or contractors going in, and that an arrangement will be reached with the contractors regarding what they will do.

The problem is that there could be time slippage. If archaeological work is done properly, it adds to costs. Nevertheless, we have a serious obligation to our history, and to the city of Edinburgh, at least to find out what is there, and not to rush things. We do not want important parts of Edinburgh's past, and Scotland's past, to be obliterated through haste.

What advice have the Government been given about the archaeology of the site and, indeed, the surrounding areas? May we be assured that the subject is being looked at? It is a subject to which some of us will return time and again.

Mr. McLeish: Plans for the redevelopment of the Holyrood site include an archaeological examination. I agree with my hon. Friend the Member for Linlithgow (Mr. Dalyell) about the importance of this matter and I am willing to write to him about it. I share his interest in this important issue.

Amendments Nos. 486 and 487 seek to devolve aspects of the functions of the Crown Estate Commissioners. We shall shortly debate the commissioners in more detail, so I shall say no more about the matter now. The amendments also seek to devolve the matter of honours and dignities so that the Scottish Parliament would be able to legislate on the Crown's right to grant honours. The ministerial function of recommending such honours would be transferred to Scottish Ministers.

Unfortunately, the Government cannot agree to those proposals. In our view, it is right that there should continue to be a unified system of dignity and honours covering the whole United Kingdom. However, the fact that that would remain a reserved matter does not mean that the Scottish Executive would be unable to propose who should receive honours. It is important that the Lord Lyon and his court will be devolved and that the function of granting arms will remain a reserved matter.

Amendment agreed to.

Amendments made: No. 510, in page 59, line 12, leave out from beginning to first 'the' in line 13 and insert—

'Sub-paragraph (1) does not affect the reservation by paragraph 1 of honours and dignities or'.

No. 511, in page 59, line 14, leave out from 'arms' to 'the' in line 17 and insert

'but this sub-paragraph does not apply to the Lord Lyon King of Arms in his judicial capacity.

( ) Sub-paragraph (1) does not affect the reservation by paragraph 1 of'.—*[Mr. McFall.]*

Ms Roseanna Cunningham (Perth): I beg to move amendment No. 345, in page 59, leave out line 17.

The Chairman: With this, it will be convenient to discuss the following amendments: No. 21, in page 59, line 17, after 'Commissioners', insert

'(except for the rights and powers of the Commissioners in respect of the sea bed in Scotland).'.

No. 346, in page 59, line 17, at end insert

'with the exception of the right of abolition of the Commissioner's control over the sea bed and foreshore, issues relating to mineral rights and base and precious metal deposits, the forfeited estates, ownership and regulation.'

Ms Cunningham: The amendments relate to the Crown Estate Commissioners, and the matter is of great concern in Scotland. Last week the hon. and learned Member for Orkney and Shetland (Mr. Wallace) presented a ten-minute Bill about the Crown Estate Commissioners. The issue causes cross-party concern in Scotland. I shall listen carefully to the Minister in the hope of finding assurances that the reservation of so many powers that are exercised by the commissioners will in no way limit the new Parliament's ability to legislate effectively for land reform in Scotland. That is a cross-party priority and, if my memory serves me correctly, even former Tory Members have said that changes are needed.

Dr. Godman: As the hon. Lady knows, the activities of the Crown Estate Commissioners are critical to our fishing communities. Who are the commissioners and how are they appointed?

Ms Cunningham: I hope that we shall get more information about that. It is generally felt that the commissioners constitute one of the most secretive and unaccountable bodies in Scotland. I do not think that anyone would disagree that reform is urgently needed. Every year, the commissioners produce glossy material to highlight the range of their powers and activities. The material gives some information, but it does not tell us a great deal about the commissioners. It states what they think are their powers. One leaflet entitled "Scottish Estate" states:

"The Estate can broadly be divided into four sectors: Commercial Property, Agriculture and Forestry, Fish Farming and Marine".

That is the matter that the hon. Member for Greenock and Inverclyde (Dr. Godman) is concerned about. The leaflet continues:

"In addition to these four main areas of management, the Crown Estate in Scotland also comprised salmon fishings and mineral rights, including rights to gold."

The Crown Estate comprises 1,000 acres in Scotland, including approximately half of Scotland's foreshore and almost all the sea bed around Scotland's coastline. That information comes from another Crown Estate Commissioners leaflet entitled "Marine". Apparently, that ownership gives the commissioners the right to issue and charge for

"consents for any activity which makes use of the resource".

In effect, what it comes down to is that the Crown Estate controls most activity and development around the Scottish coast. In many cases, it charges excessively for mooring rights, often backdating the charges.

My hon. Friend the Member for Banff and Buchan (Mr. Salmond) has recently had to deal with a case involving Gardenstown harbour in his constituency, where the Crown Estate claimed ownership of the harbour sea bed and was thus going to charge mooring fees and seek centuries of backdated payments for use of the harbour. It took apparently extensive searches of the records in the national library of Scotland and the translation of a 16th-century Latin grant of land before the commissioners backed off and conceded that they had no rights in that area.

Mr. Alex Salmond (Banff and Buchan): To elaborate on the point slightly, Gardenstown is a voluntary harbour. It is a small community in my constituency. It is true that we escaped the imposition from the Crown Estate Commissioners—which would have disabled the harbour trust totally—only by coming up with a 16th century Scottish Crown document that exempted the harbour from such dues. The idea that a powerful organisation such as the Crown Estate should subject a voluntary harbour in a small village community to such pressure over so long a period illustrates the point that my hon. Friend makes: reform of what is happening the length and breadth of Scotland is long overdue.

Ms Cunningham: Indeed. My hon. Friend makes a fair point. The Crown Estate Commissioners want to take a substantial amount of money out of a small local community simply by exercising an ancient and meaningless Crown privilege.

In many areas, the Crown Estate Commissioners act as a direct barrier to economic development in Scotland with their interference in foreshore developments in particular and their role in the fish farming industry. They boast—I quote again from "Marine":

"It is difficult to think of many foreshore or seabed activities which do not involve the Crown Estate in some way".

Hon. Members representing constituencies from around the Scottish coast will be able to illustrate the full extent and negative nature of much of that involvement. The Crown Estate's multi-million pound income is a drain on Scotland's rural economy and rural communities. It takes much out, but it is difficult to see what it gives in return.

The Scottish Land Commission, which was independently set up several years ago, spent two years investigating proposals for land reform. Much of its work of necessity touched on the powers of the Crown Estate Commissioners. It made sensible recommendations for reform, which would transfer the income powers of the Crown Estate Commissioners to local communities through directly elected land councils.

I know that the issue of land councils has been controversial recently. I understand that the Scottish Landowners Federation is a little wary of there being any community involvement in the issue of land usage, but I suggest that perhaps it needs to accept that the time is coming for change, and that it had best be part of change instead of attempting to stop it.

The moves proposed by the Scottish Land Commission and any attempt to develop industries such fish farming would be out of bounds for the Scottish Parliament if the Crown Estate Commissioners continue to be a reserved matter. As far as I understand it, the far-reaching proposals of the Scottish Land Commission could be barred by the Bill, but more mundane reform could also be prevented.

The Scottish Land Commission made proposals on the rationalisation of the ownership of mineral rights, which currently can be split between three owners, none of whom necessarily may be the owner of the land under which the minerals lie. That is nonsense. Reform is urgently required to allow the continued growth of our base and precious metal mining industry.

Similarly, bodies have made proposals for the rationalisation of fishing rights, but, with salmon ownership reserved to the Crown and Westminster, that simple sector will also be out of bounds for any land reform legislation in Scotland. I should like the Minister to explain why it appears that the hands of the Scottish Parliament are being tied in that fashion. I know that he and his colleagues have long talked about the opportunity for land reform in the Scottish Parliament, but, as we have seen, the continued reservation of the Crown Estate Commissioners would mean that the Parliament could adopt only a piecemeal approach to reform. That will not satisfy the expectations and demands for land reform that come daily from the people of Scotland.

I hope that the Minister will not tell us that land reform could be only topsoil-deep and that we shall not be able to legislate for what lies beneath our land; or that land reform will have to stop at the high-water mark, and that our beaches and sea lochs are off limits.

I hope that the Minister will be able to give the necessary assurances that the Parliament's hands will not be unduly tied by that reservation, or that he will at least say that the Government will consider the area, and perhaps table amendments on Report to ensure that if the Scottish Parliament wishes to make radical changes in land ownership and land use in Scotland, it will be able to do so. I believe that such an expectation is widespread in Scotland.

4 pm

Dr. Godman: I have long been critical of the Crown Estate Commissioners, especially for their decisions concerning fish farming, which impinge on the activities of our commercial fishermen. I declare an interest. I am an honorary member of the Clyde Fishermen's Association, of which the hon. Member for Argyll and Bute (Mrs. Michie) is an honorary president. Incidentally, we receive nothing for that onerous duty, but—*[Interruption.]* The Minister suggests to me from a sedentary position that the Scottish Parliament might change that type of thing. He obviously knows nothing about the fisherman members of the Clyde Fishermen's Association.

I am making a serious point. I believe that the Crown Estate Commissioners have taken some disastrous decisions regarding the installation of fish farms, especially sea fish farms—salmon farms. Several times, fishing organisations have objected to such decisions relating to the west coast. Given the powers of that secretive body of men—I say "men" because I suspect that there are no women members of the Crown Estate Commissioners, but I may be wrong—it is a matter of great regret that the Scottish Parliament will not have control of strategic decisions that profoundly affect our commercial fishermen.

Something needs to be done about the Crown Estate Commissioners, because their decisions on fish farming developments have harmed game fishermen and fisherwomen over the years. Undoubtedly, there has been a dreadful decline in sea trout on the west coast. I know that rivers and lochs in the Republic of Ireland and Northern Ireland have also suffered a reduction in sea trout catches, but I believe that our coastline and the activities there should be controlled by a Scottish Parliament. I regret that they are a reserved matter.

I ask the Minister a question to which I do not expect an answer today, but on which I should be extremely grateful if he would write to me. May I take it that the Fisheries Act 1705 will remain on the statute book? It is colloquially know as, and all hon. Members know it as, "the Queen Anne Act". I was prompted to ask that question by the intervention by the hon. Member for Banff and Buchan (Mr. Salmond) because, as the Minister knows, the Queen Anne Act has important implications for our fishermen's use of harbours.

At the moment in Greenock, we have a dispute with the Renfrewshire Enterprise Company about the development of East India harbour. When Mr. John MacKay, then Scottish Fisheries Minister, introduced the Inshore Fishing Act 1984, my hon. Friend the Member for East Lothian (Mr. Home Robertson) and I were able to persuade him to retain the Queen Anne Act. I hope that the Minister, who has a keen interest in the fisheries, can confirm that, if these reserved powers are left with the Crown Estate Commissioners, the Queen Anne Act will remain sacrosanct.

There will be a gap in powers controlling coastline activities. I think that the Crown Estate Commissioners' powers extend six miles from the low-water mark, and therefore cover some traditional inshore fishing grounds—which could be interfered with by the crass decision making of that secretive body. I have serious concerns about that matter. If we are to have some type of quango protecting our coastline, it should be composed of ordinary mortals—people who have more than a passing interest in coastal fishing and related industries.

I should like the Crown Estate Commissioners to be kicked into touch or to work down here, in England and Wales. Our coastline should be protected by a Scottish Parliament.

Mr. James Wallace (Orkney and Shetland): Our amendment No. 21 would allow devolution of the Crown Estate Commissioners' rights and powers in sea bed matters, and I should like to echo much of what has been said by the hon. Members for Perth (Ms Cunningham) and for Greenock and Inverclyde (Dr. Godman). On Tuesday last week, I outlined my concerns in some detail in introducing a ten-minute rule Bill. I shall therefore not detain the Committee by repeating all those concerns.

There are serious problems with the Crown Estate Commissioners' activities—particularly in granting sea bed leases; charging rents to the salmon farming industry, which is effectively a tax on production, imposed at a time when the industry is in difficulty; and imposing rents on non-profit making marinas, for mooring charges for small craft. Marinas that have been built up by local fund raising are being subjected to the rent levels imposed on gin palaces and some of the bigger mainland marinas.

Serious problems are also being caused by the Crown Estate Commissioners' charges on piers and other infrastructure. The Scottish Office and the European

[Mr. James Wallace]

Union have provided money to build piers and ferry terminals, to assist in maintaining vital transport links in many of the isles. However, the commissioners have come along and lumped a big charge on that infrastructure, taking back some of the money that has been given. An examination of their activities is long overdue.

If the Scottish Parliament had the ability to deal with some of the Crown Estate Commissioners' rental activities, there might be much more equity in the way in which Crown Estate tenants across Scotland are dealt with.

Mrs. Ray Michie (Argyll and Bute): I reinforce the fact that hon. Members—and the Minister, I hope—should understand that the Crown Estate Commissioners are deeply resented in many parts of Scotland, particularly after they suddenly came along with a helicopter to identify and slap rents on little piers and jetties that had no commercial value. Everyone thought that that was appalling.

Mr. Wallace: I can readily understand how my hon. Friend's constituents felt. In recent years, Crown Estate Commissioners have taken a much tougher—a draconian—line on the matter. We heard about the case of Gardenstown, where the commissioners attempted to get money from rentals that they had not attempted to obtain for years, decades or even centuries before.

The Secretary of State for Scotland has powers, under the Crown Estate Act 1961, to give directions to the Crown Estate on matters relating to the Crown Estate in Scotland. Perhaps the Minister will tell us how—if the Government reject this group of amendments—those powers might be exercised after devolution.

There is a consultation paper on transferring to local authorities some of the powers to regulate salmon farming—especially environmental regulations—that are currently exercised by the Crown Estate. I am grateful to the Minister for Home Affairs and Devolution, Scottish Office for sending me a letter, which I received today, dealing with matters that I raised with him. He said that he does not foresee any difficulty in a transfer of powers meeting the terms of paragraph 3(1) of schedule 5, which states that the reservation of powers does not apply to

"property belonging to Her Majesty in right of the Crown or belonging to a government department".

It should, therefore be possible to extend local authorities' powers in regulating salmon farming.

Such an extension would command widespread consent. I hope that the Minister will be able to tell us when it might be achieved, because it is long overdue.

Mr. McLeish: I share the concerns about land reform outlined by the hon. Member for Perth (Ms Cunningham). While it is not for this House to determine the priorities of the new Scottish Parliament, I sincerely hope that land reform will be an urgent priority of that Parliament and covered by one of the first Bills to come before Holyroodhouse. I hope that that provides some reassurance.

I also share the concerns about fishing expressed by my hon. Friend the Member for Greenock and Inverclyde (Dr. Godman), although I am not sure that fishing should be elevated to the all-embracing passion that he attributed to me. Nevertheless, I am happy to correspond with him about the 1705 Act.

I did send the hon. and learned Member for Orkney and Shetland (Mr. Wallace) a letter. I apologise for its late arrival, but I hope that it will deal with some of the matters relating to the Crown Estate.

I now deal specifically with the points covered in the amendments. They seek variously to devolve the Crown Estate Commissioners and aspects of their functions and of the property and interests forming part of the Crown Estate itself. In the Government's view, it would be wrong for the Committee to accept the amendments. Their wording suggests some uncertainty about what precisely will be reserved by the present wording of the Bill. As I shall try to explain, some of the matters that the amendments seek to devolve are not reserved.

It may be helpful if I explain what is and is not caught by the reservation. The devolution White Paper made it clear that the reserved matters would include the Crown, and that is given effect to in paragraph 1 of schedule 5. As hon. Members may be aware, the Crown Estate Commissioners are responsible for managing and regulating the Crown Estate, which is that part of the sovereign's hereditary possessions from which the revenue has, since 1760, been surrendered to the Exchequer as part of the civil list arrangements. That arrangement and the role of the commissioners in it will be reserved matters.

However, paragraph 3(1) provides that paragraph 1 of the schedule does not reserve property belonging to Her Majesty in right of the Crown. Therefore, the property and interests forming the Crown Estate, as distinct from the Crown Estate Commissioners, is not a reserved matter.

The Crown Estate would be subject to the Scottish Parliament's legislation about devolved matters, such as planning, environmental protection and fisheries. The Scottish Parliament would, for example, be able to legislate to implement the current proposals to extend offshore the role of planning authorities, to cover marine fish farming. In the context of legislating about a harbour or port, the Scottish Parliament could also extinguish public rights over the foreshore or sea bed affected by it.

The revenues from the Crown Estate, which are passed to the UK Exchequer, would be reserved by paragraph 3(3), which reserves the hereditary revenue of the Crown.

My noble Friend Lord Sewel announced proposals on 10 November for responsibility for planning control in relation to marine fish farming to be passed to planning authorities. We are planning on the basis that the necessary legislation would be made by the Scottish Parliament.

The Under-Secretary of State for Scotland, my hon. Friend the Member for Western Isles (Mr. Macdonald), announced on 17 December that new statutory procedures for the licensing of dredging of marine minerals in Scotland would be introduced to replace the existing non-statutory procedure.

The current power of direction over the Crown Estate Commissioners, which is shared by my right hon. Friend the Secretary of State and the Chancellor of the

Exchequer, would not pass to the Scottish Ministers. It is right that it should remain with the United Kingdom Government, in line with the reservation of the commissioners.

I trust that, in the light of those explanations, and particularly of the assurance that the reservation of the Crown Estate Commissioners will not affect the Scottish Parliament's competence over planning, fisheries and the protection of the marine environment, the hon. Lady will withdraw the amendment.

Mr. Salmond: These matters are rather involved and are of great interest to rural communities. I think that I heard the Minister say, in effect, that the devolved Scottish Parliament will have less authority in terms of powers of direction over the Crown Estate Commissioners than is currently exercised by the Secretary of State for Scotland. Did he say that? If so, will he reflect again before Report?

Mr. McLeish: Indeed. I have tried to explain that the current position will allow us to exercise power over planning and the environment, but the current power of direction over the Crown Estate Commissioners, which is jointly shared, will not pass to the Scottish Ministers. I am keen to be helpful so I hope to clarify that further for the hon. Gentleman. In the light of my comments and assurances, and in view of that fact that we, too, regard these matters as important, I hope that the hon. Member for Perth will withdraw the amendment.

Ms Roseanna Cunningham: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Amendments made: No. 512, in page 59, line 18, leave out 'Subject to sub–paragraph (3)'.

No. 513, in page 59, line 19, leave out 'a government department' and insert

'any person acting on behalf of the Crown'.

No. 514, in page 59, line 20, leave out 'a government department' and insert

'any person acting on behalf of the Crown'.

No. 515, in page 59, leave out line 24 and insert—

'( ) Sub–paragraph (1) does not affect the reservation by paragraph 1 of'.

No. 516, in page 59, line 26, at end insert—

'( ) the compulsory acquisition of property held or used by a Minister of the Crown'.

No. 517, in page 59, line 27, leave out 'Subject to sub–paragraph (2)'.

No. 518, in page 59, line 29, leave out 'Paragraph 1 does reserve' and insert

'Sub–paragraph (1) does not affect the reservation by paragraph 1 of'.

No. 519, in page 59, line 32, leave out sub–paragraph (a).

No. 520, in page 59, line 35, leave out sub–paragraph (c).

No. 521, in schedule 5, page 59, line 35, at end insert—

'Political parties

The registration and funding of political parties is a reserved matter'.—*[Mr. McFall.]*

4.15 pm

The Secretary of State for Scotland (Mr. Donald Dewar): I beg to move amendment No. 522, in page 59, line 38, leave out from 'European' to second 'and' and insert 'Communities (and their institutions)'.

The Chairman: With this, it will be convenient to discuss the following amendments: No. 72, in page 59, line 45, at end insert—

'(c) dealings directly related to international agreements affecting devolved matters'.

No. 73, in page 59, line 45, at end insert—

'(c) acting on behalf of the United Kingdom in relation to any matter to which that sub–paragraph applies, in respect of which the economic or social interests of the United Kingdom are located solely, or predominantly, in Scotland.

(3) Without prejudice to the generality of the foregoing, fisheries and forestry are matters falling within sub–paragraph (2)(c).'.

No. 261, in page 59, line 45, at end insert—

'(3) "Assisting" in sub–paragraph (2) includes, where a Minister of the Crown deems it appropriate, attending with and participating in the United Kingdom delegation in any international forum, including the Council of Ministers of the European Union.'.

New clause 13—*Delegations to Europe*—

'(1) When matters in relation to which the Parliament has competence are being discussed between the United Kingdom and any of the institutions of the European Union, the appropriate Scottish Ministers shall be entitled to accompany United Kingdom Government Ministers and to participate in such discussions on behalf of the Parliament.

(2) Where the matters to be discussed under subsection (1) are non–reserved matters that only affect Scotland and do not affect other parts of the United Kingdom, Scottish Ministers shall be the sole representatives of the United Kingdom.

(3) In appropriate cases, on non–reserved matters affecting both Scotland and other parts of the United Kingdom, a Scottish Minister, with the agreement of a Minister of the Crown may lead the United Kingdom delegation.'.

New clause 14—*Representative office for Scotland in Brussels*—

'(1) The Parliament shall establish a European Union representative office in Brussels.

(2) The office shall have the functions of providing advice to, and carrying out consultation with, the institutions of the European Union on matters affecting Scotland.'.

New clause 15—*Secretary of State to consult Scottish Parliament about EU negotiations*—

'(1) Before any Minister of the Crown attends a meeting of the Council of Ministers of the European Union at which consideration is to be given to any issue related to devolved matters, the Secretary of State shall consult the Parliament and seek its views on the issue.

(2) Following a meeting of the Council of Ministers at which any issue related to a devolved matter has been discussed, the Secretary of State shall forthwith make a report to the Parliament on the substance and the outcome of the meeting and shall respond to any questions that the members of the Parliament may put to him.'.

Mr. Dewar: The House will be glad to know that amendment No.522 is a minor technical amendment on a matter that in other areas and at other times might have entranced us for a considerable time. The European Union does not have legal personality and, therefore, does not

[Mr. Dewar]

have institutions in the way implied by the present drafting of the Bill. The amendment corrects the reference to the European Union and refers instead to the

"European Communities (and their institutions)".

Mr. Bernard Jenkin (North Essex): Is the Secretary of State aware that, under the Amsterdam treaty, the European Union takes on legal personality?

Mr. Dewar: That is an interesting point on which I am quite happy to take further advice. However, as the Amsterdam treaty has not yet been ratified, it is something of a hypothetical possibility. The fact that the treaty has not yet come into force is a matter of some importance. Although its terms and contents are of considerable future interest, they are not relevant at the moment.

I have enormous respect for the legal erudition of the right hon.—and indeed learned—Member for Devizes (Mr. Ancram): every whigmaleerie will be added to his title in his due honour. However, my understanding is that the proper way of achieving the intended effect is for the Bill to refer to the European Communities and their institutions. They are in the plural as they include those relating to iron and steel, Euratom and one or two others. I hope that the Committee will accept that.

Mr. Ancram *rose—*

The Chairman: Order. The Secretary of State has sat down.

Mrs. Margaret Ewing (Moray): That was quite an interesting exchange between two Scottish legal personalities on amendment No. 552, which materialised very late in the day. I shall speak to amendments Nos. 72 and 73 in my name and the names of my hon. Friends.

The amendments, which were tabled immediately after Second Reading, seek to ensure that the Scottish Parliament is a genuine part of the international community. The decisions taken on 11 and 12 September represent a major step forward by all the peoples of Scotland. Indeed, 1997 reversed what happened in 1979 and reflected the growing confidence among the peoples of Scotland that they should have their own parliament. The international community also recognised that that decision represented Alba's emergence into the community of nations and not simply the establishment of a chamber in Edinburgh. As someone said to me recently, it is not a matter of raising a flag above a building somewhere in Scotland; it is an opportunity for future generations. I very much endorse that view.

It is important to recognise that the world has moved on since 1979, and so have our continental neighbours. For many years, I have had the pleasure of serving on the Select Committee on European Legislation. It is important that we recognise the significance of the direction, the directives and the regulations that emerge through the acquis communitaire that some hon. Members resent. There is a general feeling that we should all be working together.

Other countries, such as Belgium and Spain, decentralise decision making. In the wake of the Maastricht treaty, great play was made of subsidiarity. That concept has substance in Belgium and Spain, but it seems to involve sidelining Scotland.

In January 1997 at the Scottish Grand Committee, the right hon. Member for Livingston (Mr. Cook), who was then the shadow spokesman, said that Scotland's Parliament should have

"the same observer status as the German Lander at appropriate meetings"—[*Official Report, Scottish Grand Committee*, 13 January 1997; c. 29.]

Articles 23 and 50 of the basic law give the lander full constitutional rights of information from the federal Government on the European legislative programme. I would like that for Scotland's Parliament. The lander also have the constitutional right to express opinions on European Union legislation. That opinion is binding in their core areas of competence.

We should all be concerned about the core areas of competence that have been delegated to the Scottish Parliament. I see that the hon. Member for Greenock and Inverclyde (Dr. Godman), who has served on the Select Committee with me, is listening with particular interest. Fishing should be a core area of competence for the Scottish Parliament, as should agriculture and forestry, because they are vital to Scotland's economic future.

Mr. Dalyell: Is the hon. Lady saying that representatives of the Scottish Parliament in Brussels or Strasbourg should speak for the fishing and forestry interests of England?

Mrs. Ewing: If the hon. Gentleman hauds his wheesht for a moment, he will hear the answer. The Scottish Office leads on forestry for the United Kingdom. There is no reason why we should not consider other areas of competence.

Since Maastricht, those competencies have been adopted into German law. A land representative can be the sole German representative in the Council of Ministers. That has happened four times in the past two years.

I am a rural Member of Parliament, but I used to represent a more urban constituency. We are not saying that every power specified in the schedule should be preserved. The Parliament should move forward on what issues are reserved powers, not in a selfish way but in the important international context.

Mr. Dalyell: I do not want to be difficult or try to catch the hon. Lady out in a cheap way, but she is dealing with a matter of central importance. Will she specify the four occasions on which the German lander represented the Bonn Government in the Council of Ministers, as she has claimed?

Mrs. Ewing: Although I could detain the Committee for some substantial time by doing so, the relevant documentation is in the Library. The Ministers to whom I referred were lead Ministers on behalf of the federal Government on four occasions over those two years. We should all recognise that.

Mr. Ancram: The hon. Member for Linlithgow (Mr. Dalyell) has raised an important point. I understand that the lander are allowed to make representation in the Council by their own law where it is a matter of exclusive

legislative competence of the lander. What would the hon. Lady regard as exclusive legislative competence in those terms in relation to the United Kingdom and Scotland?

Mrs. Ewing: If the right hon. Gentleman had read the amendments, he would have seen the examples that I have already given. He obviously wants to reserve all powers permanently in Westminster, but we are arguing that, where Scotland has particular interest, it should take the lead in discussions in conjunction with other UK countries. That would not be a major problem. On particular issues—fishing is one of the critical ones to us—we would want very much to have the lead.

Mr. Ancram *rose—*

Mrs. Ewing: I am being very polite, Sir Alan. I realise that this is a time-limited debate, and I would like to make further points. I shall be courteous in giving way to the right hon. Gentleman, and thereafter I should like to complete my remarks.

The Chairman: As the hon. Lady knows, it is entirely up to her whether she surrenders her time by giving way.

Mr. Ancram: I am grateful to the hon. Lady for giving way. We are in Committee, after all, which I am sure she appreciates is slightly different from a normal debate in the House. The matter to which she referred is of concern; she will realise that our amendments also try to move matters forward in a certain way. She will see in the documents to which she has referred that German competence relates to exclusive competence. Is she satisfied that that would cover the areas that she is trying to cover with regard to Scotland? I do not think that it would.

Mrs. Ewing: The right hon. Gentleman is trying to ensure that Westminster will always have the right to determine the issues that will be led by the Scottish Parliament. I am proposing that the Scottish Parliament should have the right to determine the areas in which it will lead in the Council of Ministers.

In response to my hon. Friend the Member for Banff and Buchan (Mr. Salmond) on Second Reading, the Secretary of State for Scotland argued that we should not necessarily compare ourselves to the German lander. He suggested that we should look at Catalonian and Basque territories, which did not have the statutory rights given to the lander. I emphasise again that Europe and the work have moved on. Since that speech, the Spanish Parliament has voted for a guaranteed right of representation for Catalonia, and for the Basque countries in devolved areas. The Secretary of State should look very carefully at that.

I should also like to draw the Committee's attention to the situaton in Belgium. Amendment No. 72 would give Scotland the same status as that entrusted to Community and regional Ministers under the special law of 8 August 1980, as amended on 5 May 1993, on international relations of communities and regions. In effect, the amendment would take away the Whitehall veto, which does not exist in countries such as Belgium, where devolved and exclusive powers have been recognised.

It was reported in *The Herald* today that the Scottish Office is to set up permanent representation in Brussels. I do not know whether that is true or whether it has been trailed by a spin doctor, but I would like clarification.

My understanding is that two posts will be established in Brussels. Will they be civil servants or people appointed by the Scottish Parliament? Will a Minister from the Scottish Parliament lead any permanent representation? Will they be a part of the UK's permanent representation or the Committee of Permanent Representatives? Until we know, will the Scottish Parliament be any different from the 2,000-plus lobbying organisations that have permanent representation in Brussels?

4.30 pm

Ms Rachel Squire (Dunfermline, West): I wish to comment briefly on how developing a relationship between the Scottish Parliament, the United Kingdom Parliament and the European Union gives us real opportunities to tackle the democratic deficit in our country and the perceived problems in the relationship between this country and the rest of Europe.

I support Government amendment No. 522. We must recognise that Europe is in a process of constant change, as are the Governments of Europe. Today, for example, Governments from the former eastern European bloc are meeting European Union countries, eager to discuss the details of their membership. Europe is enlarging, and there are tremendous opportunities and challenges for us in developing a European Community that is of benefit to everyone.

I listened carefully to the hon. Member for Moray (Mrs. Ewing), with whom I used, at times, to endure the Select Committee on European Legislation. We would listen to the somewhat contrasting views expressed by the various members of the Committee, under the excellent chairmanship of my hon. Friend the Member for Clydesdale (Mr. Hood).

I appreciate the demand for a distinctive Scottish voice and identity on issues affecting us in our relationships with Europe. My concern about amendments Nos. 72 and 73 is that they adopt a narrow nationalistic approach, when we should be looking to develop an international agenda. The Scottish Parliament must help to promote that international agenda, and we must develop a partnership between the Scottish and UK Parliaments.

We all recognise that there are distinctive Scottish issues in areas of European legislation. However, the fishermen of the Scilly Isles may feel that they have a lot in common with the fishermen of the western isles. The industrial devastation done to parts of Scotland during the period in office of the previous Government has been experienced in parts of northern England and the midlands. In terms of the reform of the common agricultural policy, farmers in north Wales may have common interests with farmers in Scotland.

I would certainly oppose an amendment which seems to suggest that we are better off going it alone or adopting an isolationist approach. That tends to be the approach of the official Opposition, who seem to think that it will benefit the United Kingdom to go it alone. The experience of our European neighbours with devolved government is

[Ms Rachel Squire]

that working in partnership—in our case via the Scottish and UK Parliaments—leads to a stronger voice and better representation of their clear interests.

Dr. Godman: My hon. Friend has referred to enlargement of the EU. Some of us believe that there can be no such enlargement without reform of the common fisheries policy and the common agricultural policy. Some of the states seeking membership are littoral nations with huge fishing fleets; we could not allow them in without a revised CFP.

Ms Squire: I pay tribute to my hon. Friend's strong representations on the fishing industry, and I certainly recognise his concerns. We must not, however, tie ourselves down when amending the Bill. We need to recognise the continual changes and pressures, and ensure that we can respond to them coherently.

Dr. Liam Fox (Woodspring): The hon. Lady has used fishing to illustrate the common interests that exist across different parts of the UK. Would it not be more logical to argue in favour of reserving fishing to the UK Parliament, not devolving it to the Scottish Parliament, where there will be differences even within Scotland?

Ms Squire: Unlike the hon. Gentleman, I know that Scottish fishing interests predominate in the United Kingdom. Hence, the voice of Scottish fishermen, heard in a Scottish Parliament—and also in the UK and European Parliaments—will benefit fishermen throughout the United Kingdom. Opposing a Scottish Parliament, as the hon. Gentleman's party has done, and opposing the idea that an area of the country with a distinct identity and with distinct interests can say things in Europe that will benefit the whole United Kingdom, is wrong.

The hon. Member for Moray mentioned press speculation that an office may be set up for the Scottish Parliament in Brussels. I am well aware that Scotland Europa promotes the interests of non-governmental bodies in Brussels, and that the UK permanent representatives have worked well with the Scottish Office. I hope that, on this occasion, the media speculation turns out to be correct. Such an office would help to give us a strong voice. The fact is that the sooner a country starts to make its views known to the European Commission, the better its chances of influencing draft directives and regulations.

I have been assured that the Scottish Parliament will be able to legislate to give effect to European Community obligations; that Scottish Ministers will have the power to give effect to regulations; and that the Scottish Parliament will be able to scrutinise and debate proposed legislation. One reason why I am so enthusiastic about the establishment of a Scottish Parliament is that it can take a lead in bringing the EU closer to the people, not just of Scotland but of the United Kingdom. It could develop a political framework that would be seen to be far more in touch with the daily concerns of people such as fishermen, farmers and workers in previously heavily industrialised areas.

The Bill offers the possibility of closing the perceived gap between the realities of everyday life and the political process, especially that involving Europe, which all too often seems to the general public to consist of a bunch of faceless bureaucrats. Devolution represents an opportunity to bring the European Union and its decisions closer to the people, and to influence legislation at a much earlier stage, to ensure that it benefits the Scottish people and the people of the United Kingdom as a whole.

Mr. Ancram: The hon. Member for Dunfermline, West (Ms Squire) seems to have misunderstood the purpose of the amendments. She said that she wanted a strong place for the Scottish Parliament through a strong United Kingdom representation in Europe. It is precisely because there is no provision for that in the Bill that my hon. Friends and I, and Members from other parties, have tabled amendments to try to ensure that that happens.

I am taking advice, but I am informed by those who understand matters European that, even given the Secretary of State's amendment providing for a position that adheres at present and not for one that is contingent, as he told us, that is still wrong. I am told that the Maastricht treaty removed the word "communities" and inserted the word "community" in the singular. If that is the case, the right hon. Gentleman's amendment would still be incorrect. Would he like to check whether that is the case, and if so, would he like to withdraw his amendment and try again?

Mr. Dewar: I shall take further advice. If we have got it wrong, that will cause real excitement in another place. Their lordships will no doubt look forward to it as a major clash. In the mysterious ways that information appears in the hands of Front-Bench spokesmen, I have a brief note that says,

"Does not have legal personality"—

that is, the European Union—

"even after Amsterdam."

Mr. Ancram: I am told that the argument that I am advancing may have moved forward or backward from there. It refers to the Maastricht treaty, which, the right hon. Gentleman may find, changed the term to "community", in which case he will no doubt make the amendment in due course.

I listened to the hon. Member for Moray (Mrs. Ewing), and I understand what she is trying to achieve, but I am not sure that her examples from Europe are helpful. The German lander can exercise their right of representation only where it is a matter of their exclusive legislative competence, and where the federal Government have no competence. By that definition, under the Bill as presently framed, there would be few areas in which such competence could be exercised.

The position in Spain is, if anything, weaker. The Library brief states:

"Regions do not participate directly in European decision-making on many areas, including agriculture, fisheries, industry, economic and so on, which are within their competence, for various reasons."

The German and Spanish examples may not be the most helpful, to the hon. Lady's cause or to mine.

4.45 pm

As I have made clear during our deliberations, I am concerned about the Bill being implemented in a way that leaves gaps that could cause immense confrontation

between London and Edinburgh. That would be bad for devolution and bad for the Union. We probably share enough of a common interest to want that to be avoided.

There is a distinct gap. All we have is the rather strange reference in schedule 5, paragraph 6(2)(b), which refers, in relation to the European Union and its institutions, to

"assisting Ministers of the Crown in relation to any matter to which that sub-paragraph applies."

"Assisting" is the most unsatisfactory word, which could stretch from licking envelopes to doing something more important. To leave it at that in the Bill is a weakness. I have said that from the beginning. When I originally saw that, first in the White Paper and then in the Bill, I thought that the Government had missed something, as Governments occasionally do.

I want to revisit the situation today. The last time that I raised the matter, on Second Reading, I was asked why I was worried, because matters worked satisfactorily at present, and nothing had changed. My view of the Bill is that matters have changed dramatically.

At present, Scottish Office Ministers are members of the United Kingdom Government. They bear collective responsibility for the collective decisions of that Government. When they go to Brussels to a Council of Ministers—I understand that the Secretary of State or one of his Ministers may be going fairly soon—they go as UK Ministers, fully able to represent the United Kingdom, as any other UK Minister can. What will have changed is that, after devolution, there will be two Administrations and two sets of Ministers, and they will not necessarily be the same people, and not necessarily even of the same view or the same party.

It is not enough to say that nothing has changed, and that matters can be left to the good will of the parties concerned. We must write into the statute some assurance that the voice of Scotland will be heard. The current position is that the Scottish Minister can speak for the United Kingdom, bringing Scotland's case to bear when he does so. It never happened to me when I was a Scottish Office Minister, because I was not in the areas that were concerned with Europe, but colleagues of mine went to Europe and argued the Scottish case within the United Kingdom context. When Ministers have done so, they come back and are answerable to the United Kingdom Parliament for what they have done.

That situation will have changed. There will be two Administrations, served by two sets of civil servants—I shall deal with them later—who may not be of one mind. If the Scottish Minister were to represent the United Kingdom, he would not be able to come back to the House and give account of the representation that he had made. Much is different, and it is not enough to rest on the complacent approach that the Government have taken so far.

My understanding is that, where there is a United Kingdom position, it is arrived at as a result of much preparatory work done by civil servants in Whitehall. Civil servants come from the Scottish Office to the Cabinet Office or to another Department, and together, as civil servants operating to the same Government, they come to a common position, which is the position taken in Brussels.

In future—we do not know the details—if the Scottish view is to be represented, Scottish civil servants who are answerable not to this Parliament but to the Scottish Parliament, will come down and presumably take part in the preparations not as part of the same civil service, but as parts of different civil services, possibly with different loyalties.

In those circumstances, how will a common position be arrived at, so that the Scots can be assured that the voice of Scotland will be properly heard? That is a serious question. *[Interruption.]* The Secretary of State laughs, but there are many in Scotland who take the question seriously, as do I.

This area, above all others, has the potential for creating conflict betwen England and Scotland. Imagine what would happen if a situation arose in which the position taken by the UK Government largely reflected the English interest, because that was where the Minister at the talks came from, and ignored the Scottish interest. There would be an outcry in Scotland. Believing as I do in the preservation of the Union, I have a strong incentive to avoid that happening.

I was given the other day by some Scottish fishermen an example that I had not thought of—I share it with the House, because it is relevant. They asked what would happen some time in the future, even if the two Administrations were the same political colour, if, just before a Fisheries Council, the Spaniards got hold of the MAFF Minister and said, "Look, we can do a deal overall on the common fisheries policy. We know that you don't like us coming into the channel and into Cornish waters, so we'll withdraw from there, if you'll quietly let us abolish the Shetland box." If that were to happen, there would be major Scottish interest in retaining the Shetland box. The Scottish fishermen asked—this is their hypothesis, not mine—"Where is the incentive for MAFF to ensure that that did not occur?"

Dr. Godman: Can the right hon. Gentleman recall, from his days in the Scottish Office, whether tensions arose among Scottish and English fisheries Ministers vis-a-vis Fisheries Council meetings, total allowable catches, quotas and so on? If there were such tensions, how were they resolved?

Mr. Ancram: I was not personally involved in such negotiations. However, during my latter days in Northern Ireland, there were considerable discussions between the Agriculture Ministers of Northern Ireland, Scotland and England about the question of accredited herds in relation to bovine spongiform encephalopathy. Northern Ireland had an advantage in that area, and we discussed whether various parts of the United Kingdom should be treated separately. At the end of the day, the issues were resolved because the Ministers involved came from the same party and were members of the same Government. They were able to reach a common position for which they were then bound to accept collective responsibility. That is the reality of the present situation.

After devolution, that position will no longer necessarily adhere. It certainly will not adhere that the Scottish Minister will be from the same Government and have the same loyalties and collective responsibility as his colleague from London. We must address that difference in some way in terms of the legislation, and that is what we are attempting to do.

Mr. Salmond: I shall give the right hon. Gentleman a specific example involving fisheries in the late 1980s. For

[Mr. Salmond]

several years, the then Scottish fisheries Minister, Lord Sanderson, favoured a decommissioning scheme. He expressed that position privately to colleagues and it was well known in the fishing industry. Unfortunately, the then Minister responsible for fisheries in MAFF opposed a decommissioning scheme because of his personal experiences in the early 1980s. Will the right hon. Gentleman remind hon. Members what happened during those years regarding that key area of fisheries policy, which was absolutely central to the prospects of the Scottish fishing industry? Whose view prevailed—that of Scotland or that of London?

Mr. Ancram: We believe that the Bill presently provides no assurances to the people of Scotland, and I understand that the purpose of the amendments proposed by the hon. Member for Banff and Buchan (Mr. Salmond) is similar to our own. However, every time I try to explain why it is important that there be some provision in the Bill, the hon. Gentleman tries to suggest that my argument is wrong. For someone trying to achieve a particular purpose, the hon. Gentleman is putting political expediency before his principles on this occasion. We will not do that because we are trying genuinely to put a provision into the Bill—and I shall turn to the purposes of our amendments in a moment.

We are told that the matter will be arranged by concordat. We shall consider concordats later in Committee, and I do not wish to pre-empt that discussion. A concordat is a non-statutory agreement. We know from the helpful note on concordats produced by the Scottish Office that they are not legally enforceable. They will not be subject to approval by this place or by the Scottish Parliament, and are likely to be signed between civil servants and officials rather than between Ministers, except on specific occasions.

The note states that concordats

"will set down common processes and the main features of good working relationships, rather than specify substantive outcomes."

We are talking about regulations or provisions by which Scotland may be assured that it will have a voice in the councils of the European Union. The definition of concordat does not cover those matters. Even if it did, concordats are not legally enforceable. They can be unilaterally breached at any time and, if that occurs, there can be no legal retribution.

I agree with the view expressed by the Scottish Fishermen's Federation in the paper that it sent to us. The federation made it clear that it is very suspicious about whether the concordats will ultimately deliver what the Government intend. The paper states:

"The Government's White Paper ignores it completely whilst implying that the handling of fisheries policy between MAFF and the Scottish Executive should not involve significant change from current practice; the Scotland Bill, as currently framed, leaves the power in European Fisheries negotiations in the hands of London, and makes no attempt at all to recognise the dominant position of the Scottish Industry, whereas what we know, unofficially, of the Draft Concordats which are meant to regulate relations between Whitehall and Edinburgh, provides us with no comfort on the issues outlined in this note."

I believe that a matter of such importance should be addressed on the face of the Bill: it should not be left to the whim and invitation of future Governments at Westminster.

Mr. Wallace: The right hon. Gentleman claims that his amendment will ensure that Scotland has a say. Amendment No. 261 uses the words:

"where a Minister of the Crown deems it appropriate".

What happens if there is some kind of breakdown? In such circumstances, a Minister of the Crown might deem it inappropriate.

Mr. Ancram: I shall turn to my amendments. I freely admit that it is difficult to find the means—which is why I criticised the comments of the hon. Member for Moray—of constitutionally providing a role to a Scottish Minister in terms of representing the whole United Kingdom. I have tried to raise that issue before, but I was brushed off. It remains a difficult constitutional position to achieve.

Hon. Members must view our two sets of amendments in the round. New clause 15 sets out to try to build up a provision whereby the United Kingdom Minister would be required to consult the Scottish Parliament and seek its views on any devolved issues that may arise. There would have to be consultation before the Council of Ministers meeting. After that meeting, the Minister would have to report on and respond to questions regarding events at the Council of Ministers. The new clause would create a direct link between the delegate to the European Council of Ministers, in the person of the United Kingdom Minister, and the Scottish Parliament both before and after the event. That link is not in the Bill at present.

In amendment No. 261, we seek to give statutory framework to the intention that the Government stated when they introduced the White Paper but which does not appear in the Bill: where it is deemed appropriate, a Scottish Minister could attend and participate in the United Kingdom delegation. By putting that provision in the Bill, we are providing an assurance that the Government can give only verbally at present, because it does not appear in writing.

While it may be easier for the Government to believe that, after devolution, everything will be so friendly and co-operative that no one will ever fall out, I urge them to look closely at the opinion polls in Scotland. The Government should consider whether they will see that degree of co-operation at the beginning of the Scottish Parliament. Even if they do, the Government have a duty and a responsibility to legislate not just for this year and next year, but for the future.

We are addressing interests of fundamental importance to Scotland in terms of fishing—Scottish fisheries form a predominant part of the United Kingdom industry—and agriculture, which has specific requirements. At present, the situation is uncertain and unhappy because there is nothing on the face of the Bill.

I ask the Secretary of State to look closely at our proposals. He should stop being complacent. He must understand that, if one buries one's head in the sand, one tends to leave exposed other parts of one's anatomy that, if one is not careful, others will come up and kick. The Secretary of State could avoid that consequence by accepting our amendments.

Mr. Douglas Alexander (Paisley, South): I shall direct my remarks to amendments Nos. 72 and 73, to which the hon. Member for Moray (Mrs. Ewing) spoke. In the Bill, foreign relations, including our relations with Europe, are a matter reserved to Westminster, and remain the responsibility of the British Government. The devolution scheme endorsed so overwhelmingly by the Scottish people on 11 September last year will take place within the enduring framework of the United Kingdom. That is what the people of Scotland voted for.

Amendments Nos. 72 and 73 run contrary to the thrust of the Bill. Amendment No. 72 seeks to devolve dealings directly related to international agreements that affect only devolved matters. I must admit that I had difficulty imagining what such matters would be and how many there would be. Amendment No. 73 proposes to devolve responsibility for the conduct of international relations on behalf of the whole United Kingdom in areas where the majority of the United Kingdom interest lies within Scotland.

In effect, the amendments propose that foreign policy be directed from Edinburgh. To that extent, they owe more to the theory of independence within Europe than devolution.

Mr. Salmond: The hon. Gentleman's colleagues might help him out. I seem to remember a document of the Scottish Constitutional Convention which said that, where appropriate, Scottish Ministers could lead UK delegations. Am I right, or am I wrong?

Mr. Alexander: It is still right. I shall come to that matter directly.

In effect, the amendments propose independence in Europe rather than the devolutionary scheme on the face of the Bill. I need hardly remind the hon. Gentleman or, indeed, the Committee, that, whenever independence has been offered to the Scottish people, it has been overwhelmingly rejected.

Mrs. Ewing: Will the hon. Gentleman give way?

Mr. Alexander: No, I have already given way.

The Bill strikes a far better balance in the interests of the people of Scotland. The Scottish Parliament will, of course, continue to scrutinise European proposals, and Scottish Ministers—to answer the hon. Gentleman's query—will be involved in the domestic formulation of UK policy, and will have a role to play in the relevant meetings of the European Councils of Ministers, and in other European negotiations while devolved matters are discussed.

Mr. Salmond: Will Scottish Ministers have the ability to lead a UK delegation, as was once promised by the Scottish Constitutional Convention?

Mr. Alexander: Yes, as part of the UK delegation, which is the critical point and the failing of the amendments as drafted. The Bill avoids independence in Europe by the back door. It ensures that Scotland continues to enjoy the benefits of being one of the major players in the European Union, and to that extent is in total contradiction of independence in Europe—the policy of the Scottish National party.

5 pm

Mr. Wallace: We start from the view that the United Kingdom is a signatory to the European treaties, and therefore the relationships are first and foremost between the United Kingdom and the European Union. In this group of amendments, recognising that fundamental truth, we are trying to find ways to ensure that the Scottish interest is best safeguarded.

It was reassuring and welcome that the Government said in the White Paper

"Ministers and officials of the Scottish Executive should have a role to play in . . . Council meetings and other negotiations"

and although

"the UK lead Minister will retain overall responsibility . . . Scottish Executive Ministers could speak for the UK in Councils"

in appropriate cases. That is something which my hon. Friends and I particularly welcome. However, we are somewhat disappointed that there is nothing in the Bill to guarantee that. I agree with the right hon. Member for Devizes (Mr. Ancram) that we should legislate for the worst-case scenario, as someone on the Treasury Bench might be of a different political persuasion from Edinburgh and there might be potential for conflict, and co-operation and good will might not exist. We might want Scotland's rights guaranteed. It should be able to participate in the discussions in the Council of Ministers.

What is proposed in new clause 13 might be described as a triple lock, as it caters for three different situations. On matters that are the responsibility of the Scottish Parliament, but which have a wider UK interest and concern, we propose that the right should be established in law that members of the Scottish Executive can participate in the discussions.

Secondly, where non-reserved matters affect only Scotland and not other parts of the United Kingdom, we would argue that Scottish Ministers should be the sole representatives. We are talking about two conditions. The matters should be exclusively Scottish and non-reserved. I can see the right hon. Member for Devizes asking what they are. Salmon farming is almost an exclusively Scottish interest, and therefore when it is dealt with it should be led by a Scottish Minister.

Let us return to the German lander. The German constitution states

"where essentially the exclusive legislative jurisdiction of the länder is affected the exercise of the rights of the Federal Republic of Germany as a member state of the European Union shall be transferred to a representative of the länder".

Culture is given as an example in the House of Commons Library briefing. I pay tribute to the Library, as it produces good briefings.

Mr. Ancram: The hon. and learned Gentleman talks about exclusive legislative competence. In the light of clause 27(7), what is exclusively legislatively competent to the Scottish Parliament alone?

Mr. Wallace: We are talking about non-reserved matters on which the Scottish Parliament has the right to legislate. The right hon. Gentleman is making a sophisticated constitutional point, which he is absolutely right to do, in terms of clause 27(7), but we are looking at practical politics in this matter. We are talking about

[Mr. Wallace]

matters which, in the normal course of events, would be dealt with by the Scottish Parliament and which apply exclusively within Scotland.

Mr. Dalyell: The hon. and learned Gentleman will complete, will he not, the quote from the Library briefing, because it goes on to say

"The responsibility of the Federation for the whole state has to be maintained in the process."

That is rather crucial.

Mr. Wallace: I accept that it is crucial. I am grateful to the hon. Gentleman for completing the quote, but I am not sure that it detracts in any way from the point that I made. It is a delegated responsibility as far as the lander are concerned, but, at the end of the day, the relationship is between the United Kingdom and the institutions of the European Union.

Thirdly, there are matters in which Scotland has a particular interest, but which may also affect other parts of the United Kingdom. In those circumstances, with the agreement of the Minister of the Crown, the Scottish Minister may lead the United Kingdom delegation. Fisheries is a good example, as 70 per cent. of landings are in Scotland. A matter could have an overwhelmingly Scottish interest, but also a minor interest for another part of the United Kingdom. It would be appropriate in such circumstances for the Scottish Minister to lead at the European Council meeting, with the concurrence of the United Kingdom Minister.

There are other examples. The European Union has been known to deal with ethnic—if that is the right word—languages, such as Gaelic or Welsh. It could be of no interest to the UK Parliament because the Gaelic and Welsh languages would be devolved matters. It might be for the Scottish and Welsh Executive to sort out between them which one takes the lead. We are talking about trying to get these matters dealt with practically. Although we maintain that the level at which the legal relationship exists with the European Union is at United Kingdom Government level, the responsibility for particular negotiations could be led by the Scottish Parliament.

Dr. Fox: On new clause 13(3), what would the House's mechanism of scrutiny be? How could the House call to account a Scottish Minister who led and made detailed negotiations on behalf of the United Kingdom? How does the hon. and learned Gentleman envisage that happening?

Mr. Wallace: It would have to be with the concurrence of a Minister of the Crown. No doubt a Minister of the Crown would have concurred in that matter. He would have to be answerable to the House and would have to answer for what was done. If only the House were interested in these matters sometimes. In May, a fundamental agreement was made with regard to salmon farming, which has never been the subject of any discussion in the House, in spite of some of our efforts. It would be reassuring to know that hon. Members were interested. I rather suspect that if the issue related to the Gaelic or Welsh languages, there would not be a great outpouring of interest on the Conservative Front Bench to call Ministers to account.

Mr. Salmond: I am fascinated by the argument that a Minister must be present in the House of Commons. There have been a number of occasions when Lords have led United Kingdom delegations. They were not present in the House to answer for their performance—*[Interruption.]* I shall choose my own words.

In a previous discussion, the occupants of the Conservative Front Bench were frightfully keen to ensure the right of Parliament to summon Scottish Ministers. They were frightfully keen also to stop the right of the Scottish Parliament to summon Westminster Ministers, presumably to account for their actions.

Mr. Wallace: I recall the debate to which the hon. Gentleman refers. It might provide a further answer to the point raised by the hon. Member for Woodspring (Dr. Fox). The responsible Scottish Minister perhaps could be summoned before one of the sub-committees of the Select Committee on European Legislation.

I accept that good words and good intentions are set out in the White Paper. However, we want a guarantee so that in future, if there were any conflict, the Scottish Parliament could not have its interests overridden by a Westminster Government of any persuasion.

In new clause 14, we propose the establishment of

"a European Union representative office in Brussels"

having the

"functions of providing advice to, and carrying out consultation with, the institutions"

of the European Community or Communities rather than the European Union

"on matters affecting Scotland."

I welcome the fact that in a press release issued today the Under-Secretary of State for Scotland has announced that there will be an office to act for the Scottish Parliament and Executive in Brussels once the Parliament is established. There will be a new unit staffed by two Scottish Office officials, which will be based within the United Kingdom permanent representation to the European Union. That is a welcome response to new clause 14.

Mr. Ancram: It would have been better announced in the House of Commons.

Mr. Wallace: I note what the right hon. Gentleman says, that it might have been better if the announcement had been made in this place rather than, as I think is the case, picked up off the website two minutes and 36 seconds past 4 o'clock.

Mr. Ancram: We are dealing with an important matter of principle. The hon. and learned Gentleman is looking for a response to new clause 14 in the House of Commons. Instead, it has been responded to on the website or the internet. That would have been without the knowledge of the House of Commons if the hon. and learned Gentleman had not had somebody to find it for him.

Mr. Wallace: We have dealt with this matter already. However, I accept that it is important. When announcements have to be made, especially on legislation, it would be infinitely preferable if they were made first to the House of Commons. I do not want to detract from the significance of that.

Council of Minister level is often the last stage for dealing with the most intractable of issues. Very often important decisions and negotiating points are dealt with at an earlier stage. The fact that the Scottish Parliament and Executive will have an inside track will be of considerable benefit to a range of interests in Scotland where European Union legislation is relevant.

When the Secretary of State replies, I hope that he will tell us what the relationship will be between the proposed office and the Scottish Executive and the Committee of Permanent Representatives. I understand that, at present, there is a Scottish Office civil servant who is almost invariably seconded to the UK permanent representation in Brussels, who is obviously on the inside track there. Will the Scottish Parliament and Executive representatives also be present at COREPER meetings, which often set the agenda and at which important decisions and negotiations often take place?

The flow of information is vital. We may have Governments of different complexions at Westminster and Edinburgh; control of information could be vital. It is important that there are reassurances that the Scottish Parliament and Executive office in Brussels will have access to that information and will be involved not only at the formal and final stages of Council of Ministers meetings but at many of the informal but important stages that precede the final stage of negotiations.

Mrs. Ewing: It is my understanding that, in the past, civil servants have been seconded on a temporary basis. Is the hon. and learned Gentleman arguing the case for permanent secondment on a permanent basis?

Mr. Wallace: At present, there is at least a representative. Obviously we want to see the position improved. Indeed, it is important that it is improved. We will not sentence someone to be present for the rest of his days, but at least there should be continuity. There should not be an ad hoc arrangement. Something should be properly established and guaranteed.

There will be important matters on which United Kingdom Ministers will lead. Let us not beat about the bush, the title "lead Ministry" usually applies to the Minister of Agriculture, Fisheries and Food. That is substantially or predominantly an English Ministry. It will have to be far more conscious of its United Kingdom responsibilities when those representing it are lead Ministers. I hope that that message will get through to the Ministry. Its Ministers should no longer think of themselves as being exclusively English Ministers. As a UK Ministry it has a wider responsibility. If that can be brought home to Ministers, it might be reassuring to many Scottish interests.

5.15 pm

Mr. Dalyell: Allow me to be agreeable to the hon. Member for Moray (Mrs. Ewing) and to my hon. Friend the Member for Dunfermline, West (Ms Squire). Anyone who sits on the Select Committee on European Legislation should be given a medal. I sat under the late Julius Silverman, a clever man. Much unsung work is done by the Committee, and I salute its members for that. We are in the debt of the hon. Member for Moray for raising a vital issue. There, I fear, agreement ends.

I spent last week sitting through the Welsh devolution debate. It was fascinating. It—*[Interruption.]* My hon. Friends may laugh, but it was an extremely interesting debate. It was very different, as some of those on the Opposition Front Bench who sat through it may agree, from the debates that we have had on the Scotland Bill. There were long probing speeches from my right hon. Friend the Member for Llanelli (Mr. Davies) and my hon. Friend the Member for Merthyr Tydfil and Rhymney (Mr. Rowlands). As a result, my right hon. Friend the Secretary of State for Wales made a statement. He said:

"Concordats will need to address those issues in the context not only of domestic policy and legislation but of the European Union. The assembly's role in policy discussions, both in the United Kingdom and in Europe, on matters within its field of responsibility will therefore be a central feature of relevant concordats. In line with current arrangements, the concordat will provide for matters such as access to relevant papers, attendance at interdepartmental meetings, consultation with the assembly about the development of the United Kingdom negotiating line, and participation in United Kingdom delegations to Brussels. They are precisely the points that were raised during the debate."—[*Official Report*, 25 March 1998; Vol. 309, c. 618.]

If we were not time limited, a great deal could be said about that. However, I think that I am entitled to ask for further clarification of exactly what the Government's position is.

The hon. Member for Moray referred to four occasions in her opening speech. This was not a throw-off remark. Indeed, it is crucial. The first occasion to which she referred was on 28 and 29 November 1996, when there was a meeting on justice and home affairs. The State Secretaries for Justice and the Interior and the Senator for Internal Affairs of Hamburg attended the meeting. On 16 December 1996, there was a meeting to discuss audiovisual and cultural affairs. The Foreign Affairs Minister and Minister President of Rhineland-Palatinate attended the meeting. On 20 November 1997, the State Secretary for Education, Science, Research and Technology and the Minister for Culture of Hessen attended a meeting on education, and on 24 November 1997, the Foreign Affairs Minister and the Minister for Education, Culture, Science and the Arts of Bavaria attended a meeting on culture. Although lander Ministers attended Council meetings on four occasions—this is the crucial point—they were never the sole representative of the German Government. I understand that on no occasion could they be said to have been a lead Minister, so I fear that the hon. Lady's German example is flawed.

Mrs. Ewing: I cannot disagree with the hon. Gentleman because the Ministers did not attend on their own, although perhaps I did not say so, but if he looks carefully he will see that my amendments would give us equality with the lander. I am arguing not for independence and full, sole representation, but merely for equality at this stage. Those people should be directly involved where there are specific or lead interests for the Scottish Parliament; they should not be dictated to from Whitehall, as Conservative Members want.

Mr. Dalyell: I fear that some of us, who were listening carefully to the hon. Lady, formed a rather different impression, but of course I accept what she says.

When considering such examples, it is crucial to take account of article 23, paragraph (6) of the German constitution, which states:

"The Federation shall delegate the exercise of rights of the Federal Republic of Germany as a member of the European Union to a representative of the States (ie the Lander) nominated by the Senate (ie the Bundesrat) if exclusive legislative competencies of the States are centrally affected."

[Mr. Dalyell]

That brings me back to the remarks of the hon. and learned Member for Orkney and Shetland (Mr. Wallace). Paragraph (6) continues:

"These rights are exercised with participation of and in coordination with the Government; the responsibility of the Federation for the whole state has to be maintained in the process."

I ask the Minister for the assurance, which I am sure will be forthcoming, that delegations from Britain to the European Union will include Ministers who can report back to the House on anything that is discussed in Brussels.

Mr. Salmond: I noticed surprise among Labour Members when my hon. Friend the Member for Moray (Mrs. Ewing) was explaining the purpose of our amendments. I can believe only that they were not present on Second Reading, when I clarified our outlook on the Bill.

Independence for Scotland will be decided by the people of Scotland; that was the common ground between the Secretary of State and me in the referendum campaign. All our amendments have been designed to improve and enhance the Bill from within the devolved context, as they have. *[Interruption.]* I hear guffaws from Tory Front Benchers—I shall deal with the Tory amendments in a few moments—but if they read the *Official Report* they will see that we have tabled constructive amendments on issues such as broadcasting or Committee powers to enhance and beef up the powers in the Bill. I assure hon. Members on both sides of the House that the issue of independence will be tested at the ballot box in Scotland in the not too distant future. I am reasonably satisfied with current trends on the way in which the argument is going.

My hon. Friend the Member for Moray tried to raise the sights of hon. Members by mentioning examples from other European states, even within a devolved or federal context, where right of European representation of some sort is built in to their subsidiary bodies or federal units. In Belgium, substantial rights parallel those in amendment No. 72. Amendment No. 73 parallels what the Scottish Constitutional Convention claimed should be the state of play: there would be a right to lead a United Kingdom delegation, where appropriate. The hon. Member for Paisley, South (Mr. Alexander) says that that right still exists. If so, what is the difficulty with including it in the Bill? The hon. and learned Member for Orkney and Shetland (Mr. Wallace) correctly said that references in the White Paper gave us encouragement about European representation, but those references and that encouragement disappeared when the Bill was published.

Conservative Members claim the high ground and say that they are providing assurance that the Scottish Fishermen's Federation will find comforting. However, amendment No. 261 would give Westminster Ministers the power to deem when, and presumably whether, a Scottish Minister would attend the Council of Ministers. That is exactly the position without such a provision being included in the Bill. The right hon. Member for Devizes (Mr. Ancram) knows the gentlemen of the SFF a lot less well than I do after years of debating and lobbying in the House if he thinks that such a mouse of an amendment would satisfy their concerns.

The argument advanced by my hon. Friend the Member for Moray is surely right. In a variety of states and in a variety of contexts, it has been possible to give some assurance about, and some statutory base to, the position of the subsidiary Parliament. On Second Reading, the Secretary of State rested his case on the example of Catalonia. He rests a lot on Catalonia at the moment—there are those in Barcelona who tell me that his face is becoming as familiar as the face of Mr. Terry Venables used to be in that fair city. The difficulty for the Secretary of State is that the position in Catalonia is changing. He shook his head vigorously when my hon. Friend the Member for Moray mentioned that important point, but on 5 March 1998

"the Spanish Congress and Senate Committee on the EU voted to give the Autonomous Communities the right to be part of the Spanish government delegation in those Councils dealing with autonomous (devolved) functions."

Examples in other devolved and federal areas of Europe suggest that the devolved or subsidiary Parliaments want some right of representation within European councils, not the grace and favour offered by the Conservative party or the non-existent commitment offered by the Government. Surely we can devise a method to give the first Scottish Parliament for 300 years some access to European decision making.

Dr. Fox: Will the hon. Gentleman give way?

Mr. Salmond: No.

Mr. Dewar: I have listened with great interest to this lively debate, and agree entirely that it has been important.

I am not tremendously impressed by the examples from other countries. We must find one that is right for us, and trying to force our arrangements into formulas that have been adapted by other countries would not necessarily be satisfactory. As we know, the German lander have certain rights.

Mrs. Ewing: Will the Secretary of State give way?

Mr. Dewar: The hon. Lady must allow me to continue.

As has been pointed out, the powers of the German lander lie where there is exclusive legislative power for them. Hon. Members will recognise the a fundamental difference: the German system is fully federal, which makes for different arrangements and relationships.

I tell the hon. Member for Banff and Buchan (Mr. Salmond) that I have, of course, taken an interest in matters Spanish over recent weeks, because I was hospitably asked to visit not only Catalonia, but one of the southern autonomous regions and the central Government in Madrid. I enjoyed the visit, and found it particularly interesting to listen to the distinguished politician who has led the nationalist movement in Catalonia for 18 years as president of the province. He explained in precise and vehement terms to the Spanish press that the idea that he was going, little by little, towards independence was total nonsense, that he regarded independence from Spain as a logical abomination and that the whole point was to obtain the right voice for Catalonia within Spain. The hon. Gentleman might want to consider that message.

There are other points about the Spanish experience. The hon. Member for Moray (Mrs. Ewing) is right that there has been a change—not a legal change in legislation, but the passing of a motion similar to an early-day motion

or to a resolution at the end of a debate, which the Spanish Government are considering how to implement by agreement and conciliation. There is no right, as she suggested, for Catalonia, the Basque country or any other region to be part of the delegation. One representative of the 17 provinces will be on the delegation, and the great question is how the 17 provinces will decide who that person should be. Priorities may differ considerably in the various provinces. The problem is being handled by discussion and agreement about the best way forward. There is a message for us.

Mr. Desmond Swayne (New Forest, West) *rose—*

5.30 pm

Mr. Dewar: No, let me continue.

The White Paper promises that the Scottish Executive and the Scottish Parliament will be directly and fully involved in the formulation of United Kingdom policy, and will have a role to play in relevant Council meetings. It has been suggested that that cannot be delivered if it is not enshrined in statute. Well-intentioned and well-meaning attempts have been made to achieve that.

I do not support amendments Nos. 72 and 73. Amendment No. 72 deals with international agreements that affect only devolved matters. It is extremely unlikely for an international agreement to refer only to Scottish devolved matters and have no impact on any other activity in the United Kingdom. It would not be appropriate for the Scottish Parliament to take on such a role in international affairs, because Scotland remains part of the United Kingdom, which follows the common foreign policy.

It is dangerous to assume that if a majority of the UK interest lies in Scotland, the Scottish Executive's representative should be the UK's spokesperson as of right, as amendment No. 73 proposes. If that were true, the mirror image would also be true. There are 56 million people south and 5 million north of the border, so on many issues the bigger interest will lie south of the border. The principle that the right to representation goes to the largest numbers is not a precedent which I would be prepared to endorse.

Mr. Salmond: Thousands of Council of Ministers meetings have been held in the past 20 years. Will the Secretary of State tell us on how many occasions the UK delegation to those meetings has been led by a Scottish Minister? I shall give him a starter for 10: there have been some occasions.

Mr. Dewar: I can say with total pride that I cannot answer that question. If the hon. Member for Banff and Buchan thinks that I have spent the past two years going back through thousands of meetings to see who was in the delegation and who led at one particular point or another, he is looking at the issue through the wrong end of the telescope and inevitably getting a distorted view.

Mr. Swayne: Is the hon. Member for Paisley, South (Mr. Alexander) correct that Scottish Ministers will be able to lead delegations?

Mr. Dewar: Of course, he is correct. Were it not for *Hansard*, it would be dangerous to say such things, because that remark was immediately translated by the hon. Member for Banff and Buchan into a right to lead. We have never claimed that Scottish Ministers will have a right to lead. The White Paper is specific on that point. We have said that there is an opportunity to lead. In the same way as the Spanish will settle matters of representations, and as the German lander agree on representation when they decide who will lead on an area of exclusive jurisdiction, the UK delegation will hold discussions, and sensible arrangements will be made on who should lead on each occasion.

Mr. Salmond *rose—*

Mr. Dewar: If the hon. Gentleman would take his seat, I may—he has no right—allow him to intervene later as a representative of an interested minority group.

I want to be serious about this issue: I hope that hon. Members recognise that I am being serious, because this is important. It is right for there to be Scottish representation in Brussels within the United Kingdom delegation, using the strength of the United Kingdom to advance a common cause that has been agreed in negotiation and discussion. That happens at the moment. I do not want to go into details, but I have been discussing some tricky matters affecting common interests in fishing. I was greatly helped by the fact that in the Council of Ministers that took place last week my noble Friend Lord Sewel, who was part of the UK delegation, was able to see Commissioner Fischler on behalf of the delegation to put a UK point that was of particular significance to Scotland, although it has some relevance to fishing ports in England, albeit not so dramatic. I value that arrangement, and it should continue.

We are being asked to assume that the system is unworkable unless it is bolstered and buttressed by law. It is important that we have negotiation and discussion at official level and, if necessary, at ministerial level between the Scottish Executive and United Kingdom Ministers. At the moment, a tremendous number of bilateral meetings are held. Even in the short period in which I have been in office, I have been involved in many bilateral meetings with United Kingdom Ministers. I am grateful to my team in the Scottish Office who often pave the way, and who provide me with munitions of war in terms of the arguments.

Under the new system, as now, those bilateral meetings will take place and a common United Kingdom position will emerge. If it does not, the matter will probably go to a Committee made up of relevant United Kingdom Ministers and Scottish Executive Ministers, who will hopefully find common ground. Politics is about making things work, and we are all part of the United Kingdom until and if ever another view is expressed by the electorate in Scotland. As the hon. Member for Banff and Buchan said, that is common ground between us.

The United Kingdom is an amalgam of interests, as is Scotland. There is a common interest in reaching the right view in the way that I have described. I do not think that that approach will be unworkable or difficult. If hon. Members do not agree with that, it is a vote of no confidence in the United Kingdom. I can understand such a view from the nationalists, because that is their raison d'être: their only reason for existence is to take Scotland out of the United Kingdom. However, I am surprised that

[Mr. Dewar]

the right hon. Member for Devizes (Mr. Ancram) takes such a gloomy view of the way in which the United Kingdom will work in the future, and of the partnership approach.

Mr. Ancram: I am seriously trying to understand whether the Secretary of State's proposals will work. It is in our interest to ensure that whatever is put in place works. What concerns me about such negotiation is that there will be two sets of civil servants. At the moment, they come under a common civil service answerable to one Government. They are able to share all information, whether it is confidential or not. When there are two sets of civil servants answering to two different Administrations, will it be possible for both sets to see the same information, whatever its confidentiality? To whom will they owe their loyalty? Such nuts and bolts issues must be sorted out if this proposal is to work.

Mr. Dewar: The home civil service remains a united service. Civil servants work for their ministerial teams. When the right hon. Gentleman was a Minister in the Scottish Office, his civil servants serviced him and were able to discuss matters of common interest across the departmental range. There is no reason why that arrangement should not continue.

I shall tell hon. Members a secret. On occasions, the Ministry of Agriculture, Fisheries and Food and the Scottish Office have had different points of view and have had to discuss the matter and reach a common conclusion. The United Kingdom is the signatory body, so it is essential to have a common position that we can all back and for which we can all argue. The Scottish Ministers will go back and report to the Scottish Parliament, to which they are accountable, and the United Kingdom Ministers will be accountable to the House. That is sensible.

Mr. Jenkin: Will the Secretary of State give way?

Mr. Dewar: No, I must watch the time.

In new clause 13, the hon. and learned Member for Orkney and Shetland (Mr. Wallace) suggests that the provision that a Scottish Minister may attend meetings in Brussels should be changed so that he is entitled as of right to attend. That is not the spirit in which these matters will be conducted.

Mrs. Ewing: No.

Mr. Dewar: The hon. Lady says no. Should the Welsh assembly have the same right? Matters will become extremely complicated and difficult. If the hon. and learned Gentleman assumes that, without that right, the Scottish Minister would have been excluded, I think that he assumes some very depressing prospects for the whole adventure on which we are embarked.

We certainly had no intention of hiding today's announcement about representation in Brussels. Clearly, what happens is ultimately a matter for the Scottish Parliament, and, in a sense, I cannot lay down the law for that Parliament. All that we can do is offer it a menu of opportunity. I personally can make clear my belief that Scottish representation in Brussels would be valuable, and that it would be a fairly high priority for the Parliament.

We made the announcement today because we knew that I would mention the matter in my speech, and that it would be a subject for discussion here. It is a modest start. I regard the two representatives who have been sent as an advance party—some might even describe them as a picket—whose task will be to reconnoitre and make recommendations. Their host will be UKREP, and they will be on UKREP premises, but they will not be part of UKREP. I believe that we have four people seconded to UKREP at present, and of course I want that arrangement to continue. The Scottish representative office in Brussels will be there to complement and work with UKREP, but not to replace it. As UKREP speaks for the United Kingdom as a whole, I think it particularly important for staff to be seconded from the Executive of the Scottish Parliament.

Mrs. Ewing: Will the Secretary of State give way?

Mr. Dewar: Very briefly.

Mrs. Ewing: May I ask the Secretary of State, very briefly, whether those people will be involved in COREPER—the Committee of Permanent Representatives—which plays such an effective role in the Council of Ministers and in looking at directives?

Mr. Dewar: I would certainly expect them to be involved in it, but who is involved in what meetings will be a matter for UKREP. The people concerned will be in UKREP, and I hope that we shall be able to maintain those relations, which are important to us.

In case the hon. Lady is about to jump up and ask why we do not introduce a statutory law binding UKREP to an arrangement whereby, every time five people leave the building, one must be a Scot, let me say that that would bring us into the realms of the fanciful.

Mr. Dalyell: Will my right hon. Friend give way?

Mr. Dewar: No, I am about to finish my speech. I am not being discourteous to my hon. Friend. I nearly always give way to him, but on this occasion I have only two minutes left.

We have heard a great deal about total dissatisfaction with what is or is not in the Bill. The right hon. Member for Devizes quoted what had been said by fishing bodies. I accept that we shall have to talk to those bodies and take our case to them, and I think that we will be successful in that. Let me, however, remind the right hon. Gentleman of a letter from the National Farmers Union of Scotland, dated 26 January, which the union made public. According to that letter,

> "it has been suggested that the position of Scottish Ministers' participation in the Council of Ministers is necessarily weakened. This Union does not agree with this criticism and believes that the Bill as presently formed will fulfil its intended purpose . . . The Union attaches great importance to the representation of Scottish agricultural interests in the institutions of the European Union. We believe that the Bill, when enacted, will allow Scottish Ministers to represent distinctive Scottish interests as is appropriate for a component part of a member state."

The letter goes on to look forward to the days when there will be representation and a representative office in Brussels.

I quoted from the letter not because I think that the National Farmers Union of Scotland is the end of the argument, but because it is operating as the voice of Scotland in a particularly sensitive area, often identified as one in which we are particularly weak in terms of the European argument. Perhaps Opposition Front Benchers and others who doubt our good intentions, or the workability of what we are trying to do, will have some regard for that fact and those opinions.

Amendment agreed to.

Amendment proposed: No. 72, in page 59, line 45, at end insert—

'(c) dealings directly related to international agreements affecting devolved matters'.—*[Mrs. Ewing.]*

Question put, That the amendment be made:—

The Committee divided: Ayes 5, Noes 285.

Division No. 234] **[5.45 pm**

AYES

Cunningham, Ms Roseanna *(Perth)*
Ewing, Mrs Margaret
Llwyd, Elfyn
Salmond, Alex
Swinney, John

Tellers for the Ayes:
Mr. Alasdair Morgan and
Mr. Andrew Welsh.

NOES

Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Anderson, Janet *(Rossendale)*
Ashton, Joe
Atkins, Charlotte
Baker, Norman
Ballard, Mrs Jackie
Banks, Tony
Bayley, Hugh
Beard, Nigel
Begg, Miss Anne
Beith, Rt Hon A J
Benn, Rt Hon Tony
Bennett, Andrew F
Betts, Clive
Blears, Ms Hazel
Boateng, Paul
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brand, Dr Peter
Brinton, Mrs Helen
Brown, Rt Hon Gordon *(Dunfermline E)*
Brown, Rt Hon Nick *(Newcastle E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Bruce, Malcolm *(Gordon)*
Buck, Ms Karen
Burstow, Paul
Butler, Mrs Christine
Byers, Stephen
Cable, Dr Vincent
Caborn, Richard
Campbell, Mrs Anne *(C'bridge)*
Campbell, Menzies *(NE Fife)*
Campbell-Savours, Dale
Cann, Jamie
Caplin, Ivor
Casale, Roger
Caton, Martin
Chidgey, David
Chisholm, Malcolm
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clark, Paul *(Gillingham)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Coleman, Iain
Connarty, Michael
Cook, Frank *(Stockton N)*
Cooper, Yvette
Corbyn, Jeremy
Cousins, Jim
Cranston, Ross
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cummings, John
Cunliffe, Lawrence
Dalyell, Tam
Darling, Rt Hon Alistair
Darvill, Keith
Davey, Edward *(Kingston)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dewar, Rt Hon Donald
Dobson, Rt Hon Frank
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Drew, David
Drown, Ms Julia
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Etherington, Bill
Fearn, Ronnie
Field, Rt Hon Frank
Fitzpatrick, Jim
Fitzsimons, Lorna
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Don *(Bath)*
Foster, Michael Jabez *(Hastings)*
Foulkes, George
Fyfe, Maria
Galbraith, Sam
Galloway, George
Gardiner, Barry
Gerrard, Neil
Gibson, Dr Ian
Gilroy, Mrs Linda
Godman, Dr Norman A
Goggins, Paul
Golding, Mrs Llin
Gordon, Mrs Eileen
Gorrie, Donald
Grant, Bernie
Griffiths, Jane *(Reading E)*
Grocott, Bruce
Grogan, John
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hancock, Mike
Hanson, David
Harris, Dr Evan
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Hill, Keith
Hinchliffe, David
Hodge, Ms Margaret
Hoey, Kate
Hoon, Geoffrey
Hope, Phil
Howarth, Alan *(Newport E)*
Howells, Dr Kim
Hughes, Kevin *(Doncaster N)*
Hughes, Simon *(Southwark N)*
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Jackson, Ms Glenda *(Hampstead)*
Jamieson, David
Jenkins, Brian
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Helen *(Warrington N)*
Jones, Dr Lynne *(Selly Oak)*
Jowell, Ms Tessa
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Kelly, Ms Ruth
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kidney, David
Kilfoyle, Peter
Ladyman, Dr Stephen
Lawrence, Ms Jackie
Leslie, Christopher
Levitt, Tom
Love, Andrew
McAllion, John
McAvoy, Thomas
McCabe, Steve
McCafferty, Ms Chris
McCartney, Ian *(Makerfield)*
McDonagh, Siobhain
Macdonald, Calum
McFall, John
McGuire, Mrs Anne
Mclsaac, Shona
McKenna, Mrs Rosemary
McLeish, Henry
Maclennan, Rt Hon Robert
Mactaggart, Fiona
McWalter, Tony
Mahon, Mrs Alice
Mandelson, Peter
Marsden, Gordon *(Blackpool S)*
Marshall, David *(Shettleston)*
Marshall, Jim *(Leicester S)*
Marshall-Andrews, Robert
Martlew, Eric
Meacher, Rt Hon Michael
Meale, Alan
Merron, Gillian
Michael, Alun
Michie, Bill *(Sheff'd Heeley)*
Michie, Mrs Ray *(Argyll & Bute)*
Milburn, Alan
Miller, Andrew
Mitchell, Austin
Moonie, Dr Lewis
Moran, Ms Margaret
Morgan, Rhodri *(Cardiff W)*
Morley, Elliot
Morris, Ms Estelle *(B'ham Yardley)*
Morris, Rt Hon John *(Aberavon)*
Mudie, George
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Norris, Dan
O'Brien, Mike *(N Warks)*
Osborne, Ms Sandra
Palmer, Dr Nick
Pearson, Ian
Pendry, Tom
Pickthall, Colin
Pike, Peter L
Pound, Stephen
Powell, Sir Raymond
Prescott, Rt Hon John
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quin, Ms Joyce
Radice, Giles
Rapson, Syd
Raynsford, Nick
Reed, Andrew *(Loughborough)*
Rendel, David
Roche, Mrs Barbara
Rogers, Allan
Rooker, Jeff
Ross, Ernie *(Dundee W)*
Roy, Frank
Ruane, Chris
Ruddock, Ms Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Sanders, Adrian
Savidge, Malcolm
Sawford, Phil

Sedgemore, Brian
Shaw, Jonathan
Sheldon, Rt Hon Robert
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Spellar, John
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stewart, David *(Inverness E)*
Stinchcombe, Paul
Stoate, Dr Howard
Straw, Rt Hon Jack
Stringer, Graham
Stuart, Ms Gisela
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, David *(NW Leics)*
Taylor, Matthew *(Truro)*
Thomas, Gareth *(Clwyd W)*
Tipping, Paddy
Todd, Mark
Tonge, Dr Jenny
Touhig, Don
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tyler, Paul
Vaz, Keith
Vis, Dr Rudi
Wallace, James
Ward, Ms Claire
Watts, David
Webb, Steve
White, Brian
Whitehead, Dr Alan
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Wills, Michael
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Woolas, Phil
Wray, James
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Noes:
Mr. Greg Pope and
Ms Bridget Prentice.

Question accordingly negatived.

It being two hours and ten minutes after the commencement of proceedings in Committee, THE CHAIRMAN *put the Question necessary to be disposed of at that hour, pursuant to the Order [13 January] and the Resolution [this day].*

Amendment made: No. 523, in page 60, leave out line 16 and insert—

'( ) the exercise of civil defence functions by any person otherwise than as a member of any force or organisation referred to in sub–paragraph (1)(b) to (d) or any other force or organisation reserved by virtue of sub–paragraph (1)(a)'.—*[Mr. McFall.]*

Dr. Fox: I beg to move amendment No. 407, in page 60, line 39, leave out 'and non–domestic rates)' and insert

') but not locally raised business or non–domestic rates or any local sales or local tourist industry tax.'.

The Chairman: With this, it will be convenient to discuss the following: New clause 11—*Subsidiarity*—

'.—In the relations between the Scottish Parliament and Executive and local government in Scotland, the principle of subsidiarity shall apply, and all acts of the Parliament shall be construed in accordance with the principle of subsidiarity.'.

New clause 18—*Restriction on tax levying power of the Parliament*—

'.—The Parliament shall not have the power to levy any tax other than as provided for in section 69.'.

New clause 25—*Transfer of Powers to Islands Areas*—

'.—(1) It shall be competent for the Scottish Parliament to transfer to an islands authority administrative responsibility for all or part of each of the functions set out in Schedule (*Functions which may be transferred to an Islands Authority*) to this Act, in respect of the relevant islands area;

(2) Following a request from an islands authority, the Scottish Executive and the islands authority shall publish a joint report on the implications of the transfer of any function or part thereof to the islands authority;

(3) Without prejudice to the generality of sub–section (2), the joint report shall define the extent of the responsibilities to be transferred, and shall set out the financial consequences of any such transfer;

(4) The transferred responsibilities referred to in sub–section (3) above may include the power to make orders under the relevant primary legislation, and the responsibilities transferred may include any relevant powers or duties exercised by the Scottish Parliament, by any Joint Board, or by any other public body for which the Scottish Parliament is responsible;

(5) The joint report referred to in sub–section (2) above shall be considered by both the Scottish Parliament and islands authority within three months of its publication, and thereafter shall be a referendum on the proposed transfer of responsibilities, in which all registered electors in the relevant islands area shall be entitled to vote;

(6) In the event of a majority approval of the proposed transfer of responsibilities, such responsibilities shall be transferred to the islands authority on 1st April following the referendum, provided that at least six months shall have elapsed since the referendum;

(7) Nothing in this section shall affect the existing powers and responsibilities of the islands authorities;

(8) For the purpose of this section, "islands authority" means the Orkney Islands Council, Shetland Islands Council and Western Isles Council, and the term "relevant islands area" shall be construed accordingly.'.

New schedule 2—*'Functions which may be transferred to an Islands' Authority*—

1. The following functions may be transferred to an islands' authority under section (*Transfer of powers to island areas*).

2. Those functions are:

passenger and road transport; sea and air transport; police; fire services; water and sewerage; functions of SEPA; coast protection; inshore fisheries; powers of direction vested in the Secretary of State for Scotland under the Crown Estate Act 1961; liquor licensing; licensing under the Civic Government (Scotland) Act 1982; functions of Historic Scotland; tourism, land use and planning; housing; further education; careers advice and guidance; sport and arts.'.

Dr. Fox: The amendment and new clause 18 seek to restrict the Scottish Parliament's tax-raising powers to that which occurs in clause 69. This issue was central to the referendum campaign; many who voted yes did so because they thought that any tax-raising power would be limited to 3p on the standard rate of tax. They were encouraged in that belief during the campaign.

In the referendum campaign and in the general election campaign, we warned about the danger of back-door taxation. What we said at the general election proved correct. Back-door taxation has occurred, not the least example of which was the raid on pensions by the Chancellor of the Exchequer that will push council taxes in Scotland up by an extra 2 to 3 per cent. next year simply to pay for the extra cost to local government. Specifically, we said that we did not want the uniform business rate in Scotland to be abolished and that we did not want sales or tourist taxes, which have been proposed in several quarters.

The temptation to raise extra finance will be great; calculated on the number of Scottish taxpayers, 3p on the standard rate will raise about £450 million. That sounds like a large amount until it is compared with the Scottish grant of £14 billion. As we approach the Scottish parliamentary elections, the usual promises are made and the spending auction continues.

A great deal of expectation will be built up about what the Scottish Parliament can provide. The Liberal Democrats have proposed 1p on tax and say that the

money raised would go far, but even £450 million will not go far in terms of Scottish public expenditure, and there will be a temptation to raise expectations beyond those that can reasonably be met within the sum that is proposed in clause 69. I think that politicians will give in to that temptation.

Mr. Dalyell: The hon. Gentleman is wrong—expectations have already been raised.

Dr. Fox: Whatever starting point we take, we probably agree that expectations will be raised further between now and the parliamentary elections. I agree that they have already been raised: many of the debates in Committee have shown that expectations have already been raised unrealistically, but as we go through the campaign they will be raised further. I need only look at some of those sitting behind me to see the sort of promises auction—

Mr. Malcolm Savidge (Aberdeen, North): There is no one behind the hon. Gentleman.

Dr. Fox: If the hon. Gentleman had looked up from his notes he would see who I mean. I think especially of the Scottish nationalists, who will promise far more than they can deliver, in the knowledge that that will destroy the cosy feelings that the Government believe they have built recently. The effect of spending this extra money—of raising extra taxation—is clear.

The Government have converted to market economics—at least most of them have; I see that the hon. Member for Dundee, East (Mr. McAllion) is not here at present. They understand that a low-cost, deregulated economy will lead to more jobs. If that is true, the converse is also true: more regulation and higher taxes and higher costs will lead to fewer jobs. It is that negative effect on the Scottish economy which we have to consider when examining potential extra tax raising.

6 pm

We cannot overlook the success of the uniform business rate—a great achievement which occurred under the Conservative Government. Before UBR was introduced, businesses in Scotland were taxed disproportionately in relation to businesses in England. They had a far heavier burden. They were pounded by socialist councils, especially in west and central Scotland, as easy targets to raise money for councils' public expenditure, but they now compete on a level playing field.

One of the ways in which we can see the success of the change is by comparing current average earnings in Scotland with what they were at the end of the 1970s. At that time, they were 87 per cent. of the United Kingdom average; now, they have risen to about 98 per cent. of the UK average. Scotland has done extremely well. I do not need to stress again the success of inward investment in Scotland. That success and the equalisation of treatment in business rates cannot be a coincidence.

As a direct result of UBR, Scottish businesses have paid £1.4 billion less in rates over the five years from 1990. If the rate poundage had risen in line with inflation since 1990, the poundage would now be over 110p, more than doubling current rates bills. On top of that, we had UBR transitional relief of some £72 million in 1995–96 and £65 million in 1996–97. I say that to show how far we have come in terms of protecting Scottish businesses from the effects of profligate local government.

Mrs. Rosemary McKenna (Cumbernauld and Kilsyth): The hon. Gentleman talks of profligate local government. Were not the two most significant increases in local taxation in Scotland over the past five years caused by the poll tax and local authority reorganisation, both of which were imposed by the previous Government against the wishes of the people? They are clearly a significant factor in the fact that, in Scotland, local authorities now raise only 14 per cent. of their income and the Government are responsible for 86 per cent.

Dr. Fox: I am not sure whether the hon. Lady is arguing that local authorities should raise more money and impose higher taxes. Whatever her starting point, if she is arguing that they should raise extra money, council taxes will rise even further. As a result of the Budget that the Government have just produced, council taxes in Scotland will rise even further next year, simply to pay for the pensions theft that the Chancellor of the Exchequer has forced on local government: new Labour, new taxes. After each Budget, higher price tags are attached to local government.

There is no point in the hon. Member for Cumbernauld and Kilsyth (Mrs. McKenna) giving us the red herring of the poll tax given that so many of her—*[Interruption.]* During the referendum campaign, many Labour Members said, "You must vote yes in the referendum so that we never have another situation where a Westminster Government can impose a poll tax." As has already been admitted, the Bill gives the House exactly the same powers to impose a new system of local government finance in Scotland, so that line is a red herring, and the hon. Lady should not have mentioned it.

One question that might legitimately be asked of the Conservative party is: as the Bill gives the Scottish Parliament only powers that are currently exercised by the Scottish Office, why should we not wish the Scottish Parliament to have extra tax-raising powers? The answer is that, at present, those powers are exercised within a unitary fiscal and political framework. As I have said, with devolution, there will be a build-up of expectations. We must ensure that the pressure valve is not a range of new back-door taxes on the Scottish people.

Mr. John Swinney (North Tayside): The hon. Gentleman talks about the Parliament being given additional tax-raising powers. Does he not realise that—certainly from my reading of his amendment, I fear that this is the situation—if amendment No. 407 were accepted, the Scottish Parliament would be unable to lower business rates to try to provide a competitive advantage for Scottish business? That is a strange argument for the allegedly business-friendly Conservative party to advance.

Dr. Fox: In having a seductive red herring, the hon. Gentleman now has one up on the hon. Member for Angus (Mr. Welsh), who is sitting in front of him. We of course have never tried to have business rates lower in Scotland than in the rest of the UK. The whole point was to have a level playing field throughout the UK. That is what we sought then. I am an unashamed Unionist. I want

[Dr. Fox]

a level playing field to be maintained for businesses throughout the UK. That is exactly what we intended to have.

The amendment is about keeping faith with the people who voted yes in the referendum campaign, believing that the tax-raising powers would be limited. Those who voted yes yes, or even no yes, thought that the only tax that could be raised would be 3p on income tax. The amendment and new clause 18 hold the Government to account. It is up to them to demonstrate that they told the truth during the referendum. I hope that they will accept amendment No. 407 and new clause 18, which are reasonable and protect Scottish taxpayers.

Mr. Dalyell: Because we are time limited, I should like to make just one point. I plead with my hon. Friends to understand that many Scottish businesses are deeply concerned about the uniform business rate. The level playing field with England is a matter of considerable consequence to their prosperity and to employment in Scotland. I leave it at that because I look forward to hearing what the Minister has to say.

Mr. Wallace: Included in this group is new clause 25, on the government of the islands. The UBR, which was imposed by the last Conservative Government, put up business rates in the islands areas, so it was a mixed blessing.

Business rates may remain exclusively the responsibility of Westminster, but, as I understood it, it was the Labour party's policy to return business rates to local authorities. It can do that here, with its majority of 179, much more readily than in a Scottish Parliament, where it is distinctly possible that it will not have a majority at all.

If the Parliament acts as those of us who campaigned for it during the referendum hope it will, it will consult and take different views into account, not least those of business. I hope that it will be business friendly. If it is thought necessary to change the business rating system in Scotland, it is incumbent on the Parliament to take into account the views of business and to consult it. Any changes might, therefore, be much more business friendly than if this House, with a Government majority of 179, just pushed through a business non-friendly Bill.

The hon. Member for Woodspring (Dr. Fox) referred to red herrings. Perhaps he has caught the biggest red herring as he tries to take away an opportunity for Scottish business and the Parliament to engage constructively on the best form of local taxation.

New clause 11 relates to subsidiarity. It seeks to give a presumption of subsidiarity in any negotiations or dealings between the Scottish Parliament and Executive and local authorities in Scotland.

The constitutional convention agreement, "Scotland's Parliament, Scotland's Right", says:

> "The Act will include a clause committing Scotland's Parliament to secure and maintain a strong and effective system of local government, and will embody the principle of subsidiarity so as to guarantee the important role of local government in service delivery."

New clause 11 seeks to give some substance to that agreement, reached among the various parties to the constitutional convention.

It is important that we send the right signals to local government, to let it know that the Scottish Parliament does not exist to suck away its powers—as the House of Commons did under the 18 years of the Conservative Administration. Time and again, the Conservatives took powers from local government and centralised them. We must ensure that a Scottish Parliament has proper respect for the role of local government in our communities.

Local government is probably the level of government that allows the greatest opportunity for people to participate and to influence decisions that affect them directly—individually and in their community life. It is important that the crucial role of local government is recognised, and that the Scottish Parliament does not unnecessarily encroach on, or infringe, its role.

Although I welcome the fact that the Government have set up a commission to study the relationship between the Scottish Parliament and local government, I repeat that it is a matter of considerable dismay that it will have no powers to examine local government finance. A similar mistake was made in the 1970s, when local government was reformed in both England and Scotland, two or three years before the Layfield committee report on local government finance.

One cannot consider the powers and role of local government without considering the way in which it raises its finance. The fact that, at the moment, there is such a high gearing in central Government grants to local authorities detracts from local democracy in many ways. I hope that, even at this stage, the Government will reconsider the possibility of making local government finance part and parcel of the commission's remit.

I shall now discuss the new clauses relating to the islands communities. In 1990, the original constitutional convention document said:

> "No detailed decisions have been reached but there is agreement that the unique place of the Islands warrants separate constitutional consideration in the detailed legislative proposals for the establishment of Scotland's Parliament".

That was reflected in the final, agreed document of the constitutional convention, which recognised the geographical and historical circumstances of the islands and said that they warranted distinctive constitutional consideration.

I welcome the fact that each of the islands areas—Orkney, Shetland and the Western Isles—will have its own Member of the Scottish Parliament, but new clause 25 seeks to go further. Whereas it would be up to Parliament to decide to devolve further powers to the islands areas, new clause 25 would give an initiative to the islands area.

If an islands authority felt that there was a sphere of competence in which it could exercise a function better and more in sympathy with local needs, it could go to the Scottish Parliament and say so. There would then be a requirement for a negotiation to proceed between the Scottish Parliament and the islands authority on a range of specific issues. I think especially of water and sewerage.

As water and sewerage are self-contained within each island group, there is no earthly reason why the islands areas should be attached to the big quango of the North of Scotland water authority. I believe that there is good reason for that responsibility to be restored to the islands area. The authorities could negotiate the financial terms and so on with the Scottish Parliament, and then the matter would be resolved by a referendum.

Often, legislation that the House has passed for the best of reasons does not work in the islands areas because of unique local circumstances. The right hon. Member for Devizes (Mr. Ancram) is not in the Chamber at the moment, but I remember that, when he was a Scottish Office housing Minister, he sympathetically allowed a subsequent amendment to legislation when, following the introduction of the right to buy, teachers' houses were being sold in some remote islands areas, with the result that, whenever there was a new teacher, the council had to build a new house. That was never the intention of the legislation, and an amendment was needed.

Legislation on housing associations and the giving of contracts has meant that, in the Orkney housing association, the almost impossible situation has grown up where it is possible that the only supplier of certain office equipment in the islands is a board member related to an employee of the housing association. It is no good going to Shetland, because there is a relationship there with yet another employee. A measure that works sensibly in Glasgow or Edinburgh, and probably in most parts of mainland Scotland, does not work in the islands.

Building material waste from one of the north isles of Orkney must be brought to the mainland of Orkney for disposal, if the law is to be followed properly. That does not make sense either. Sensitivity and common sense are needed. I believe that when the islands authorities believe they should have a competence to deal with these matters, it should be granted. There should be a mechanism in the Parliament to ensure that, just as we have an explanatory memorandum on the financial consequences of a Bill, or an explanatory memorandum on the impact on public manpower, or on business compliance, every piece of Scottish Parliament legislation is considered in the context of its implications for the islands areas. If, despite that process, an anomaly arises, there should be a fast track procedure for tackling and ending that anomaly.

To be fair, the Secretary of State has visited Orkney twice. He will be in Shetland for the highlands and islands convention later in the year. Considerable sympathy has been expressed. We hope that it will be translated into legislative form, to give the reassurances that people in the islands areas seek.

6.15 pm

Mr. Andrew Welsh (Angus): There has been a massive contrast between the very positive approach adopted by the hon. and learned Member for Orkney and Shetland (Mr. Wallace) and the very negative Tory speech and Tory amendment and new clause that are now before the Committee. I strongly agree with the hon. and learned Member that there must be a co-operative, not competitive, relationship between the new Scottish Parliament and Scotland's local authorities.

I shall be brief. The Tory amendment and new clause are yet another example of the Tories telling the Scottish Parliament and MSPs what they cannot do. Business rates, or any other source of taxation, would be for ever beyond the remit of the Scottish Parliament. The Tories believe that democratically elected Scottish representatives are not to be trusted. They want to deny the Scottish Parliament what every other European devolved Parliament takes for granted.

Yet again, the Tories are showing that they have no trust or confidence in Scotland and that they do not want Scottish democracy or fiscal autonomy. The Tories are truly the Scottish no-men, and the amendment and their new clause show that they are at it again.

Under successive London Governments, Scottish business has suffered higher business rates than business in England and, from 1990 to 1995, that amounted to approximately 20 per cent. extra per year, or £1,200 million over-taxation. There has always been a certain hypocrisy about those Tory business leaders who oppose home rule for Scotland—because it may lead to higher tax for businesses—while supporting a Union under which Scottish businesses suffer from that debilitating London levy.

We believe that Scottish businesses should be assisted, not unnecessarily hindered, by the taxation mechanism. The uniform business rate poundage in Scotland should be no higher than that in England, before or after independence. There should be no increase in the level of business rates beyond, let us say, a 5 per cent. annual maximum. Thus, Scottish businesses would pay their fair share towards local government services but retain their essential competitive edge.

In exchange for making their contribution to local government, there should be a statutory right for local businesses to be consulted at each stage of the policy making process on matters that affect them.

Dr. Fox: How on earth does one raise taxes on local businesses and yet maintain the competitive edge?

Mr. Welsh: I just pointed out to the hon. Gentleman that we believe that business taxation could be kept to a minimum to give the Scots a competitive edge. He said that there should be one rate throughout the United Kingdom. We should like a beneficial rate in Scotland, to give our businesses that extra edge. We see a prosperous, expanding economy in Scotland, and our policies are designed to promote that. In rushing to be a Unionist, the hon. Gentleman has, in the past, crippled Scottish small businesses by the uncompetitive rates that were forced on them.

We believe that valuation criteria should be revised so that the contribution made by smaller businesses is no longer disproportionately high in comparison to that of larger businesses. Many reforms should be introduced—reforms to local government finance and reforms to help small businesses.

We believe not only that all businesses should make a fair contribution to local government finance, but that, equally, they must be guarded from any unnecessary or over-large tax rises. Scottish small businesses are at the heart of local communities across the length and breadth of Scotland. Our proposals would guarantee fairness and participation by businesses in our democratically elected Scots Parliament.

The Tory amendment and new clause would offer Scotland nothing. They are negative, scaremongering and out of touch, and they should be treated with the contempt that they deserve.

I should like a Scottish local government system to be developed in which local government has its own clearly defined powers, is properly financed and is answerable to its own electors. Local government should work in

[Mr. Welsh]

partnership in providing low-cost, high-quality public services for the public good. The norm should be that maximum powers are devolved to the appropriate level. Such devolution should not be the exception, as it currently is in Scotland.

I therefore support the principle behind the Liberal Democrats' new clause 11, which would devolve power to local government. The trend in Europe is clearly towards establishing subsidiarity. We should follow that trend and the principles enshrined in the European charter for local government.

The Conservative amendment and new clause should be rejected.

Mrs. McKenna: I shall speak to the Conservatives' amendment and new clause, which are yet another attack on Scottish local government. In their 18 years in office, the previous Government persistently made such attacks, most disgracefully denigrating local government—which should be a partner of national government and play its proper role in society. Local government is democratically and very soundly elected and should be respected as such. The principle of subsidiarity should apply not only to Scotland's Parliament but to local government so that it might play its proper role.

Many hundreds of good councillors—who were respected in their communities and understood their role—were disgracefully attacked by the previous Government. Official Opposition spokesmen have said that they want a new relationship with local government and have come very close to apologising to those in local government for their actions in the past 18 years. However, such an apology has not characterised the tone of today's debate.

Dr. Fox: Does the hon. Lady believe that the UBR should be maintained?

Mrs. McKenna: I believe that the Scottish Parliament, with local government, should examine the issue of local government taxation and the uniform business rate. If it is appropriate to return the matter to local government, that decision should be made. I trust local government and the people. Unlike Conservative Members I trust democratically elected and accountable local government councillors to make that decision.

Mrs. Eleanor Laing (Epping Forest): Will the hon. Lady give way?

Mrs. McKenna: No; I have only a few minutes in which to speak.

Conservative Members do not understand that we want a relationship and partnership with local government. The hon. Member for Woodspring (Dr. Fox) said that the success of inward investment in Scotland was to do entirely with equalising the uniform business rate. That is not true. Scotland's successful inward investment rate is a result of partnerships between local government, other public sector bodies, the private sector and the Government—all of whom work together and understand the local agenda and inward investment.

Mrs. Laing *rose—*

Mr. Swinney: Will the hon. Lady give way?

Mrs. McKenna: No; I shall not take any more interventions.

Those organisations work together very successfully—as they will in the Scottish Parliament. Local government will be respected, as will the business community. As a former local government leader, I know that such mutual respect is entirely possible. I worked under the old regime—before the poll tax—in which we levied the business rate, and we had a very good relationship with the business sector in our area. We never had any problems. Business respected our rights, as we respected its rights. The Scottish Parliament will allow development of a proper working relationship between all the organisations involved, whether they are public or private.

It would do Conservative Members much credit if, just once, they would apologise to the people of Scotland for what they did to Scottish local government over the past 18 years. I oppose their amendment and new clause.

Mr. McLeish: Before I deal with the specifics of the amendment, the new clauses and the new schedule, I should repeat a comment made by some of my hon. Friends: the Conservatives have learnt absolutely nothing about local government, the White Paper or the Bill. This Government have had the most constructive dialogue with business in Scotland of any Labour Government since the war: we have attempted to take business into our confidence, and very constructively to decide how we should move forward—*[Interruption.]* Conservative Members mimic, but they will have to deal with the reality: they are simply out of touch with the business community in Scotland.

As my hon. Friend the Member for Linlithgow (Mr. Dalyell) said, the business community in Scotland is apprehensive, which is important. However, it is better to be apprehensive on the basis of information than on the basis of ignorance—which has been demonstrated in this debate by Conservative Members.

We promised in the White Paper that we would be consistent in saying what the Parliament would do on taxation. We made that promise on 1 May, in the White Paper, during the referendum and in this Bill, which will be an Act. We have been completely consistent—which is the way to build trust not only with the Scottish people but with the business community.

Some of my hon. Friends have already asked when the Conservatives will start to take seriously the very large business of local government in Scotland, which spends billions of pounds of taxpayers' money and delivers some of the best-quality services in the United Kingdom. It is not asking much for that to be acknowledged. Although I would not go so far as to ask Conservative Members to support local government, such an acknowledgment would be beneficial to the House and to the Scottish Parliament.

The hon. Member for Woodspring (Dr. Fox) argued that the power to change local taxation was an extra tax-raising power which was not mentioned in the

referendum campaign. Nothing could be further from the truth. The White Paper made it quite clear that local domestic and non-domestic taxation would be devolved matters, as is stated in the Bill.

As for amendment No. 407, the Bill devolves to the Scottish Parliament and Executive responsibility for relations with local authorities in Scotland, and for their financing, both in terms of grant and in terms of local taxation. It would not be consistent with that principle to reserve local non-domestic taxation—either the existing system of non-domestic rates or potential changes to that system. However, the Government have no intention of introducing new taxes on Scottish business, through the back door, by use of that mechanism.

New clause 18 brings us back to territory that has already been discussed at length. The Bill provides that the Scottish Parliament will have the power to vary the basic rate of income tax. The Parliament will have no other powers in national taxation, because taxes and excise duties are reserved matters. New clause 18 is simply not necessary.

I therefore ask that amendment No. 407 be withdrawn and that new clause 18 not be pressed.

The Government do not think that new clauses 11 and 25 are necessary. We are certain that local government will have a very important role to play after devolution. Our approach to local government was outlined in the White Paper, which stated that the Government did not expect the Scottish Parliament to accumulate a range of new functions at the centre that would be more appropriately and efficiently delivered by other bodies.

An important idea that we have promoted in our debates is that we want there to be devolution from Westminster to Edinburgh—not for councils in Ayr, Fife or Glasgow to lose responsibilities. That important balance must be struck in any democracy. It is absolutely sound for us to express the idea not only in this place, but—when discussing local government—across the country.

The White Paper affirmed our belief that decisions should be made as close as possible to the citizen—the principle of subsidiarity has been mentioned by Opposition Members—and that the people of Scotland will be best served by a Scottish Parliament and Scottish Executive working closely with strong, democratically elected local government.

People in local government are elected. A proud tradition in Scotland, and across the United Kingdom, is that those who want to perform public service should stand for election and be elected. We should therefore have more faith and confidence in what those in local government are doing for their own electorate.

Mr. Dalyell: In view of the speculation in the press—although not, as far as I know, from any of my hon. Friends, let alone Ministers—will my hon. Friend confirm that there is no possibility of the police being taken out of the hands of local authorities and becoming directly accountable to the Sc ttish Parliament?

Mr. McLeish: I am very pleased to able to say that there is no possibility whatever of that happening. The police do an excellent job in Scotland, along with the fire service. They are an essential part of the fabric of community safety. We are working closely with all concerned, including the unions, the Association of Chief Police Officers (Scotland) and the fire service bosses to ensure that we have the best service possible. There is no intention of shifting in the way outlined by my hon. Friend.

6.30 pm

New clause 11 is an attempt by the hon. Member for Woodspring to entrench the position of local government. Although I share the Conservatives' wish to see local government thrive, I do not think that this is the way to achieve that aim. Such a provision suggests that we do not trust the Scottish Parliament to legislate properly. I know that that is not the import of the comments that have been made, but it all comes back to a question of balance—a question which we need to take seriously in our democracy.

Of course, we have already acted in a number of ways to affirm the role of local government. In June, we signed the Council of Europe's charter for local self-government; six months later, we established the Commission on Local Government and the Scottish Parliament to consider how strong local government can best work with the Parliament and its Executive.

Dr. Fox: I am grateful to the Minister for giving way; I know that he is short of time. He will be standing for the Scottish Parliament. Will it be the Labour party's position in that Scottish Parliament to maintain the UBR?

Mr. McLeish: Had the hon. Gentleman been listening, he would have heard me say that we are devolving responsibilities for the structure of local government, for local taxation and non-domestic taxation to the Scottish Parliament. It is a matter which can be discussed in this House and by the Scottish Parliament. At the moment, we have a system of local government finance which is working and which is delivering on services. It is vital that that is recognised and that it should continue.

The commission may propose a concordat between local government and the Scottish Parliament for the Parliament to consider. A statement of intent by the Scottish Parliament is a more appropriate affirmation of the role of local government than something forced on it by this House.

The Government cannot accept new clause 25 and new schedule 2, as they would tie the Parliament's hands, requiring it to transfer to an islands authority responsibility for a range of matters, subject only to a referendum in the relevant islands area. If the electors in the area supported the transfer, the Parliament would have no discretion to refuse, notwithstanding the consequences of the transfer for the islands, the Parliament or, indeed, other parts of Scotland.

I am sure that the Scottish Parliament will want to recognise the special circumstances of the islands communities, and it will be open to it to confer functions in relation to devolved matters on to islands authorities. It would not, however, be appropriate for this House to prescribe to the Scottish Parliament how it should do these things. The Scottish Parliament will be much better placed than we are to decide how best to meet the needs of Scotland's island communities.

The new electoral arrangements for the Scottish Parliament will ensure that the voice of the islands communities is properly heard. The proportional

[Mr. McLeish]

representation system and separate constituency Members for both Orkney and Shetland will help to ensure that the views of the islands are properly represented in the Scottish Parliament.

In the light of that explanation of the Government's position, I hope that the hon. Gentleman will withdraw the amendment.

Dr. Fox: The purpose of the amendment, the new clauses and the new schedule was to flush out exactly what the Government's attitude in the Scottish Parliament would be towards the UBR. It is clear from the comments of the Minister and some of his colleagues that local business is to be soaked. The Labour party and even the Minister himself will not rule out abolition of the UBR. The simple question put to him was what would be the Labour party's position on the UBR in the Scottish Parliament. He is going to be a Minister and senior politician in that Parliament, yet we are unable to get an answer from him. Having managed to flush out the position—

Mr. Salmond: On a point of order, Sir Alan. I heard the Conservative Front-Bench spokesman prescribe who is and is not going to be a Minister in the new Scottish Parliament. Is it in order for the hon. Gentleman to pick Ministers for the new Scottish Parliament, even if he is picking them from parties other than his own?

The Chairman: That is not a point of order. It was a slip of the tongue.

Dr. Fox: The comment from the leader of the Scottish National party is the kind of comment that I might expect from someone who has played the one card he has a little too early in the campaign.

Having successfully flushed out the Government's hostility to local businesses, I beg to ask leave to withdraw the amendment.

Amendment, by leave withdrawn.

Mr. Jenkin: I beg to move amendment No. 467, in page 60, leave out lines 41 to 44.

The Chairman: With this, it will be convenient to discuss the following amendments: No. 317, in clause 111, page 50, line 21, leave out 'of restitution' and insert 'arising from unjustified enrichment'.

No. 318, in clause 111, page 50, line 23, leave out 'and'.

No. 319, in clause 111, page 50, line 26, at end insert

'and

(e) Scottish International Private Law (Jurisdiction and choice of law)'.

Mr. Jenkin: It may just be me—perhaps it is not—but I am getting heartily fed up with Ministers carping and lecturing us on our attitude towards devolution. The disappointment that the Scots are likely to feel as a result of the devolution programme is exemplified by this small but significant debate.

Amendment No. 467 deletes a reservation of part of Scottish private law to Westminster. It was a war cry of those in favour of devolution that nowhere else in the world was there a legal system that did not have its own Parliament. Given that war cry, one would have thought that a clear line would be drawn between the responsibilities of Westminster and the responsibilities of the Scottish Parliament, and that everything to do with Scottish law would be devolved to the Scottish Parliament while everything not directly to do with Scottish law would be retained by Westminster. Clearly, that is not the case.

There is to be a reservation of Scottish law and, what is more, of Scottish private law. The idea that private arrangements between individuals in Scotland have to be regulated by legislation passed through a United Kingdom Parliament, even when there is to be a Scottish Parliament with primary legislative powers, sticks out like a sore thumb. I perfectly understand why the reservation has to be made: life is so much more complicated than allowed for in the cheap rhetoric used by the Government when they were promoting the devolution programme.

In this case, we question whether it should be the sole responsibility of Westminster to decide the levels of interest charged on taxes owed to the Exchequer. Scottish income tax, or the tartan tax, will be payable only by Scottish residents—or so we hope, although there is still some confusion about that—so the income of the Scottish Parliament will be dependent on how willing Scottish residents are to pay the tartan tax. We believe there is a case for allowing the Scottish Parliament, in order to secure its own income, to have a say over the penalty rates of interest to be charged if people are refusing to pay.

Amendment No. 467 is no more than a probing amendment designed to prove that there is no consistency in what the Government were saying about Scotland's legal system and the responsibility of the Scottish Parliament. Life is much more complicated than that. When the Scottish people begin to experience the considerable difference between the rhetoric about and the reality of the Scottish Parliament, it will be for the Minister to explain to the gathering hordes of SNP voters, which his irresponsible policies are provoking, why they should not be disappointed that what he promised is not being delivered.

Mr. Wallace: I shall speak to amendments Nos. 317 to 319. With regard to amendment No. 467, I have to say that although I always welcome converts to the fold of those who wish to extend devolution, I just wish that the hon. Member for Woodspring (Dr. Fox) had chosen a better example with which to do it. The hon. Gentleman mentioned a contract between two people, but paying interest to the Revenue or to Customs and Excise is not so much a contract as a statutory imposition. If the Scottish Parliament has no power to vary excise duties, I am not sure that it would necessarily be appropriate to give it the power to vary the interest on what it is not allowed to levy.

I hope that the Minister will accept amendments Nos. 317 to 319, whose inspiration was the Law Society of Scotland. They would amend clause 111 which refers to obligations, including those "of restitution". Amendment No. 317 seeks to substitute for that the words, "arising from unjustified enrichment".

Scots private law neatly and properly follows the pattern established in the civic codes of Roman law of persons, obligations, property and actions. The law of obligations is said to include voluntary and conventional obligations, and obligations of restitution and reparation.

I submit that obligations of restitution properly relate to a concept of unjustified enrichment. Without reading ad longum, paragraph 29.1 in the 10th edition of Gloag and Henderson, sets out a cogent legal reason as to why that should be the case.

Amendment No. 319 would add a further category of Scots private law—that of private international law. Although the word "international" appears in the amendment, and that may be thought a reason for disqualification, Scots private international law and the jurisdiction and choice of law are very much matters for the Scottish courts. They are very much part of our private law determining a whole range of issues that belong to the body of Scots private law. I hope that, for the sake of completeness and because it is the proper thing to do, the Minister will accept these technical but nevertheless important amendments.

Mr. Dalyell: The hon. and learned Member for Orkney and Shetland (Mr. Wallace) has covered the point that I wish to raise about the Law Society of Scotland and I look forward to the Minister's response.

Mr. McLeish: Although we were slightly critical of the previous group of amendments, I may have some better news about the present group.

Amendments Nos. 317 to 319 deal with the definition of Scots private law contained in clause 111(3), the interpretation clause of the Bill. I understand that they were proposed by the Law Society of Scotland. They raise important, although clearly technical, questions about the words chosen to describe what is meant by the term "Scots private law" for the purposes of the Bill. Lord Gill, chairman of the Scottish Law Commission, has also made some helpful comments about this part of the Bill. I am willing to consider the issues further in the context of what is meant by Scots private law for the purposes of the Bill. If any amendments are required I shall introduce them on Report. I hope that, with that assurance, the hon. and learned Member for Orkney and Shetland (Mr. Wallace) will not seek to press the amendments.

The same applies to amendment No. 467, which seeks to delete the Scots private law provision in the part of schedule 5 which reserves fiscal, economic and monetary policy. The provision makes it clear that, despite the legislative competence of the Scottish Parliament in respect of Scots private law, which is conveyed by clause 28(4), the Parliament cannot legislate in relation to interest due on payments or refunds in respect of taxes or excise duties. The Scottish Parliament will, however, be able to legislate on interest and refunds arising from other payments or liabilities.

We are considering whether the provision is required and whether we can rely on other provisions in the Bill to achieve the desired effect. If any amendments are required, I shall introduce them at a later stage. Again, having given the reassurance that we shall consider the points that have been raised, I hope that the hon. Member for North Essex (Mr. Jenkin) will withdraw the amendment.

Mr. Jenkin: I am grateful to the Minister for his comments and I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Mr. Gorrie: I beg to move amendment No. 320, in schedule 5, page 61, line 3, at end insert—

'*Exception from reservation*

The issue of bank notes by Scottish banks.'.

The Chairman: With this, it will be convenient to discuss amendment No. 468, in page 61, line 3, at end insert—'*Exception from reservation*—

Scottish bank notes issued by the Scottish banks'.

Mr. Gorrie: The amendment deals with the issue of bank notes by Scottish banks—and amendment No. 468 would have the same effect. The Conservatives are certainly following in the excellent tradition of Sir Walter Scott. One of his defects was that he was high Tory Unionist, but he led a strong campaign to save Scottish bank notes when there was a risk to them in about 1827. On this issue, the Tories are on the right lines.

Mr. Jenkin: We were also on the right lines when we saved the Scottish pound note when the pound coin was introduced in the 1980s.

Mr. Gorrie: The Minister may be able to assure us that there is no threat to Scottish bank notes, but the Bill and the explanatory document provided by the Scottish Office do not make that clear in that the reserved items are financial services, banking and deposit taking, all of which could cover bank notes.

Scottish bank notes are a highly prized part of Scottish culture. They sometimes cause us problems elsewhere in the United Kingdom or abroad, but we greatly value the independence that they give us.

6.45 pm

Mr. John McAllion (Dundee, East): If, as the hon. Gentleman's party suggests, Britain joins the single currency in 1999, how would he then save the Scottish bank note?

Mr. Gorrie: I am not an expert in these matters, but I understand that, although one side of a European bank note or coin would have a standard European symbol denoting that it was worth one or 10 euros, countries could have their own symbols on the other side. So it would be quite possible to have a Scottish or English note worth a certain number of euros.

We are keen for the Minister either to accept our amendment—which seems the easiest thing to do, although it is always hard for Ministers—or, if there is no threat to Scottish bank notes, to put such an assurance in black and white in the Bill. Scottish bank notes are a significant part of Scottish life and it would be very sad if in future there was a threat to them that the Scottish Parliament could not address.

Mr. Jenkin: This group of amendments falls into exactly the same category as the previous one, in that if there was one matter over which the Scottish Parliament would be expected to take control, it would be an issue of such symbolic importance as the Scottish bank note.

I understand that the hon. Member for Edinburgh, West (Mr. Gorrie) is not correct about the issue of the euro, as Scottish bank notes are not themselves legal tender; they are merely promissory notes issued under the Bank Notes (Scotland) Act 1845 and the Currency and Bank Notes Act 1928. They are backed by reserves in the banks concerned, but they are not themselves legal tender. For that reason, they could remain in circulation as promissory notes if they were reissued as euro notes in the event that we joined the single currency. Of course, the European central bank and the other member states would not recognise them as legal tender, but, as they do not have such recognition in England or, indeed, in Scotland, that would not be a problem. However, it would be interesting to hear on the record whether that is also the Government's view.

The issue has symbolic importance. As the United Kingdom Parliament allowed Scottish notes to continue in issue long after the currency union between England and Scotland, it is extraordinary that they should not become the responsibility of the Scottish Parliament.

Of course, the Government must reserve legal tender as United Kingdom issue over anything to do directly with currency, but, as Scottish bank notes are technically not currency, I fail to understand, and ask the Minister to explain, why promissory notes could not become a matter for the Scottish Parliament, rather than the United Kingdom Government, to supervise.

Mr. Swinney: The hon. Member for Dundee, East (Mr. McAllion) asked the hon. Member for Edinburgh, West (Mr. Gorrie) about what would happen if the United Kingdom joined a single European currency. Some years ago, my hon. Friend the Member for Banff and Buchan (Mr. Salmond) asked the director of the European Monetary Institute about the status of Scottish bank notes in those circumstances. He was told that the Maastricht treaty made provision for existing banking practice in member states to be respected, as far as possible, as the single currency developed. That shows that even in the debate about the emergence of the single currency, there is a role for the continued use of Scottish bank notes, particularly given their distinctive position in Scottish financial history.

The director of the EMI also told my hon. Friend that the previous Government had—not surprisingly—made no representations about the future of Scottish bank notes in those circumstances. Have the new Government made any such representations?

I associate the Scottish National party with the remarks of the hon. Member for Edinburgh, West. That important and distinctive aspect of Scottish financial history should be respected and borne in mind as deliberations on a single European currency move forward.

Various anachronistic issues arise from a detailed scrutiny of the reserved powers. That does not suggest a logical pattern. It is legitimate to argue that promissory notes issued by a Scottish clearing bank should retain their current status. The Scottish Parliament should be responsible for them.

This is an important debate, because it deals with the symbolism of the Scottish Parliament and some of the issues that it should address. I hope that the Minister will have something positive to say about the amendments, which have been proposed in a positive spirit across the different views of the Opposition parties.

Mr. McAllion: I had not intended to intervene, but a mini-debate within the debate has been conjured up about the future of Scottish bank notes in the event of a single currency and whether the Scottish Parliament or the United Kingdom Parliament would be able to preserve those notes. I take the point of the hon. Member for North Tayside (Mr. Swinney) about the conversation that the leader of his party had with the director of the EMI. Is he suggesting that the Bank of Scotland tenner, the Royal Bank of Scotland tenner and the Clydesdale bank tenner—which we still have difficulty in getting recognised down here after 300 years of Union with England—will immediately be recognised throughout the 15 member states of the European Union?

The United Kingdom joining a single European currency could be the death knell for the Scottish bank note. It is unrealistic to argue for the benefits of a single currency—not having to worry about exchange rates or changing money for every holiday—and also to expect £100 notes from the Clydesdale bank to be recognised in Germany as worth the same as the notes that they have. It would be interesting to hear the Government's position on that.

Mr. Swayne: Does the hon. Gentleman agree that it would be the death knell not just for the bank note, but for any notion of independence?

Mr. McAllion: The hon. Gentleman makes the case for the Scottish National party effectively. We have been involved in a monetary union for 300 years. We have given up our independence, but we have not given up our nationhood. Some hon. Members have suggested that nationhood can be restored only through independence. I have always believed that Scotland is a nation. It has been a nation throughout my life—indeed, since 1707. Labour Members do not need to take lessons in nationhood from Conservative Members.

Mr. McLeish: It might be useful if I give a brief background to the issue before dealing with the amendments.

Mr. Jenkin: It says here.

Mr. McLeish: I think that hon. Members want to hear the facts.

Scottish banks are entitled to issue bank notes under the Bank Notes (Scotland) Act 1845, provided various conditions are met. The notes are not legal tender—even in Scotland—but they are accepted throughout the United Kingdom. The 1845 Act makes various provisions on the issue of bank notes in Scotland, including the regulation of the amount of bank notes that each bank is entitled to issue; requiring notes to be issued in denominations of whole pounds; limiting the amount of notes that banks may have in circulation; requiring weekly accounts of notes in circulation; requiring returns to be made and published; and allowing each bank to issue its own notes when authorised.

All those issues are to be reserved, as are matters relating to coinage. Currency standards are clearly integral to the United Kingdom economy and must remain reserved as set out in the White Paper.

We reject the amendments. Macro-economic policy is to be reserved. That covers all matters necessary to ensure the orderly conduct of monetary and fiscal policy at a UK level, including the power to issue money. The bank notes issued by Scottish banks are an integral part of a UK monetary policy. We need to keep controls over them, including the central control over the amount of notes in circulation.

That central control would be exercised by the European central bank if the UK participated in economic and monetary union. The Scottish banks would have to make a formal application to the European central bank for the right to issue notes. We understand that the Scottish banks have had initial talks with the Bank of England and the European Monetary Institute. I hope that the hon. Member for Edinburgh, West (Mr. Gorrie) will withdraw the amendment.

Mr. Gorrie: Will the Minister give us an assurance on the continuance of Scottish banknotes for the foreseeable future, in or outwith a single European currency?

Mr. McLeish *rose—*

The Chairman: Order. I called the hon. Member for Edinburgh, West (Mr. Gorrie) because I thought that he was going to wind up the debate, not for an intervention. The Minister had sat down.

Mr. Gorrie: I was merely seeking an assurance that might give me assistance in conceding.

Mr. McLeish: May I give the hon. Gentleman the assurances that will help him to concede? We sincerely hope that Scottish bank notes will continue. As I have said, discussions are under way with the EMI and the Bank of England on what will happen if we join a single currency.

Scottish bank notes are currently in circulation. They are not only symbolic, but are important for transactions throughout Scotland.

Mr. Jenkin: Will the Minister answer the question asked by the hon. Member for Dundee, East (Mr. McAllion)? I hope that no Government will be foolish enough to believe that we ever need to join monetary union. The hon. Member for Dundee, East asked about the practicalities of issuing Scottish euro notes that were not legal tender. They would not be recognised anywhere else in the European Union. That means that they would become redundant.

Mr. McLeish: The important question is whether the hon. Gentleman's comments are consistent with what the leader of his party has said.

Central control would be exercised by the European central bank if the UK joined a single currency. I have already said that the Scottish banks are involved in discussions on that. The system works well in the United Kingdom. Why should it not work well in Europe?

Mr. Gorrie: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

7 pm

Mr. Nick Hawkins (Surrey Heath): I beg to move amendment No. 469, in schedule 5, page 61, leave out line 23.

The Chairman: With this, it will be convenient to discuss the following amendments: No. 470, in page 61, leave out lines 26 to 28.

No. 471, in page 61, leave out lines 29 to 34.

No. 7, in page 62, leave out lines 10 to 12.

No. 472, in page 62, leave out lines 13 to 22.

Government amendment No. 464.

No. 22, in page 62, leave out lines 20 to 22.

No. 473, in page 62, leave out lines 28 to 30.

No. 17, in page 63, leave out lines 9 to 11.

No. 489, in page 63, line 11, at end insert

'(other than those lotteries organised on a local level).'.

No. 474, in page 63, leave out lines 15 to 17.

No. 18, in page 63, leave out lines 18 to 20.

Mr. Hawkins: The amendments concern home affairs issues, in which I have always had an interest as a barrister, and do so now as a member of the Home Affairs Committee and as deputy chairman of the Conservative party home affairs committee. I am very glad to have this opportunity to probe the Government's intentions on these important issues. There are many amendments in the group, and I shall briefly take each in turn.

Amendments Nos. 469 and 470 would give the Scottish Parliament the power to set policies on drug abuse and drug trafficking. We all know that, sadly, Scotland, like all other parts of the United Kingdom, suffers from a serious drug problem, especially in the inner cities and larger conurbations. Indeed, even in the world of cinema, that has been highlighted by films such as "Trainspotting". Members on both sides of the House share a concern about the extent of the drug problem, particularly as it affects young people. As somebody who has, over my years in practice at the Bar, prosecuted and defended in many drugs cases, I have always taken a particular interest in the subject. Conservative Members do not understand why, when the Scottish Parliament is to be responsible for all other areas of criminal justice and for health matters, it should not also be responsible for drugs matters.

Mr. McAllion: Will the hon. Gentleman make it clear whether the Tory amendments would allow the Scottish Parliament to decriminalise or legalise cannabis?

Mr. Hawkins: I am glad that the hon. Gentleman has raised that issue, because I want particularly to talk about decriminalisation and what Conservative Members fear may happen. Surely if the Scottish Parliament does not have responsibility over drugs and drug trafficking, an element of confusion will arise over responsibility in criminal and legal matters, which it would be desirable to avoid.

[Mr. Hawkins]

Conservative Members have been accused by Ministers, other Labour Members and nationalist Members of tabling amendments to constrain the Scottish Parliament's ambit of operation. The allegation was made that we do not trust the Scottish Parliament to act maturely and responsibly. However, on these matters, the boot is very firmly on the other foot. The Government must answer this charge: why not trust the Scottish Parliament with such matters? Are the Government afraid that the Scottish Parliament will act irresponsibly on drugs matters? Turning to the point raised by the hon. Member for Dundee, East (Mr. McAllion), do the Government fear that many left-wing Members of the Scottish Parliament—and, perhaps, Liberal Democrats—will be elected who will immediately call for the legalisation of soft drugs, as Labour and Liberal Democrat conference motions have done repeatedly in the past?

Mr. McAllion: I am a bit alarmed by the drift of the hon. Gentleman's comments. He seems to be suggesting that I have taken cannabis or other soft drugs, which I most certainly have not, unlike some of his hon. Friends.

Mr. Hawkins: I was not suggesting anything about the hon. Gentleman's conduct; it would not be appropriate for me to do so. I was merely drawing the Committee's attention to the fact that many of his hon. Friends and Liberal Democrats have called for the decriminalisation of soft drugs, which is of grave concern. I suggest that, in not trusting the Scottish Parliament with responsibility for such issues, the Government might be worried about the views of some of his hon. Friends. As Labour Members such as the hon. Members for Newport, West (Mr. Flynn) and for West Ham (Mr. Banks)—before he became a Minister—and others have repeatedly called for decriminalisation, the Government do not want to trust the people, and certainly do not want to trust the Scottish Parliament.

Amendment No. 471 is a probing amendment. We want the Government to justify why the Scottish Parliament should not have control over data protection issues. We want them to set out what they believe will be in the legislation that they are required to introduce by the end of the year in relation to the European Council directive on data protection. It is extraordinary that the Government want to reserve powers over legislation on a directive when we have not yet seen the legislation. That is truly a blank cheque. I hope that the Minister will respond in some detail on such important data protection issues, particularly concerning freedom of information and journalistic powers.

Amendment No. 7 seeks to analyse why the Government will not trust the Scottish Parliament to deal with firearms issues. None of us in the House or the country will ever forget the terrible crime and tragedy of Dunblane. Given that the entire UK firearms law was rewritten in response to that terrible Scottish tragedy, it seems extraordinary that that issue, above all, should not be trusted to the Scottish Parliament. The issue is enormously emotive. What would have happened, for instance, had the Scottish Parliament existed when the Dunblane tragedy occurred and it had wanted to go further in tightening gun laws than those in the Westminster Parliament were prepared to accept? The Government must justify their position. If the Scottish Parliament had existed at that time, Westminster would have been seen to be standing in the way of popular opinion in Scotland. Such a dispute on such an emotive issue would inevitably weaken the Union of the United Kingdom.

Mr. Ernie Ross (Dundee, West): I hope that the hon. Gentleman takes time to reflect on what he has said. I have never heard such a load of absolute nonsense from someone who wants to be in government. It was clear that the UK Government had got it wrong and that the people of Scotland and the UK as a whole wanted them to go further. That is why the Snowdrop appeal received such tremendous support; that is why the Labour Government were able very quickly to pass legislation to ban the possession of all handguns.

Mr. Hawkins: With great respect, I think that the hon. Gentleman has genuinely misunderstood my point. My point is simply that there will be problems if a Scottish Parliament is not trusted—as it is not being—by Government Front Benchers with responsibility for firearms issues. That is a devolution issue.

Mr. Russell Brown (Dumfries): The hon. Gentleman has mentioned the tragedy of Dunblane, but we should never forget the tragedy of Hungerford, either. Firearms must remain a UK-wide issue.

Mr. Hawkins: I hear what the hon. Gentleman says; of course none of us will forget Hungerford. He must understand that, despite having repeatedly attacked Conservatives for not trusting the Scottish Parliament, the Government have undergone a clear role reversal. We are probing the apparent lack of logic in that.

Mr. Jim Murphy (Eastwood): Does the hon. Gentleman accept that if the Government were to accept such an amendment, it would inevitably lead to the need for border controls and checks to ensure that there was not cross-border traffic in guns? Does he accept that that is the logical consequence of his crazy amendment? His idea would set a dangerous precedent.

Mr. Hawkins: The answer to the hon. Gentleman's point is surely that the same position applies in relation to Northern Ireland. I ask him to reflect on that.

Mr. McLeish: I should like to pursue the logic of the hon. Gentleman's argument. We believe that our position is a strong one; we want a strong UK gun policy—which is what we have. In tabling the amendment, the onus is on the hon. Gentleman to explain what benefits would accrue to the Scottish Parliament from completely different legislative control over guns.

Mr. Hawkins: I am suggesting to the Minister that there would be a potential difficulty if the Scottish Parliament ever wished to go further than the United Kingdom Parliament, but did not have the powers.

Mr. Swinney: It has become clear from our exchanges that there is unease at the lack of taste with which the example has been advanced. Does the hon. Gentleman accept that the logic of his argument—that the Scottish

Parliament must be free to create a legislative environment within which it is comfortable—is an argument for independence? That seems to be at odds with the virulently Unionist arguments made from the Tory Front Bench.

Mr. Hawkins: The hon. Gentleman's comments emphasise some of the difficulties that may emerge if there are different views on highly emotive issues in the Scottish and Westminster Parliaments.

Amendment No. 472 relates to a range of entertainment matters, including film classification. We do not understand why the Government are refusing to trust the Scottish Parliament with powers over these matters. The Government have already changed their minds on one aspect of schedule 5; they have tabled an amendment to remove the powers under the Hypnotism Act 1952 from the original list of reserved powers in the Bill.

The Government have made great play of their wish to promote the Scottish film industry—something in which I have taken an interest since I visited the set and locations of "Rob Roy" near Mallaig. However, the Government could hardly send out a worse signal to potential overseas investors—as well as to the indigenous film industry—than to suggest that the Scottish Parliament will not be fit to make its own decisions on these matters.

The Government are keen to promote cool Britannia. Apparently, they have no belief in cool Caledonia. We see no reason why the Scottish Parliament should not deal with sections 12 to 14 of the Theatres Act 1968 or sections 1 to 16 of the Cinemas Act 1985, which make provision for licensing premises for public performances of plays or for films to be played. Are we back to the Prime Minister's original view that the Scottish Parliament will be like a parish council?

Mrs. Maria Fyfe (Glasgow, Maryhill): The hon. Gentleman will be aware that some very successful films have been made recently in Scotland. What disadvantage did they suffer that they would not suffer were we to follow his suggestion?

Mr. Hawkins: I have referred to two successful Scottish films. The fact that the Scottish Parliament will not have powers over classification or censorship is a matter of regret.

Members of the Scottish Parliament will want to represent their constituents on issues relating to the classification, labelling and distribution of video recordings under the Video Recordings Act 1984. With all the concern about video nasties and the effect of violent videos on children, why are the Government seeking to reserve those powers and the powers over the classification of films for public exhibition? Why do the Government not trust Members of the Scottish Parliament to decide on those issues—especially as Scots law is different and there may be different views on how a controversial film such as "Crash" ought to be certificated? Will the Scottish Parliament necessarily always be prepared to accept the judgments of the British Board of Film Classification, even though it is now to be chaired by as distinguished a figure as Andreas Whittam Smith?

Amendment No. 473 deals with the emotive subject of live animal experiments. We foresee concern among Members of the Scottish Parliament that they will not be allowed to decide on the matter. The Government have argued that it is a strength of devolution to allow Scotland to set its own priorities. Why should that principle not apply to live animal experimentation? It is utterly illogical for the Scottish Parliament to be able to decide on such major emotive and legislative issues as capital punishment, but not on other issues of conscience such as live animal experiments. We need to probe that inconsistency in the Government's arguments.

Mr. Dalyell: Is the hon. Gentleman aware that it is the strongly held view of the Research Defence Society that there should be uniform rules throughout the United Kingdom, and that, if we are to keep our research together in universities, it makes complete sense to have a uniform policy?

Mr. Hawkins: I hear what the hon. Gentleman says, but I am seeking to expose the inconsistency of his party's Front-Bench Members who say that we must trust the Scottish Parliament on some issues, but not on others.

Amendment No. 474 deals with the crucial issue of extradition, where we foresee some problems in the Government's proposals. What would happen if a Scottish Parliament, with a nationalist majority, and the Lord Advocate sought the extradition of an individual, but the United Kingdom Government refused? What would happen when the person whose extradition was being sought was a UK citizen residing abroad, and the UK Government refused to apply for extradition because of their view of some wider political consequences? Those are serious matters, and I hope that the Minister will be able to give detailed responses.

7.15 pm

Mr. Dalyell: I wish to raise briefly five issues—first, drugs. On 27 October, I asked my right hon. Friend the Home Secretary the following question:

> "What will be the demarcation between Edinburgh and Westminster in relation to the delicate issue of responsibility for drugs?"

My right hon. Friend replied:

> "The White Paper, 'Scotland's Parliament' makes it clear that the criminal law in relation to drugs will be a reserved matter and will remain the responsibility of my Department. The Scottish Executive will inherit the current responsibilities of my right hon. Friend the Secretary of State for Scotland and my right hon. and learned Friend the Lord Advocate. Those responsibilities include drug misuse, health, treatment and education, as well as responsibility for the police and prosecution authorities' enforcement in Scotland of drug misuse legislation, which will be set by this House and Parliament."—[*Official Report*, 27 October 1997; Vol. 299, c. 574.]

I put it to the Minister that, with the best will in the world, these are very blurred areas. Exactly how does one distinguish between the responsibilities set out as reserved powers by the Home Secretary and the powers—in terms of misuse, for example—which are the responsibility of the Scottish Parliament?

There will be endless cause for Members of the Scottish Parliament who are interested in drugs legislation—and, even more so, in drugs cases—to go on and on saying, "If only we had complete powers, we could be more effective." Every shortcoming—whether imagined or real—will be attributed to the fact that the Parliament needs more powers to deal with drugs. The members of the Scottish Parliament will say, "It is no good blaming us," until they get extra powers from Westminster.

[Mr. Dalyell]

I predict that, when the Minister is a Member of the Scottish Parliament, he may well be saying exactly these things in a few years' time. It is in the nature of politicians not to blame ourselves. My hon. Friend is human—he will say that he could do better if only the people in Westminster had not reserved those powers. That will be a matter of discord.

Secondly, I want to discuss firearms. Like my right hon. Friend the Member for Hamilton, South (Mr. Robertson), but at an earlier stage, I had a lot to do with Thomas Hamilton, who came to my surgeries in Linlithgow. I will not go over the saga, except to say that, in the wake of Dunblane, there was tremendous pressure in Scotland to introduce firearms legislation more quickly, and in a different form, than was being done in England. Heaven forbid that Dunblane should ever be repeated—but, if it were, the same would happen again. There would be tremendous pressure for firearms legislation to be tailored to Scottish circumstances.

I must therefore ask the Minister: is it realistic to reserve powers over firearms to this House? There will be possibly irresistible pressures in the wake of any future high-profile cases to give such powers over to the Scottish Parliament.

I come, thirdly, to animal experimentation. I know a great deal about this, having argued the case of the Research Defence Society—not the most popular cause among a number of my hon. Friends. I know, for instance, that my hon. Friend the Member for Newport, West (Mr. Flynn) takes a very different view.

Mr. Paul Flynn (Newport, West) *indicated assent.*

Mr. Dalyell: Whatever view one takes, my hon. Friend and I might agree that it would not be very clever to set up a haven for animal experimentation in any part of the kingdom. Of course, animal rights groups will exert enormous pressure to achieve a position on animal experiments favourable to their point of view. I suspect that, in this area too, the pressures will become irresistible. I have close connections with the science departments at Edinburgh university. They are most concerned lest there be any break-up of the UK-wide experimentation regime. I look forward to hearing what the Minister has to say about that.

Fourthly, on entertainment, I understand that there could be difficulties in relation to football. What would happen if the Scottish Parliament took a view different from the UK Government in relation to the Bosman ruling? That could easily happen; I have not just plucked it out of the air. It is one of the possible differences between English and Scottish football. The Minister, a distinguished member of East Fife and later of Leeds United, I think it was—

Mr. McLeish *indicated assent.*

Mr. Dalyell:—will undoubtedly have something to say about this subject, which concerns the game that he adorned and loved so much.

Finally, we come to the matter of extradition. It may be within the recollection of the Minister that, shortly before the Bill was published, I secured an Adjournment debate on a day when the House collapsed rather earlier than he had anticipated. Hence I made a rather longer speech than he had anticipated, about Lockerbie.

Hon. Members will be thankful to hear that this is neither the time nor the place to rehearse all the arguments about Lockerbie encapsulated in my 14 Adjournment debates on the subject, but what would happen if a strong body of opinion in Scotland wanted an extradition treaty with Libya? Imagine that the Foreign Office in London was as intransigent as it has been, under both Governments, for the past 10 years, and would not contemplate such a treaty.

Would not the Members of the Scottish Parliament, pressed by people who know rather more about Lockerbie than do their English colleagues, say it was high time we had an extradition treaty? *[Interruption.]* I must tell my hon. Friend the Member for Dundee, West (Mr. Ross) that, were I a Member of the Scottish Parliament—God knows, there is no chance of that, and I suspect that my hon. Friend is glad of it—I would be yapping away, day in, day out, demanding an extradition treaty. I would bore the pants off everyone to such an extent that, sooner or later, they would have to give in.

I suspect that this whole debate about reserving powers is rather unreal; sooner rather than later, the Scottish Parliament will want those powers.

Mr. Gorrie: My political career appears to be on a rapid upward curve, as I seem to have been appointed my party's spokesperson on hypnotism. I thought that that might be in recognition of my spellbinding speeches; more realistically, my hon. and learned Friend the Member for Orkney and Shetland (Mr. Wallace) looked deep into my eyes and made cabalistic signs at me—so here I am.

The Government seem to support our view on hypnotism, so we are clearly having some effect. It is, I confess, a subject I know absolutely nothing about. As we appear to be winning, however, I shall stop digging.

The Conservatives have raised some valid points about the Video Recordings Act 1984 and the Cinemas Act 1985, which I also know nothing about. I hope that the Minister will explain the necessity for reserving some of these items to London; it seems strange, since he is also conceding other areas. Nevertheless, in parts of schedule 5, some control freak has got loose. It is time he was sent back where he came from.

Why should betting, gaming and lotteries be controlled from Westminster, not Scotland? They are not cross-border issues. I suppose, if the Scots had lax betting laws, a few people from Berwick might head north, but I do not see it becoming a huge problem. I am far too mean to be a betting man, but many Scots do bet, and if the Scottish Parliament wanted different rules, I do not see why it should not have them.

Likewise, I do not see why local church raffles or other do-gooding enterprises should be legislated for by Westminster—I just cannot understand it. It seems rather ludicrous.

We have also tabled an amendment on the licensing of Scottish theatres. That, too, is an issue which the Scottish Parliament should know more about than civil servants and parliamentarians down here. Such licensing should be run by the Scottish Parliament.

Another of our amendments concerns lords lieutenant. I am a humble and very junior deputy lieutenant in Edinburgh. I once had the privilege of escorting a royal personage about, which was all very pleasant; but the selection of lords lieutenant should be left to a Scottish Administration, not to Ministers in London.

I should like clarification from the Minister about the drugs issue. The notes on schedule 5 state:

"The Scottish Parliament will, however, have competence in relation to other key matters which are relevant to the misuse of drugs, including education, health, social work, police and the criminal prosecution system."

If the Scottish Parliament wants to help areas with severe social problems by bringing together the police, housing, education, employment and so on, and involving an active policy on controlling drugs, which might be different from the standard United Kingdom policy, I hope that the Scottish Parliament will be able to do that. I hope that, in taking positive action to deal with the drugs problem, the Parliament will not be constrained by the reservations in the Bill.

Although we do not necessarily endorse the Conservative amendments, they have raised an important issue. We seek clarification on that and on the other issues, from hypnotism upwards, downwards and sideways.

7.30 pm

Mrs. Fyfe: Labour Members must be rather surprised to hear the arguments advanced by the official Opposition. Having spent years opposing Scottish devolution, they now confront us with umpteen ways in which they want to add to the devolved powers in the Bill. If they have had a change of heart, it is most welcome. We have heard extremely odd arguments from Conservatives, who never wanted us to have any devolved powers in the first place.

When the White Paper was launched, I remember the Secretary of State for Scotland and others saying that there were grey areas in which there were valid arguments for reserved and for devolved powers in a particular case, and that a balance had to be struck somewhere, even if arguments about detail continued.

As a general principle, it should surely be recognised that, on this small island, it might be sensible for certain powers to be reserved, because it is only a small country. After devolution, there will still be Scottish Members of Parliament representing seats in Scotland, who will come to the Westminster Parliament and take part in making those decisions. On an issue such as drugs, it might be extremely unwise to open up any division in law making between the two countries, in case it was of any advantage to those who deal in drugs.

The same applies to firearms. I stand to be corrected, but I believe that, in the United States, each state can have separate firearms laws. The entire firearms legislation of the United States is a mess, and it would do well to follow the example that we set with prompt action after what happened to our children at Dunblane. We need to make sure that the law is tightened throughout Britain, not just in Scotland or in England alone.

I was fascinated to read at the weekend that the Liberal Democrats had tabled an amendment making hypnotism a devolved matter for a Scottish Parliament. I am glad that they could find time to discuss a matter as vital as hypnotism, when they could not find time to discuss the promise they made to the Labour party about equal representation for men and women in the Scottish Parliament. Perhaps they should hypnotise their branches to persuade them of that.

Mr. Swayne: Does the hon. Lady agree that perhaps the Liberal Democrats' discussions were constrained by the small number of people attending?

Mrs. Fyfe: It is for the Liberal Democrats to say why such a small number attended. It does not seem to have occurred to them that, in taking the decision they took at the weekend, they were breaking a solemn promise that they made to the Labour party. Perhaps they were mesmerised, and forgot that they had done so.

On betting, gaming and lotteries, my sympathies begin to move a little more towards the Conservatives. My constituency has the highest unemployment level in our whole country. There are no employers to create more jobs, so I can see Maryhill becoming the Reno of Scotland if the proposal goes ahead. That would find favour with me.

The hon. Member for Surrey Heath (Mr. Hawkins), who spoke from the Tory Front Bench, does not seem to realise that local authorities in Scotland have the power to decide whether a film will be shown. Some years ago, Glasgow city council—or district council, as it then was—made itself ridiculous in everyone's eyes by banning "The Life of Brian" from local cinemas. It was shown in Bearsden just over the boundary, so thousands of people flocked there to see the film.

I take film censorship seriously, in the sense that we should all protect children and the vulnerable from exploitation in any art form, including films, but the amendments are unnecessary. If a local authority gets it wrong, it gets laughed out of it, and eventually common sense prevails. Its own voters tell the authority that it is talking nonsense, and things eventually change.

I hope that the Opposition will realise that all this is useless time-wasting. We have serious matters to discuss, and far too little time tomorrow to discuss them.

Mr. Dominic Grieve (Beaconsfield): I am grateful for the opportunity to participate. I shall concentrate on the reserved powers relating to firearms. It was noteworthy that, when the matter was raised, it was immediately suggested that it was wrong for us to touch on it, as it was an emotional issue. That is precisely why it is a good example to examine.

Before devolution, I recall from my law lectures, it was thought desirable that, as far as was compatible with practice, criminal law in Scotland and in England should gradually be brought together. That was always extolled as one of the great virtues of the Union. I remember reading learned texts on the subject by members of the Scottish judiciary, explaining that, in the long run, it was hoped that that compatibility would become greater, without affecting the distinct practices of law in each country.

One consequence of the Bill is that a raft of subjects will no longer be treated in common in the House for Scottish and for English legislation. Labour Members express general satisfaction with that. Then why these particular reservations? The firearms reservations are a classic example.

[Mr. Dominic Grieve]

First it was suggested that, if there were different firearms laws north and south of the border, there would have to be border checks. That is nonsense. In any given week, there are enough illegally held firearms passing between Manchester and Glasgow up the M6 without anyone worrying about it. The firearms legislation, especially the recent legislation, is all about regulating the law-abiding. If it is for regulating the law-abiding, why should there not be a separate possibility for legislation north and south of the border? Where is the logic? There is none.

Mr. McAllion: Is the hon. Gentleman seriously suggesting that we should go down the American road, where every state has the right to bring in different laws for gun control? That would be absurd. Should he not thank God that we have one law on this entire island that bans the use of handguns by anyone?

Mr. Grieve: There is no logic in placing firearms legislation on the reserved list. If responsibility for firearms were given to the Scottish Parliament, it might sensibly decide to co-ordinate its practice on firearms with the rest of the United Kingdom, but equally there might be reasons why it might not do so.

I shall give the hon. Gentleman an example. Last year, we debated an amendment to the firearms legislation on sporting pistols and .22 pistols, which in my view was wholly illogical and wrong. Some Labour Members shared that view. In five or six years, especially as there might be pressure from the European Courts on the subject, Parliament might decide to alter the legislation to allow sports shooting with .22 pistols to resume, but I can well imagine that that would cause the deepest disturbance, and that there might be much greater resistance in Scotland, which was more directly affected as a community by the Dunblane tragedy.

How would we get around that problem at that stage? Should we simply ask for Parliament to legislate separately for Scotland and England on that issue? On what basis would we do that? The firearms issue is completely illogical. There is no reason why the Scottish Parliament should not regulate firearms in Scotland, allowing this Parliament to regulate for the rest of the United Kingdom. I wait to hear from the Minister the logical basis of his objections on that front.

There is a similar situation with drugs legislation. As to the decriminalisation of drugs, I can think of no earthly reason why differences of view north and south of the border might not be reflected properly by different legislation. There are many other areas where the splitting of practice might not lead to wide differences over time, so why should drugs legislation be reserved? There is no logical basis for that decision.

I am grateful that the regulation of the Hypnotism Act 1952 will be passed over to Scotland. Before the Minister simply says that he intends to agree to the amendment, perhaps he could explain why the Government thought Parliament should retain control of the Hypnotism Act. I look forward to hearing that explanation.

There are logical reasons for dealing with certain laws in common. However, those reasons apply also to a range of issues that, as a consequence of this legislation, will no longer be treated in common. Before these funny reservations are made, let us have a logical explanation of why they are there.

Mr. Flynn: I am in the extraordinary position of congratulating Opposition Members, particularly on the first two amendments. The hon. Members who spoke in favour of the amendments are not people whom I normally associate with progressive policies. Perhaps the strange atmosphere—it was about one part oxygen to four parts noxious substances of indeterminate source—from last weekend's demonstration by some 25,000 people in Trafalgar square has wafted into this building and had a beneficial effect on the disposition of Opposition Members. I hope so.

I turn to the core of the issue. Drug problems are not universal throughout the United Kingdom; they are often very local. The hon. Member for Surrey Heath (Mr. Hawkins), who moved the amendment, was wrong to suggest that only the left is preoccupied with reforming our drug laws. The hon. Member for North Norfolk (Mr. Prior)—who represents the part of Norwich that is not represented by one of my hon. Friends—wrote a splendid article a fortnight ago demanding changes in the law. He confessed that, as a young man, he had experimented with an illegal soft drug. Many hon. Members made similar confessions in a poll—in fact, a majority of Members of Parliament confessed to using illegal soft drugs some time ago.

The hon. Member for Rutland and Melton (Mr. Duncan)—a senior figure in the Conservative party—has advocated not only the decriminalisation of soft drugs but, in his book "Sappho's daughters", the legalisation of all drugs. Support for fundamental drug reform extends across the Chamber. I wish that more of those hon. Members who say over a cup of tea in the Tea Room that the present drug laws are not working and are making the situation far worse would make their views known in the Chamber.

The precise point of the amendment is that laws in Scotland should be different from those in the rest of the United Kingdom. All hon. Members can appreciate the difficulties that would arise if different laws governed the drugs of abuse that are used universally throughout the United Kingdom. That would certainly cause problems. However, I see an advantage in Scotland's taking a lead with regard to the present laws.

The most useful and progressive document generated by Parliament in my 10 years as a Member of Parliament was produced by a Scottish Committee under the leadership of Mr. McKelvey, who sadly did not stand for re-election. That document went to the heart of the futility of our present drugs policy. It made some useful recommendations, which, if they had been transformed into law, would have reduced the number of drug addictions, deaths and other associated drug problems in this country.

7.45 pm

Mr. Swayne: Does the hon. Gentleman concede that the Government are resisting our amendments because they are afraid of the arguments that he is advancing?

Mr. Flynn: I hope that the Government's views will change in the near future—although I understand their

resistance. I look forward to the Opposition's pressing the amendment—they might have some unexpected company in the Lobby if they do.

My point is that there are local drug problems. The scourge of temazepam was a particularly Scottish problem. A number of young people in Scotland were seized with the totally unexpected habit of liquefying and injecting that medicine. It was a form of Russian roulette with only two chambers in the gun. It is the most dangerous form of drug abuse that one could imagine, and it was peculiar to Scotland.

Mrs. Irene Adams (Paisley, North): I hate to disagree with my hon. Friend, but temazepam caused a problem in my constituency. It was also a particular problem in Newcastle and in Carlisle.

Mr. Flynn: I accept what my hon. Friend says. Temazepam abuse caused only one death in south Wales—but that was one too many.

The drug khat is used by the Yemeni and Somali communities in south Wales, but is almost unknown in most other parts of the United Kingdom. It is a fairly soft drug, and, if we were to deal with it in law, it would require local legislation rather than the great sledgehammer of national legislation. The potential for drug abuse—we are legislating for a long period—lies not in the present drugs of abuse but in future drugs. Ketamine is an anaesthetic which is abused in certain areas. A cough mixture—I will not mention its name—has also become a drug of abuse. People drink it in large quantities, and it is highly addictive.

At least 100 medicinal drugs may be abused. Let us consider the damage caused by medicinal drugs. At least 10 times as many people are addicted to medicinal drugs—just under 250,000—as are addicted to illegal drugs. Paracetamol kills twice as many people every year as heroin. A range of other medicinal drugs may also be abused.

The Second Deputy Chairman of Ways and Means (Mr. Michael Lord): Order. This is not a general debate on drugs. I should be grateful if the hon. Member could relate his remarks directly to the amendments that we are considering.

Mr. Flynn: My point is that particular drugs may be abused in small areas in Scotland, and that such problems should be addressed by legislation that applies to Scotland rather than to the whole of the United Kingdom. If there is a drug problem in a Scottish city or town, the Scottish Parliament rather than the United Kingdom Parliament should take steps to address that problem.

I commend the Opposition for the amendment. In his opening remarks, the hon. Member for Surrey Heath referred to the present drugs policy in this country. It is worth noting that Emma Bonino was criticised by the United Nations but supported by Jacques Santer for advocating a policy very different from that pursued by the Government and the Opposition.

When we congratulate ourselves on the drugs policy in the United Kingdom, it is worth considering the assessment of the worst drug problems in Europe that was made last year by the Lisbon monitoring unit. It found that Britain is the third worst abuser of cocaine in Europe—

The Second Deputy Chairman: The hon. Member is doing exactly what I asked him not to do. I ask him to speak directly to the amendment.

Mr. Flynn: I support amendments Nos. 469 and 470, because we require local solutions to drug problems. Many such problems do not lend themselves to national solutions, and would be best dealt with by a Scottish Parliament. Scotland could well take the lead in that area, and show the way to the rest of the United Kingdom.

Mrs. Laing: It is good to have the rare opportunity to hear an hon. Member on the Government Benches take a pragmatic approach and support amendments that were not tabled by the Government. By contrast, it is hard to believe that the Government can be so inconsistent and lacking in logic in their drafting of schedule 5. There is no logical theme running through this part of the Bill. It does not make sense to reserve certain aspects to this Parliament while others are devolved without explanation and without consistency. My hon. Friends have made this point well, so I shall not repeat the details.

I thoroughly support the main principle of the amendments tabled by my right hon. and hon. Friends. I did not want a Parliament in Scotland initially, but I am willing to back the decision of the Scottish people in last September's referendum. It is right that the people should speak and that Parliament should trust the people, but it is not right for the Government to set up a Parliament in Scotland and then not trust it.

Mr. Swayne: May I suggest to my hon. Friend that there is a logic to this? Ministers on the Treasury Bench fear that the position taken by a Scottish Parliament, particularly with regard to some of the conscience issues that we have looked at, would significantly differ from that taken by this Parliament, and the tension that that would create will drive two nations apart.

Mrs. Laing: My hon. Friend is absolutely right, as usual. He and I and many of our hon. Friends have mentioned that tension many times during the Bill's consideration. The inherent conflict in the Bill will create a difference between one part of the United Kingdom and another and lead to separation. Why are the Government holding back on what they originally said when they introduced the Bill last summer? They said that their intention was to trust the Scottish people and the Parliament that they are setting up. Now they are doing exactly the opposite.

I am in favour of the United Kingdom Government reserving powers to the United Kingdom Parliament, but if the Government want to keep some powers here and give some to the Scottish Parliament, there should be some logic in the way in which they do that. The Bill totally lacks logic. It makes me wonder why the Government are beginning to hold back. When they reached schedule 5, were they beginning to fear that what we had said all along would come true? Are they beginning to fear what many of my hon. Friends, and

[Mrs. Laing]

former Members of the House, have said for many years—that devolution is a downhill, one-way street to an independent Scotland? Is that why they want to reserve extra powers to this Parliament?

I could not blame the Government for being afraid if they had read this morning's Glasgow Herald—

Mr. Dewar: It is *The Herald*.

Mrs. Laing: The Secretary of State kindly corrects me. It is indeed now *The Herald*, but to me it will always be the Glasgow Herald. It used to be a fine newspaper when I learnt to read by reading it, but in those days it used to say things that even a child learning to read would have been happy to see, until today, when it told the truth—the truth that we have been telling throughout on this subject.

Mr. Swayne: With respect to the truth that is being told, does my hon. Friend agree that the independence that is expected would be constrained rather more by allowing for anomalies and a difference between the laws that persist in this part of the Kingdom and Scotland, rather than by attempting to reserve some of these powers, particularly on conscience issues, which will create more friction and tension than perhaps would the lesser of two evils of allowing a separate legal system to exist?

Mrs. Laing: Once again, my hon. Friend hits the nail on the head. It must be recognised that sometimes the way in which one deals with tension and friction is to allow each part to go its own way. The Scottish legal system, which I have studied and in which I have practised, has survived perfectly well under the auspices of the United Kingdom Parliament for many hundreds of years. The very fact that the Scottish legal system and the legal system of England and Wales have worked in parallel perfectly happily for centuries is evidence that we do not need a devolved Parliament in Scotland, but if we are to have one, let us have one that works properly and one that we can trust. I thank my hon. Friend for his intervention.

I return to my main point, which is that *The Herald*— *[Interruption.]* quite rightly said this morning. I beg the pardon of hon. Members on the Government Benches. I am being inconsistent. If I called it the Glasgow Herald once, I should do so again. A statistic caught my eye first thing this morning: 61 per cent. of people in Scotland now believe that there will be a separate Scotland within the next 15 years. I do not agree with, and nor do I approve of, the sentimental way in which *The Herald* put it in semi-poetic fashion in this morning's edition, because sentimentality should not enter into the debate. We shall reserve our sentimentality for 25 January and the last day of November, for the rugby pitch and the football pitch, but not for the House, and not for proper consideration of these matters.

Are the Government now waking up to the fact that we have been right all along: that, by introducing the Bill in this way, they are introducing conflicts and frictions, which, as my hon. Friend the Member for New Forest, West (Mr. Swayne) said, are likely to lead to the separation of Scotland from the rest of the United Kingdom? Hon. Members on the Scottish National party Bench will be delighted with such a situation. They continue to push, naturally enough—

The Second Deputy Chairman: Order. The hon. Lady is making a Second Reading point. Will she now relate her remarks to the amendments?

Mrs. Laing: Certainly, Mr. Lord.

I support the amendments tabled by my right hon. Friend the Member for Devizes (Mr. Ancram), because they attempt to introduce into the Bill logic and consistency, which are lacking. I am afraid that the lack of logic and consistency will lead to a separate Scotland. If the Bill has inherent conflicts within it, the devolution that comes from it will not work.

Mr. Jim Murphy: I have listened with interest to the speeches made by hon. Members on both sides of the House. I shall respond directly to comments made by hon. Members on the Conservative and Liberal Democrat Benches.

The hon. Member for Epping Forest (Mrs. Laing) mentioned one opinion poll in *The Herald* as a reason for shaping the future of our democracy and for the Government to alter course, and cited 61 per cent. She says that she supports the retention of significant powers in this Parliament, but steadfastly refuses to support and recognise the outcome of the referendum last September. It is strange in the extreme that she places such political kudos on one opinion poll of 61 per cent., yet refuses to acknowledge and support the fact that 73 per cent. of the Scottish people voted yes in a referendum of the whole of Scotland. Instead, she supports spurious amendments this evening.

Mrs. Laing: I said specifically that I respect the outcome of the referendum of the people of Scotland last September. I do not like it, but I respect it because it was a democratic decision of the people of Scotland. As they have decided that they want a devolved Parliament, it should be a Parliament that will work.

8 pm

Mr. Murphy: That was an interesting intervention, but it did not address the point that I was making. The amendments on which the hon. Lady has spoken with favour will not improve the opportunity and performance of the Scottish Parliament. That is not the intention behind the amendments. Instead, they threaten and would undermine. If implemented they would intentionally create friction when none is necessary.

I wished earlier to take up a point made by the hon. Member for Edinburgh, West (Mr. Gorrie), who said that he feels that his political career has recently been enhanced. He went on to clarify that remark, and I am glad that he did so. I thought that it was as a consequence of the Liberal Democrats' weekend conference that his political career had been enhanced by virtue of being a man in the Liberal Democrat party in Scotland. Perhaps we shall be able to return to that in the weeks and months ahead.

The Conservative amendments before us seem strange to me. The Conservative party opposed the devolution of policy on health to Scotland, as it did on education and

housing. However, it seems now determined to give Scotland support in devolving powers on gambling, guns and drugs. It is a strange set of priorities. the Conservative oppose the devolution of real power—social justice and other important policy areas—while simultaneously arguing that policies on drugs, guns and gambling should be devolved to a Scottish Parliament. That in itself is strange.

Mr. James Gray (North Wiltshire): The poll to which my hon. Friend the Member for Epping Forest (Mrs. Laing) referred showed a significant increase in support within Scotland for the Scottish National party. Does the hon. Gentleman accept that the curious mixture of reserve powers in the Bill may be one of the reasons for the increase in Scottish nationalism? The SNP does not like powers being held in Westminster, and there lies the process that will continue in the years that lie ahead of us.

Mr. Murphy: That is a spurious point. I do not know what lesson the hon. Gentleman wants to read into the Conservative party's rating in Scotland. I understand that the opinion poll rating of the Scottish Conservative party has decreased since the general election.

Mr. Dewar: It is now 9 per cent.

Mr. Murphy: My right hon. Friend informs me from a sedentary position that it has decreased to single figures.

I shall move on to gambling. At 2 o'clock at Nottingham this afternoon there was an important pointer to our debate, when set against the 9 per cent. opinion poll rating for the Conservative party in Scotland. A horse called Blue Desert ran in the 2 o'clock. I have no idea how it performed. It is six hours since it started, so with a name such as Blue Desert, it is probably still running. Nevertheless, Blue Desert performed at Nottingham at 2 o'clock, and Scotland has been turned into a blue desert when it comes to Scottish representation for the Tory party.

I did not intend to comment on gambling until in my in-depth reading of the newspapers today I noticed that at 4.20 pm tomorrow at Sandown a horse will be running by the name "Parliamentarian". The jockey is none other than a Mr. Jim Murphy. I have no idea what the odds are, but I am put off betting on it because in the same race a horse called "Sleazy" is running. I think that that is—

The Second Deputy Chairman: Order. I trust that the hon. Gentleman does not plan to take us through all the race cards of all the meetings. I ask him to address his remarks to the amendments that are before the Committee.

Mr. Murphy: I am sorry, Mr. Lord. I have no intention of taking the Committee through all the race cards.

The Conservative Opposition seem eager to devolve responsibility for gambling to the Scottish Parliament, and my right hon. and hon. Friends do not believe that that is necessary. Indeed, such devolution would be distinctly unhelpful.

I apologise, Mr. Lord, for some of my comments, which reveal a misspent youth. Perhaps there is some misspent time still as a parliamentarian. However, Scottish punters—Scottish gamblers or betters—do not want different odds. There is no great desire for devolution of gambling policy. Similarly, there is no great desire for devolution of gambling odds. My only experience would be on betting on French racing at the Prix de L'Arc de Triomphe, where there are different sets of odds. There is a cross-border betting set up. I find that deeply confusing, as do many of my punter colleagues. There is no need for different odds in Scotland, and that would be one of the results of devolution of gambling policy.

If I bet on an outsider and it falls at the first fence, I want to know that I have wasted the same amount of money as any other punter in any other part of the United Kingdom.

The same argument applies to the lottery and lottery policy. In our opinion, there is no need for a change in lottery policy. The Government are examining the administration of the lottery and legislation will be introduced on lottery funding. That being so, the wrecking amendments on the lottery are irrelevant.

Mr. Tim Collins (Westmorland and Lonsdale): The hon. Gentleman is making a powerful case that there should be no difference between the odds on winning in a horse race north or south of the border. Yet he is advocating a measure that may well result in a difference between the odds of living or dying in a hospital north or south of the border. How does the hon. Gentleman justify that distinction?

Mr. Murphy: I did not think that the tone of the debate could get any lower. To connect gambling and the lottery with hospital places is perhaps to forget that the general election took place last year. We are trying to reduce the effects of odds within the health service.

Mr. Gray: Is the hon. Gentleman not aware that at any race course two bookies are often to be found offering different odds? That has nothing to do with different countries. Of course, there might be a difference between north and south of the border. Equally, there is the difference between on-course and off-course betting.

Mr. Murphy: I have been joined by someone else who participates in the great art of gambling at the race track. There is a difference in odds across 3 ft between two different bookies. There is no need for the devolution of gambling odds to a new Parliament. We already have that devolution in the market at the race course.

I know that time is not an ally in our debate, but I wish to take up the spurious and often outrageous comments that are made by the Opposition on devolved powers for drugs and firearm policies. To reduce such important issues as crime and law and order to such spurious comments and amendments is demeaning to the debate.

Mr. Grieve: The hon. Gentleman has mentioned firearms, but let us consider, for example, the carrying of knives. Does he agree that one consequence could be separate laws developing north and south of the border without any scrutiny by the Westminster Parliament? We know that knives can be very dangerous, and there could be completely different sets of laws. How and why should that position be distinguished from that on firearms?

Mr. Murphy: The hon. Gentleman should welcome the tough action that the new Government have taken on knives. Tough action was avoided over many months and years before the present Government came to power.

[Mr. Murphy]

The position remains the same, in that the Conservatives are saying, "Let us have different legislative powers, agendas and frameworks on drugs and guns." That is extremely unhelpful and dangerous. I am amazed by the way in which the argument has been advanced. I do not think that Conservative Members believe in what they have said this evening. It is a poor attempt to knock the Government.

Inevitably, if the amendments were accepted, there would be cross-border checks. Inevitably also, there would be a move towards the idea of fortification of the border between Scotland and England in a way that the SNP, perhaps in an entirely different way, would see such fortification and separation. If the amendments are not about fortification of borders, they are about free movement of drugs and guns between different legislative frameworks and legislative areas, which would be dangerous.

The highlighting by some hon. Members of what happened at Dunblane as a reason why Scotland is more vociferously opposed to handguns than any other part of the United Kingdom is deeply unhelpful. It takes one crazed man who possesses such guns to carry out such an atrocity. The disaster and murder at Dunblane could have happened at any school in the United Kingdom and to claim that it justifies tougher action or more powers for the Scottish Parliament is in no way helpful.

Mrs. Laing *rose—*

Mr. Murphy: I apologise for not giving way, but I am about to conclude my remarks.

The disaster could have happened at any school anywhere in the United Kingdom, and we need tough legislative powers throughout the United Kingdom. Aspects of the debate—predominantly the speeches of my hon. Friends—have been interesting. But large segments—the speeches of Opposition Members—have been opportunistic, shallow in content and deeply demeaning to the Scotland Bill and to the Parliament that we shall have.

Mr. Russell Brown: I do not want to go over issues that other hon. Members have raised, but I do want to discuss the amendments.

I say to the hon. Member for Epping Forest (Mrs. Laing) that according to *The Herald* this time last year a lot of other hon. Members and I would not be Members of Parliament today. Conservative Members talked long and hard about the dangers of a Scottish Parliament and the breaking up of the United Kingdom during the general election campaign, during the referendum campaign and in the early stages of the consideration of the Bill, but there has been an almost complete turnaround this evening. Their amendments are nothing more than wrecking amendments.

Conservative Members have also talked long and hard about the difficulties that a Scottish Parliament would cause people who live on the border. I represent a constituency on the border. A lot of what was said during the general election, during the referendum campaign and in recent weeks bears no resemblance to the real feelings of people in my constituency and others on the border.

I compliment my hon. Friends the Members for Glasgow, Maryhill (Mrs. Fyfe), for Dundee, East (Mr. McAllion) and for Eastwood (Mr. Murphy) on the way in which they spoke about firearms. This country—when I say that, I mean the United Kingdom—needs strong regulations that will control firearms across its length and breadth. We do not want Scotland to be a special case.

Mr. Gray: Does the hon. Gentleman not realise that he and the hon. Members for Glasgow, Maryhill (Mrs. Fyfe) and for Dundee, East (Mr. McAllion) are eloquently making our point for us? They said that such matters should be national policies, which is precisely why we question the way in which the Bill has been prepared. The hon. Gentleman is clear about the fact that we must have a national policy for guns, so why will the Scottish Parliament decide knife policy? Are knives not just as dangerous? Would not the girl who defended small children in a school against a machete attack recently believe that there should be one law, north and south of the border?

Mr. Brown: I support the sentiments expressed by my hon. Friends.

Mr. Gray: So do we.

Mr. Brown: I am sorry, but Conservative amendments show that that is not the case.

If hon. Members went out on to our streets to talk to the general public, they would find that the greatest fears, especially for parents, are drugs and the misuse of drugs. I compliment Dumfries and Galloway constabulary—my constituency constabulary. At the weekend, officers arrested suspects on the A74 who were carrying a considerable consignment of Ecstasy tablets. Dumfries and Galloway constabulary were vigilant at the weekend and in previous incidents when firearms and drugs were involved, and do a good job on behalf of the people of south Scotland. We do not wish to have a different law.

Mr. Swayne: The hon. Gentleman may not wish to have a different law, and there is no requirement that he should, but the elected representatives of the Scottish Parliament may take a different view. Conservative Members find it odd that, although he has put his faith in the Parliament, he is not prepared to trust their judgment in particular areas.

8.15 pm

Mr. Brown: I am quite prepared to listen to Members of the Scottish Parliament when they have been elected. We are representing not individual ideas but the people back in the constituencies. Those of us who live on the border firmly believe that there is no need for different drugs and firearms laws.

My hon. Friend the Member for Eastwood made it perfectly clear where he stands on betting and gaming, and I feel the same. I have noticed over many years that people take advantage of loopholes in the licensing laws—Scots cross the border to drink in England when it is appropriate, and vice versa. Having different laws on the border would leave them open to being bent and broken.

I emphasise that there has been a complete turnaround by Conservative Members—they have tabled wrecking, spoiling amendments, and I hope that we shall deal with them appropriately.

Mr. McLeish: This has been one of the better Committee debates and I should like to preface my remarks with a discussion of how we arrived at judgments about important issues.

I refute what has been said about lack of consistency. We thought seriously about which matters could be reserved to Westminster—those about which there was no dispute—in putting together the devolution package. Reserved matters are identified in the Bill. A powerful set of devolved matters will go to the Holyrood Parliament as a consequence. There is little debate about the wisdom of that. Most of them are not what some people have described as conscience issues, but they are major policies that have been promoted by successive Governments.

Serious and sensitive questions surround some of the matters that have been mentioned this evening, which is why a balanced view must be taken of whether legislative competency should lie with Westminster or with Holyrood. The Government have made judgments, but it would be a pity if issues as serious as drugs and guns were used to make a party-political point. I shall be generous and suggest that no one was trying to do that.

We are considering not only the welfare of Scots post devolution, but the welfare of the United Kingdom. We are not only providing a Parliament that will deal with sensitive issues, but reinforcing the integrity of the United Kingdom. This is a devolved settlement, not an independence or separatist settlement: neither is it a Unionist settlement, under which no powers would be devolved to Scotland.

Against that background, I shall discuss some of the specific matters that were mentioned by Conservative Front Benchers. The Government reject amendments Nos. 469 and 470. The White Paper made clear our intention that the criminal law on drugs and drug trafficking and the regulation of drugs should be reserved. The existence of different systems of drug control in different jurisdictions inevitably gives rise to problems of controlling trafficking between those jurisdictions. We can at least limit the entry of illegal drugs through international border controls, but we could not reasonably expect any success in trying to maintain different regimes of drug control on either side of the open border between Scotland and England. We therefore do not accept that the subject matter of the Misuse of Drugs Act 1971 and of the legislation relating to drug trafficking should be devolved.

There should be common legislative competence throughout the United Kingdom and we should work to a common policy framework. However, within that framework and within the separate jurisdictions, we can interpret those policies and tailor the legislation according to the ideas that we are pursuing for Scotland.

Mr. Flynn: Will my hon. Friend give way?

Mr. McLeish: No.

We are dealing with the process and not with the substantive issues. In view of our comments, I hope that the Opposition will not press those amendments. The drug menace north and south of the border is very real, so we should focus our energy on tackling the problem. Having a settled basis for the competency at Westminster will allow us to do that and will avoid the problem of cross-border trafficking that I identified.

Given the lack of time, I shall not be able to go into as much detail as the importance of the matter requires. The Government will resist amendment No. 471, which would remove the reservation of data protection. It is important for the United Kingdom, and especially for the business community, to have a uniform framework for the matters covered by the data protection reservation. We have maintained all along that it is right to have a level playing field. That would be upset if amendment No. 471 were accepted.

The Government oppose amendment No. 7, because we feel that controls on firearms need to be uniform throughout Britain, as they have been since their inception after the first world war. Reservation of firearms legislation will still allow much of the work of firearms licensing to be done locally, and we expect the role of the Scottish police forces to be unchanged after devolution.

I shall explain briefly how the system works at the moment. At present, the lead on firearms policy is the responsibility of my right hon. Friend the Home Secretary. He and his ministerial colleagues have piloted through the House the recent legislation banning small calibre handguns, thus fulfilling our manifesto promise. The legislation takes due account of special Scottish circumstances. Indeed, the two Firearms (Amendment) Acts 1997 were initiated by the tragic events at Dunblane. The legislative code is sensitive to Scottish circumstances, but it applies throughout Britain. We would be equally sensitive to an event occurring in any part of the United Kingdom. Tragically, that incident occurred in Dunblane, but it could have happened anywhere. That is why it is important for firearms legislation to be consistent throughout the United Kingdom.

Within the code, much of the work is done locally. The chief constable decides whether an individual is a fit and proper person to hold a certificate for a firearm, and police forces enforce the legislation. The Scottish Office is also involved. The Secretary of State is consulted in the framing of firearms legislation and he plays a part in the local licensing system; granting certificates for prohibited weapons in Scotland, licensing rifle clubs and granting certificates for museums to keep firearms as part of their collections. Current responsibility will pass from the Scottish Office to the Scottish Executive. That will increase consistency and is not inconsistent with the Government's approach to these difficulties.

Mr. Gray: Why are knives treated differently?

Mr. McLeish: I believe that we should take a much harder line with knives. It is a complex problem, partly because every knife is a potential weapon. My right hon. Friend the Prime Minister has spoken about the need to tighten up the legislation substantially.

Mr. Gray: Perhaps I did not make myself clear, because my previous intervention was a little abbreviated. If cross-border controls make it impossible to have different gun legislation in Scotland and in England, why is it possible to have different legislation on knives?

[Mr. Gray]

Offensive knives may be illegal in Scotland but legal in England. What is the difference between guns and knives under a devolved system?

Mr. McLeish: Conservative Members should accept that we are dealing with an entirely different situation. I have made the point about policing, controls and the courts. Dealing with knives is difficult, but that does not mean that we should not do a great deal more. There is a substantial difference between discussing guns and gun laws and discussing knives. Both are important, but in the legislative context they are very different.

Mr. Grieve: Is the Minister's position that, because of the leisure aspects of pistol shooting, it is treated differently from knives? In future, it may be possible for Scotland to take a weaker view on knives than is taken in England.

Mr. McLeish: I referred earlier to the potential trivialisation of serious subjects.

Mr. Ancram: Disgraceful.

Mr. McLeish: The start of the debate did not augur well for the rest of the debate, because drug-related crime and guns were not treated with the seriousness that they deserve. Conservative Members should not play politics with such serious issues, especially in the aftermath of the catastrophic incident in one of our towns.

Government amendment No. 464 seeks to remove from the list of reserved matters the subject matter of sections 12 to 14 of the Theatres Act 1968 and of the Hypnotism Act 1952. Those matters are presently dealt with on a Great Britain basis. We considered initially that it would be useful to retain those arrangements so that businesses involved and members of the public would have a common regulatory framework, but we decided to examine this matter further in the light of the Second Reading debate and of the amendment tabled by the hon. and learned Member for Orkney and Shetland (Mr. Wallace). We have now concluded that those activities could be properly dealt with by the Scottish Parliament. We accordingly accept the amendment tabled by the hon. and learned Gentleman, to which my right hon. Friend has added his name, and which I commend to the House.

The Government cannot accept amendment No. 472, which would devolve legislative competence for all the entertainment matters reserved under head 2 of schedule 5. We do not agree that the argument that applies to hypnotism and theatres applies to the other issues. The classification of films for public exhibition has been carried out by the British Board of Film Classification since 1912. The board operates on a voluntary basis and has always operated on a UK basis without any difficulty, because audiences on both sides of the border have a shared appreciation of what is or is not acceptable for different age groups. There is also essentially a single market in films, which it is important to sustain for the health of the industry.

Similarly, we remain persuaded that the provisions on the control of exhibitions of films by local authorities under the Cinemas Act 1985 should remain a reserve matter. The local authorities' licensing powers form an essential part of the overall system of control of film exhibitions. The system works well: recommendations of the BBFC are generally accepted by local authorities.

The classification of video recordings is dealt with separately, under the Video Recordings Act 1984. However, similar arguments apply to videos as apply to the classification of films, only more strongly. There are additional important differences in that videos are easily transported and that the purpose of classification is to regulate their sale—they are mostly viewed in the home—rather than to regulate public exhibition. Any divergence in regulation of videos on one side of the border would risk undermining, or being undermined by, the system on the other side.

Amendment No. 473 deals with experiments on animals. The proposal is to devolve legislative responsibility for vivisection. The Government fail to see any case for fragmenting arrangements that clearly need to operate in a uniform way across Great Britain. Experimentation using live animals is a highly emotive subject. It involves fundamental ethical and moral issues that must be considered in the widest context. Differing approaches in law on either side of the border is not the best way of achieving the most acceptable common policy. That point was reinforced by my hon. Friend the Member for Linlithgow (Mr. Dalyell).

The law impacts significantly on the scientific community, and, in this context as well, a common policy is essential. Professionals must operate within a common ethical framework, given the interrelated nature of scientific work and the high degree of mobility. That applies to both experimental activity and personnel in research. Certain other medical and ethical issues such as xenotransplantation are to be reserved, and I see no case for a different approach in relation to vivisection. I therefore urge the right hon. Member for Devizes (Mr. Ancram) not to press his amendment to a Division.

Amendment No. 17 seeks to devolve to the Scottish Parliament legislative responsibility for all forms of gambling; amendment No. 489 seeks to devolve legislative competence for lotteries organised at local level. Gambling is a huge money-spinner and a thriving commercial concern, especially gambling on the national lottery. That is why gambling is subject to various statutory controls. Those measures have always been applied successfully and uniformly throughout Great Britain, because all consumers should have the same level of protection. Those participating in smaller local lotteries should be given the same protections. Our policy does nothing more than ensure equality for operators and participants. It would not be sensible for the Bill to allow the national lottery to be split, or to allow for a separate Scottish lottery, which could only cause confusion and, in our view, unhelpful competition.

8.30 pm

In clause 59, the Bill provides for the Scottish Executive to assume certain executive functions in areas that are to be reserved. Under our proposals, Scottish Ministers will be able to make secondary legislation on gambling matters that impact directly on the local scene. We also propose that Scottish Ministers should be able to issue policy and financial directions to the Scottish Arts

Council and the Scottish Sports Council by executive devolution, in the same way as my right hon. Friend the Secretary of State makes such directions now.

Mr. Grieve: The Minister picked up the point about the Scottish Executive's ability to participate in devolved betting and gambling decision making.

Under current drugs policy, a ministerial sub-committee of the Cabinet sits to make decisions on such matters. As I think the Minister will agree, a Scottish Office Minister sits on that sub-committee. What will happen to it after devolution?

Mr. McLeish: The same co-operation will exist. In a sense, we are reserving the drugs issue to Westminster—but that does not imply an undermining of the current co-operation, consultation and joint action.

I hope that hon. Members are persuaded that our proposals give the best possible protection to the public and ensure that the benefits that Scotland has derived from the lottery are sustained in future.

Amendment No. 474 proposes, in effect, that legislative competence for extradition should be devolved to the Scottish Parliament. The present legal framework for extradition—the Extradition Act 1989—reflects the United Kingdom's obligations under multilateral agreements such as the Council of Europe convention on extradition, its extradition arrangements with the Commonwealth and its bilateral treaties with foreign states. In practice, however, the Scottish Office and the Crown Office are responsible for processing applications for extradition where the person concerned is resident in Scotland. The Scottish Executive will assume that responsibility after devolution, through executive devolution.

In my view, it makes good sense to have a single legislative framework for the United Kingdom as a whole, while ensuring that in Scottish cases extradition requests from foreign states continue to be dealt with by the Scottish authorities, as they are now. That is what the Bill as it stands—combined with our proposals for executive devolution—will deliver. For all those reasons, I hope that the right hon. Member for Devizes will not press his amendment.

Amendment No. 18 would devolve legislative responsibility for lieutenancy matters to the Scottish Parliament. I fail to see any case for that, as this is manifestly a United Kingdom issue. The modern statutory provisions for the ancient office of lord lieutenant are set out in the Lieutenancies Act 1997. The office has direct links with the Crown. Her Majesty alone can appoint a lord lieutenant or remove him from office, and it is she who determines the area that any lieutenancy in the United Kingdom should comprise. In view of that, I hope that hon. Members will not press the amendment.

Our arrangements already provide for a degree of devolution. The Prime Minister and the Secretary of State for Scotland currently exercise certain functions in relation to lieutenancies. Under the present proposals, they will be transferred to the First Minister, and in that respect the current arrangements are unchanged.

Many of the issues that have been raised tonight will be transferred to the Scottish Executive. That is consistent. A United Kingdom level playing field on drugs and guns is essential and I therefore ask the Committee to reject the amendment.

Mr. Hawkins: I agree with the Minister that we have had an excellent debate, but rarely can probing amendments have exposed so clearly the inconsistency of Government proposals. I have observed the lack of logic. In earlier debates, Conservative Members were accused of wrecking by preventing additional powers from being given to the Scottish Parliament; now, when we have used probing tactics to find out why powers are not being taken by the Scottish Parliament, we have again been accused of wrecking.

Labour Members have been all over the shop. As soon as I sat down, every probing question that I had asked was supported by the hon. Member for Linlithgow (Mr. Dalyell), whose wisdom ought to be recognised.

In the light of the success of the probing, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Amendment made: No. 464, in page 62, leave out lines 16 and 17.—*[Mr. McFall.]*

Ms Roseanna Cunningham: I beg to move amendment No. 502, in page 63, line 30, at end insert—

'(c) regulation of business trusts in relation to land ownership and land use.'.

The Second Deputy Chairman: With this, it will be convenient to discuss the following: Amendment No. 490, in page 63, line 32, after 'individual', insert

'or partnership under section 4(2) of the Partnership Act 1890'.

Amendment No. 491, in page 64, line 40, after 'solicitors', insert

'notaries public, estate agents, those holding rights to conduct litigation and rights of audience under section 25 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990'.

Amendment No. 492, in page 65, line 3, leave out 'Intellectual property' and insert

'The subject matter of the Copyright, Designs and Patents Act 1988, the Patents Act 1977, the Trade Marks Act 1994 and the Plant Varieties Acts 1964 to 1967.'.

Amendment No. 460, in page 65, leave out lines 4 to 6.

Amendment No. 493, in page 65, line 6, at end insert

'The law of passing off and the law of breach of confidence.'.

Amendment No. 494, in page 65, line 32, leave out from 'stamps' to third 'and' in line 34.

Amendment No. 475, in page 65, leave out line 33.

Government amendment No. 525.

Amendment No. 478, in page 66, line 28, at end insert—

'( ) The regulation of the design and erection of telecommunication masts and equipment'.

Amendment No. 479, in page 67, leave out lines 6 to 8.

Ms Cunningham: The amendment raises some of the issues that were raised in the earlier debate on the Crown Estate Commissioners, so I shall keep my remarks short.

[Ms Cunningham]

The amendment attempts to add an exception to the reservation to deal with a problem that has already been highlighted by the Scottish Office's own land reform policy unit. As the Minister will be aware, the unit's recent document "Identifying the Problems" pointed out that any land reform legislation that sought to regulate or control the increasingly large number of business trusts and associations that are also landowners in Scotland would be faced with the insurmountable problem that such a move would

"affect business legislation (which is a reserve matter and therefore not for the Scottish Parliament)".

There are, of course, arguments about whether such a move would ultimately be advisable. The unit points to some of the technical difficulties, but I do not think that that removes the central concern—the same central concern that was raised in the debate about the Crown Estate Commissioners—that if the Scottish Parliament wanted to make such a move in its land reform legislation, that, too, would be outwith its powers.

As was said earlier, there is cross-party agreement that land reform is one of the key tasks and responsibilities of the Scottish Parliament, but, once again, it seems that our hands will be tied in that key area. The amendment would introduce some flexibility by allowing the Scottish Parliament to trespass on the reserve powers in the area of business associations in connection with the ownership of land. Otherwise, the Government will bring about circumstances in which a Scottish Minister may have to come cap in hand to the House of Commons to complete a Scottish Government's land reform policy.

This is not a hypothetical situation. The Scottish Land Commission's recommendations include proposals that would require some alteration of the law affecting business trusts and associations—requirements, for example, for registration and monitoring of their activities in the estates that they manage. The commission travelled the length and breadth of Scotland taking evidence from a vast number of organisations and individuals, and its proposals were based very much on the practical needs of land reform in Scotland. I know that the commission also received far more radical proposals, which the Scottish Parliament could not even consider. I find that unacceptable, and I urge the Government to review the matter.

A number of other amendments in the group raise similar concerns about restrictions in the Bill. The Scottish National party supports any measures that extend the range and scope of the Parliament's powers, but I urge the Government to view sympathetically the problem raised in the lead amendment. It is directed very much at the concern that we all have about future possibilities for land reform in Scotland.

Mr. Dalyell: I have two questions, the first of which relates to amendment No. 491 and is about the Law Society. Is the Minister satisfied that the definition of legal profession in schedule 5 is complete and accurate? Why are notaries and the others who are mentioned omitted? My second question concerns industrial policy. On Thursday, I asked the President of the Board of Trade, pursuant to her letter to me of 8 December 1997, what were the principles on which the proposed concordat on inward investment would be founded. My right hon. Friend replied:

"The underlying principle is co-operation between all parts of the United Kingdom to allow effective negotiations to attract large inward investment projects. The proposed concordat on financial assistance will be an agreement between all parties seeking better co-ordination and co-operation, the sharing of best practice, and transparency."—[*Official Report*, 26 March 1998; Vol.309, c.219.]

That is rather like motherhood and apple pie. What is the evidence that, in these difficult industrial negotiations, there will be the good will that is necessary for a concordat? Departments fight like Kilkenny cats because that is in the nature of the system, and it may not be possible for it to be otherwise when each area wants its share, or more than its share, of inward industrial investment. There is a serious question about how the concordat will work out.

Mr. James Paice (South–East Cambridgeshire): I should like to speak to amendment No. 460, whose purpose is to retain plant breeders' rights as a reserve issue. However, I am tempted not to pursue the matter because the Bill does precisely what I want, although that is not the Government's intention. That is because the Bill proposes to exempt from reservation part I of the Plant Varieties and Seeds Act 1964. The problem is that part I does not exist because it was repealed by the Plant Varieties Act 1997 which received Royal Assent two weeks before the Scotland Bill was published. Therefore, the Bill proposes to exempt from reservation a measure that does not exist. For the purpose of debate, and on the assumption that the Government would have spotted their error, I should like to address the amendment's intent.

The Government's proposals as outlined in the Bill would give the Scottish Parliament the power to legislate for authority over plant breeders' rights, and that would be a recipe for chaos throughout the United Kingdom. As I said, only last year Parliament passed the Plant Varieties Act. One of the effects of that was to address the long-standing and vexed issue of farm-saved seed and the issue of royalties to be paid by farmers who buy breeders' seed, sow it, harvest the seed crop and use it for growing commercial crops.

An agreement after long drawn-out discussions between plant breeders and farmers' organisations from all over the United Kingdom was enshrined in that 1997 Act, which also enshrines in law our obligations under the UPOV convention. That is a French acronym for the international convention for protection of new varieties of plants. The legislation also enshrines the European Union's plant breeders' rights regime which was established in 1994.

On Second Reading of the Plant Varieties Bill, the hon. Member for Linlithgow (Mr. Dalyell), whom I am pleased to see in his place, asked the Minister of State, Ministry of Agriculture, Fisheries and Food about devolution. In his reply, the Minister stated that the controller of plant variety rights

"will continue to represent the United Kingdom. This may or may not be a devolved matter, but it seems inconceivable that it would be in future. Basically, this is a United Kingdom issue."—[*Official Report*, 24 June 1997; Vol.296, c. 691.]

8.45 pm

Mr. Dalyell: I am deeply interested in this subject and played an active part in debates on the Plant Varieties Bill. When I spoke on devolution I was asked by a prominent Lobby correspondent as I went out whether

I thought that I was a protected or endangered species in relation to devolution and party discipline. The question was not answered. I shall leave that. I do not wish to be rude or offensive, but I am curious about the hon. Gentleman's brief. Where did it come from?

Mr. Paice: There is nothing secretive about it: my brief is my own work. I am about to move to discussions that I had with the British Society of Plant Breeders, which represents all plant breeders and is located in my constituency—hence my interest, and the fact that I usually speak on agricultural matters from the Front Bench. I spoke about farm-saved seed and it is important to appreciate how much of plant breeders' royalties come from Scotland. The 1997 royalties for cereal crops amounted to £1.2 million and, under the arrangements, that went to plant breeders. That is the return for their intellectual property.

Legislation to permit different royalty rates in Scotland and England could encourage the cross-border movement of seeds and encourage the smuggling of protected varieties. That is not an unrealistic scenario. The British Society of Plant Breeders and the Irish plant royalty office are aware of illicit movement of high value basic cereal seed between the United Kingdom and Ireland or between Northern Ireland and southern Ireland.

Mr. John Hayes (South Holland and The Deepings): My hon. Friend will remember that I also took part in that Second Reading debate last year, and I also remember the comments of the hon. Member for Linlithgow (Mr. Dalyell). Does my hon. Friend agree that if, as a result of lobbying by Scottish farmers, the Scottish Parliament took a certain view of royalty rates and took action to get round them, it could cause incredible problems for plant breeders in this country who supply products to Scotland?

Mr. Paice: My hon. Friend is right: that is precisely the point that I am trying to make. If the Scottish Parliament were given the proposed powers, Scotland, England and Wales could have different plant varieties legislation and different royalty systems. That would encourage smuggling of seeds, especially cereal seeds.

Mr. Salmond: Does the hon. Gentleman agree that such matters should be organised on a European Union level to avoid smuggling throughout Europe? Does the hon. Gentleman support that?

Mr. Paice: Not entirely, because the Plant Varieties Act enshrines the European plant breeders' rights regime. However, the issue of royalties on farm-saved seed is a purely UK issue and does not arise much in Europe where practices and cultures are different.

The Plant Varieties Act protects the intellectual property of plant breeders from being exploited by others and provides for the return by some mechanism of royalties to those breeders. I know that the hon. Member for Linlithgow is familiar with the issue of seed potatoes, in which Scotland is pre-eminent. It has particularly good climatic and disease-free conditions, which enable seed potatoes to be produced in Scotland. Again, there could be a problem if, in some way, the Scottish legislation were different from the English legislation.

Problems of administration could also arise. I have mentioned cross-border transit of seed. I emphasise that there is already a vast trade between England and Scotland both ways of different types of seed. Seed potatoes in particular come from Scotland to England, but cereal seed tends to go from England to Scotland, particularly in the last planting season, because Scotland had a particularly bad harvest last year and was not able to produce the quality of seed. I know for a fact that many farmers in Scotland were buying seed from English merchants because that was the only way in which they could obtain the quality of seed that they wanted.

Mr. Dalyell: From memory—I am open to correction—I thought that there was a suggestion, if not an undertaking, that the people with whom the hon. Gentleman has properly been having discussions were going to raise these matters with St. Andrew's house, Scottish Office officials and indeed, if necessary, Scottish Office Ministers. Does he know whether they did so?

Mr. Paice: I am not sure whether those people have raised the matter with St. Andrew's house, but the British Society of Plant Breeders has certainly raised it with the Ministry of Agriculture, Fisheries and Food. I have copies of the correspondence here. I will not read them out because it would detain the House, but I assure the hon. Gentleman that correspondence has taken place at least with MAFF.

There are several specific rules relating to plant health, particularly potatoes. If the Scottish Parliament decided that Scotland would no longer form part of the protected region in relation to potato health, again, there would be serious problems. As the British Society of Plant Breeders has said to me, any changes would be detrimental, with unwelcome ramifications for plant health within the UK as a unit.

Given the problems that will clearly exist in relation to perfectly genuine cross-border trade between Scotland and England, it is almost inconceivable that any plant breeder would consider taking out rights for just Scotland, or indeed just England. The costs of doing it differently and taking out rights on a European basis would cost plant breeders a considerable amount of extra money. The net result of devolution would therefore be to wipe out or further to reduce the already reduced demand for UK rights.

I therefore submit a genuine case that however well-meaning the intention to give the Scottish Parliament responsibility for plant breeders rights, it would cause untold problems for plant breeders, in the collection of royalties and, indeed, for farmers themselves, if we ended up, as we could, with different regimes north and south of the border. I have also consulted some Scottish seed merchants. I quote part of the response that I have received from a Mr. Harper, a director of seed merchants Dods of Haddington Ltd:

> "It would be totally unworkable were there to be a dual system of Royalties in Scotland and England. It would create an unworkable situation when we have strived so hard to get the Royalty situation to where it is today."

It is only four months since we got the royalty situation to where it is today by passing the Plant Varieties Act with cross-party support. It would be a retrograde step if we enshrined in the Scotland Act measures that could break that agreement apart.

Mr. Jenkin: I congratulate my hon. Friend the Member for South–East Cambridgeshire (Mr. Paice) on the extremely able way in which he spoke to his amendment. If there was ever a demonstration of why a Bill of this nature should be dealt with on the Floor of the House rather than in the cosy atmosphere of a Committee, his speech was it. He has a knowledgeable background in the Ministry of Agriculture, along with the experience of the British Society of Plant Breeders in his constituency. He has made a valuable point, and we look forward to hearing what the Minister has to say about it, particularly on the apparent anomaly in the Bill, which refers to a part of an Act that is no longer extant. It is natural that these mistakes can be made, and we hope that the Minister will be able to deal with it as gracefully as the point was made by my hon. Friend.

The whole question of plant breeders' rights receives remarkably little explanation from the Government's notes on clauses, but the comments that are made are illuminating. Under the heading, "Exception from reservation," it says:

"The Scottish Parliament is being given legislative competence to legislate about plant breeders' rights in view of the devolution of agricultural matters generally."

We have already explored at length the inconsistency of devolving agriculture to the Scottish Parliament, when so much agricultural policy is actually a European Union obligation, and therefore reserved under another part of the Bill.

It would seem from what my hon. Friend has said both about the international obligations appertaining to plant breeders' rights and the European Community plant breeding regime, which must also at least be an international obligation, if not an EC obligation, that this is de facto a reserve matter, and that the exception to reservation in the Bill is anomalous, just as it is anomalous and misleading to pretend that agriculture can be a truly devolved matter. So much agriculture is an EC obligation that will have to be negotiated with the EC on a UK basis, rather than on a bilateral basis with the Scottish Parliament.

This debate opened with the hon. Member for Perth (Ms Cunningham) moving amendment No. 502 on trusts relating to land ownership and land use. I note that she is not in her place at the moment. The way the Scottish nationalists talk about land reform, they make Scotland sound like a banana republic. It is as though they are dealing with some backward country, instead of a modern country, where far more people have gained property rights over the past 20 years or so, particularly with regard to home ownership—perhaps it has grown at a faster rate than in the rest of the UK. They sound as if they are planning some revolution to turn land ownership upside down in Scotland.

Dr. Lynda Clark (Edinburgh, Pentlands): I am puzzled by the hon. Gentleman's remarks. Is he seriously supporting the retention of the feudal system in Scotland, which we would seriously like to reform?

Mr. Jenkin: To describe the system as feudal is to use an emotive term which is not appropriate to modern Britain.

Dr. Clark: Will the hon. Gentleman give way?

Mr. Jenkin: No, I have given way to the hon. and learned Lady once already.

To complete the point, there may be scope for land reform in Scotland and to reform the law of property in Scotland—I would not pretend to be an expert on that—but to pretend that somehow Scotland is full of serfs who have no rights, which is what feudalism means to me, is wrong. I do not support feudalism, and it is not the official policy of the Conservative party, is wrong.

That does seem to underline that we are dealing with an emotive portrayal of existing land tenure and property ownership in Scotland.

Mr. Alasdair Morgan (Galloway and Upper Nithsdale): Does the hon. Gentleman accept that the fact that Scotland does have a system of feudal tenure, and that, over the years, the House has found no time whatever to reform it, is a strong argument in favour of devolution?

Mr. Jenkin: I hear what the hon. Gentleman says, but I think it is wrong to suggest that land ownership in Scotland represents some sort of mediaeval form of society. What we see in responsible land ownership in Scotland is models of shared access and co-operation between landowners and the public in parts of Scotland, which we should envy, not seek to tear up. That partnership is based on a constructive tension between landowners and the public.

Mrs. Laing *rose—*

Mr. Jenkin: I shall give way to my hon. Friend in a moment.

That partnership is beneficial to all concerned, and it is not necessarily sensible to talk about ripping up existing traditional structures just because they create some resentment.

Ms Roseanna Cunningham *rose—*

Mrs. Laing *rose—*

Mr. Jenkin: I give way to my hon. Friend.

Mrs. Laing: Does my hon. Friend agree that the hon. Member for Galloway and Upper Nithsdale (Mr. Morgan) is wrong in the assertion he made a few moments ago, in that the House reformed the feudal system in Scotland some 25 years ago, when the concept of the redemption of feu duty was introduced?

9 pm

Mr. Jenkin: I am most grateful to my hon. Friend.

The Liberal Democrats have tabled many amendments, about which no doubt we shall hear later. I do not intend to mention the Government's technical amendment concerning package holidays and package tours. I wish to speak to our amendments Nos. 475, 478 and 479.

Amendment No. 475 deals with the reservation of the regulation of estate agents. It emphasises yet another contrast between the way in which the project for devolution in Scotland was presented and the way that it is taking shape in the Bill. If ever there was a part of Scottish law that is distinctive and which should be, in principle, under the responsibility of the Scottish Parliament, it is property law.

It seems that estate agents in Scotland, who conduct their business in a completely different legal regime from estate agents in the rest of the United Kingdom, should be responsible for their legislation to the Scottish Parliament, rather than to the United Kingdom Parliament. The Secretary of State and his pro-devolution friends repeatedly said, "Is it not extraordinary that Scotland should be the only country with its own legal system but without its own Parliament?"—yet here is an area of Scottish life that looms very large for a great many people, when they buy and sell houses, that is reserved to the UK Parliament.

In amendment No. 478, we are dealing with the reservation concerning the design and erection of telecommunications masts and telecommunications equipment. I should like the Minister perhaps to confirm my guess that the only reason that the reservation is in the Act is because of the Telecommunications Act 1984, which gives the erection of telecommunication equipment a curious and special privileged position in planning law.

On the principle that the Government want a comprehensive network of mobile telephones in this country, planning guidance has been issued in England and Wales, in Scotland and in Northern Ireland, to enable the telecommunications companies to press for specific schemes to enable them to get their "footprints" of transmission areas to cover the country. The effect is that national parks, areas of outstanding natural beauty and other special areas have been made vulnerable to the scarring of the landscape by such apparatus. I think it unlikely that the Scottish Parliament would not want to take control of such matters.

All our amendments in the group are intended to give the Scottish Parliament more, not fewer, powers. In that regard, they are inconsistent with the caricature of our contributions that the Minister repeatedly sketches. Those amendments are not wrecking amendments; they are sensible contributions to the debate. We think that the Scottish Parliament should have power to regulate the construction—*[Interruption.]*

The Second Deputy Chairman: Order. Members must not interject from a sedentary position, and I should be grateful if the hon. Gentleman would not respond.

Mr. Jenkin: The whole purpose of the—

Mr. Ernie Ross: Will the hon. Gentleman give way?

Mr. Jenkin: I will certainly give way to the hon. Gentleman.

Mr. Ross: I apologise to you, Mr. Lord. I just found it remarkable that a member of the previous Government should argue in this debate that he wants more regulation on industry and business. This is absolutely incredible.

Mr. Jenkin: When I gave way to the hon. Gentleman, I thought I was eliciting surprise that we were proposing that the Scottish Parliament should have more power. In fact, the regulatory powers are already there, in the Telecommunications Act 1984—perhaps to our cost, because those powers have been used by the telecommunications companies to force local authorities to accept telecommunications masts in areas that would otherwise be considered completely inappropriate for commercial development.

That has been a very controversial issue in England and Wales—including my constituency—and I am surprised that the Government do not want to give that controversial area to the Scottish Parliament. The subject of the degree of regulation is immaterial to the amendment.

Mr. Ross: The hon. Gentleman really is struggling. If he could hear himself, he would understand just how bad it sounds, coming from him in particular. If he really wanted to give powers to a Parliament that he opposes, he might not encounter too much disagreement. The remarkable thing is the fact that he wants another body, by whatever name, to start interfering with businesses and their ability to do, in an unregulated way, what the previous Government wanted them to do.

Mr. Jenkin: The Telecommunications Act 1984 gave telecommunications companies special privileges to override the usual planning system. They got their special planning guidance notes issued, to give them a privileged position. I question, on environmental grounds, whether that has been wholly wise, especially in view of what has happened in one or two special areas in the United Kingdom—notably in my constituency, so I have some experience of the matter.

During my time in the Scottish Office as parliamentary private secretary to the previous Secretary of State, Sir Michael Forsyth, the issue was sensitive in Scotland. I am surprised that the hon. Member for Dundee, West (Mr. Ross) is not jumping up and welcoming the idea that the Scottish Parliament should have control of planning in Scotland with regard to telecommunications masts, as it will have control over planning with regard to everything else. I am simply looking for some consistency in the devolution of powers to the Scottish Parliament.

Mr. Ernie Ross *rose—*

Mr. Jenkin: The hon. Gentleman seems to be making mischief, but, as I am enjoying it, I shall give way again.

Mr. Ross: I am sure that, any second, the hon. Gentleman will pull out of his pocket the letter that he—when he was a parliamentary private secretary—gave to his Scottish Office Minister. I am sure that he will pull out such a missive; so let us see it.

Mr. Jenkin: The hon. Gentleman is wiser than he—or perhaps any other hon. Member—imagines. In his intervention, he has stumbled on the fact that Scotland already has a separate regime, and separate planning guidance on telecommunications masts. It is a Scottish Office matter. In the White Paper, the principle of the Government's devolution proposals is that Scottish Office matters should become matters for the Scottish Parliament. Therefore, I should expect the hon. Gentleman to be on my side in the matter. Perhaps the matter—to be consistent—should not be reserved.

Amendment No. 479 deals with reservation of the power to designate assisted areas. Perhaps more than any other reservation, that one most graphically demonstrates the inconsistencies in the Government's devolution

[Mr. Jenkin]

scheme, which reserves some powers, but not others. We understand why such designation has been reserved, as it will deal with financial assistance that is applied on a United Kingdom basis. Nevertheless, supervision of industrial policy is a devolved responsibility, and—however much it has superficially been devolved to the Scottish Parliament—the key decisions on industrial policy in Scotland will be reserved.

Amendment No. 479 is simply a probing amendment. We understand why there has to be a concordat on such matters, and why Scotland cannot be allowed to go its own way. Scotland has to be contained within an overall financial discipline.

We also know the story behind those reservations, which began with pressure applied—in their north of England constituencies—on senior Ministers: the Deputy Prime Minister, the Minister without Portfolio, and the Parliamentary Secretary to the Treasury, the right hon. Member for Newcastle upon Tyne, East and Wallsend (Mr. Brown). A lobby of northern councillors to the Prime Minister himself finally resulted in a telephone call to the President of the Board of Trade, who was told to examine the advantageous way in which Scotland has benefited from the current arrangements and subsidies for inward investment.

No one denies that story, or that the devolution process has created an entirely new tension between the Department of Trade and Industry and the Scottish Office. The tension will have to be resolved before devolution proceeds. Although it can be contained in a Government of collective responsibility, it will cause chaos if it becomes a matter of open dispute between Ministers in Scotland and Ministers in the United Kingdom.

Dr. Godman: May I remind the hon. Gentleman that inward investment has a very long history in Scotland? IBM came to Greenock in 1950 thanks to the remarkable work done by the late Hector McNeil in persuading the president of that company to do so. Inward investment in Scotland is not a recent phenomenon, and it will not be harmed by establishing a Scottish Parliament.

Mr. Jenkin: I am most interested in the hon. Gentleman's intervention. I was deliberately not crowing about the previous Government's inward investment record—which was an extremely good one—as I wish not to antagonise Labour Members, but for them to listen to the point that I am making.

I remember that the hon. Member for Greenock and Inverclyde (Dr. Godman) participated in our debate in the House on 3 December 1997, when he asked the Minister for Small Firms, Trade and Industry—who has responsibility for United Kingdom inward investment:

"I seek from my hon. Friend an assurance that there will be no reduction in the role or the autonomy of Locate in Scotland."

He did not receive an answer.

I do not know why the hon. Member is now satisfied to say that everything is hunky-dory, after the Minister could give him absolutely no such assurance. He is leading his constituents into the bear trap of devolution, which will lessen Scotland's influence at Westminster, where the key decisions on inward investment in Scotland are bound to be made.

Dr. Godman: Not for a moment did I say that things are hunky-dory; I said that there is a long history of inward investment in Scotland. Moreover, I tell the hon. Gentleman that the biggest challenge to Locate in Scotland, and to the continuation of inward investment into Scotland, will come from the Irish Republic and elsewhere in the European Union. We have seen the effects of that challenge in decisions made by IBM and other companies in the electronics industry.

As for my question to the Minister, which the hon. Gentleman quoted, I am now satisfied that Locate in Scotland will continue to bring investment not only to my constituency but to other constituencies in Scotland.

Mr. Jenkin: I should be very grateful if the hon. Gentleman would make the same intervention on the Minister, to discover whether he would receive a concrete assurance on that point. From her reply to that debate of 3 December 1997, it is quite clear that—because of the Prime Minister's intervention—the Minister for Small Firms, Trade and Industry thinks that a new regime is entirely necessary. She told the House that day:

"The President of the Board of Trade, my right hon. Friend the Member for Derby, South (Mrs. Beckett), was asked by the Prime Minister to develop a system to address understandable concerns that public money might be used to finance wasteful upward bidding between different parts of the country."—[*Official Report*, 3 December 1997; Vol. 302, c.309-10.]

This fear of wasteful upward bidding had never existed openly before. Whatever tensions may have existed were incorporated within Whitehall into the overall objective that the United Kingdom should win foreign investment. Now, there will have to be an open and explicit body of rules which will hobble Locate in Scotland in exactly the way the hon. Gentleman feared when he intervened in that debate.

9.15 pm

Mr. Dalyell: May I clarify the matter by quoting from a letter of 8 December sent to me by my right hon. Friend the President of the Board of Trade? She said:

"I would just re-emphasise that the UK-wide concordat that we are currently preparing will aim to ensure that financial assistance to industry remains within common UK guidelines and consultation arrangements. It is of fundamental concern that public money should not be used to finance competition between different parts of the country. The aim is that the concordat will be an agreement between all the relevant parties seeking better co-ordination and co-operation between all parties, the sharing of best practice, and transparency between the regions . . . I would just add that in the context of these arrangements the position of Locate in Scotland would be no different from all the other inward investment agencies throughout the UK and it will still have a key role in promoting Scotland."

I am sure that that was written by my right hon. Friend in good faith.

Mr. Jenkin: I am grateful to the hon. Gentleman for that intervention. The President of the Board of Trade says that Locate in Scotland will still have a "key role"—I think that I am quoting her correctly from the hon. Gentleman's reading of her letter—alongside all the other regional agencies in England, but it will be within a new UK framework. That framework has not existed before, and the other agencies are to be new competitors for Locate in Scotland.

It grieves me deeply to have to quote the hon. Member for Banff and Buchan (Mr. Salmond), but, in the debate to which I referred, he cited an article in *The Sunday Tribune*, the Irish newspaper, of the Sunday before the

debate of 3 December. The headline was "IDA gains in curb on Scottish rival". The hon. Member for Greenock and Inverclyde said that he thought Ireland would be the winner—so does the SNP. The hon. Member for Banff and Buchan read out the article, which stated:

"IDA Ireland is poised to gain a decisive upper hand over its main international competitor in the battle to attract foreign inward investment following an attempt by Margaret Beckett, the president of the British Board of Trade, to shackle the jobs agency of Scottish Enterprise, Locate in Scotland."

The article also quoted Irish Government sources as saying:

"the implications for Ireland will be monitored by industry experts."

The hon. Member for Banff and Buchan added:

"I bet they will."—[*Official Report*, 3 December 1997; Vol. 302, c. 294.]

However, the Government have said absolutely nothing to reassure us that that is not to be the case.

In other words, the powers governing inward investment are to move from the Secretary of State and Whitehall to Edinburgh, so decision making will be taken out of the Whitehall loop, and direct negotiation with the Treasury will to be removed; Locate in Scotland is to be shackled in new UK rules via the concordat; and the squeeze on the Scottish spending programme is likely to be pursued. The combination of these facts means that Scotland is likely to be the loser.

When the Minister is explaining and trying to justify the reservation of the designation of assisted areas, it is incumbent on him to explain how all that is not going to interfere with what has been an integral part of Scottish Office industrial policy.

Mr. Alasdair Morgan *rose—*

Mr. Jenkin: I have already given way to the hon. Gentleman, and I am drawing my remarks to a close.

The meat and drink of the Minister responsible for industry in Scotland has been the decisions about inward investment, which he had a free hand to deliver in direct negotiation with the companies concerned through Locate in Scotland and in negotiation with the Treasury. All those direct lines of communication will be obscured by the concordat, restrictions on money and unclear political lines. For Scotland's sake, I ask the Minister to make sure that the arrangements that have been made will not disadvantage Scotland.

Mr. Michael Moore (Tweeddale, Ettrick and Lauderdale): I shall not detain the Committee long in speaking to amendments Nos. 490, 491 and 492. Amendment No. 490 seeks to extend the exclusion from reservation to Scottish partnerships. Unlike its English and Welsh equivalent, a Scottish partnership has its own legal personality that allows legal documents and other legal matters to be signed on behalf of the partnership as a whole. It is only right that the Scottish Parliament should have powers over changes in regulations and laws affecting such partnerships.

Amendment No. 491 seeks to extend the exceptions from the reservation. There is widespread acknowledgement that regulation of anti-competitive practices in the legal profession is needed, but there is also concern that other professions should be included in that regulation. Notaries public and estate agents are the two most obvious ones, but the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 makes provision for other professions such as accountants and surveyors to have rights of audience in court. We believe that they should also be subject to anti-competitive provisions.

Dr. Godman: Will the hon. Gentleman give way?

Mr. Moore: No. I am coming to the end of my remarks. The hon. Gentleman will be able to make his own speech in due course.

Amendment No. 492 would sensibly bring some definition to the term "intellectual property". We are concerned that, without such a definition, there will be endless referrals to the Judicial Committee of the Privy Council. Although that might provide some entertaining sport—and some good fees—for lawyers, it could all be avoided by using the useful definitions in existing legislation such as the Copyright, Designs and Patents Act 1988 and the Trade Marks Act 1994. We hope that the Government will respond sympathetically to our amendments.

Dr. Godman: I shall be brief. I shall respond to some of the comments by the hon. Member for North Essex (Mr. Jenkin) on inward investment and his prediction that Locate in Scotland may be harmed by the establishment of the Scottish Parliament.

I am perfectly relaxed about Locate in Scotland being subjected to fair competition from other nations in the multinational state that we call the United Kingdom. In my view, Locate in Scotland will not be harmed by the Scottish Parliament. Among other things, it is able to persuade investors to come to Scotland on the long history that we have established in inward investment. It is fair to say that Conservative and Labour Administrations can claim credit for bringing some of those companies to Scotland.

IBM employs more than 2,000 people in Spango valley in Greenock. It is one of our biggest local employers. National Semiconductors also employs more than 2,000 people. I have received no expressions of concern from those companies about the effects of the Bill. They operate in Scotland for very good reasons. It has a superb skills base and a history of developments in information technology. The amendments are wholly inappropriate and irrelevant to the Bill and to the way in which Locate in Scotland operates in other countries. The hon. Gentleman does the hard-working officers of Locate in Scotland no good with his sneering comments. They do first-class work in bringing employment to Scotland. If similar English organisations secure similar inward investment, good luck to them.

Our main competitor for inward investment is the Irish Republic. Not long ago, Ireland secured an IBM helpline. I would have preferred that project to come to Greenock, but it went to Dublin, providing 700 jobs, largely for graduates. We are benefiting from 200 extra jobs in that sector created by IBM.

The amendments should be tossed out. Locate in Scotland will continue to secure valuable employment for Scotland. I would like it to secure more research and development centres. It is beginning to achieve that,

[Dr. Godman]

but much more needs to be done. We should ignore the carping comments from the spokesman of one of the Opposition parties.

Mr. Gorrie: I wish to supplement the remarks of my hon. Friend the Member for Tweeddale, Ettrick and Lauderdale (Mr. Moore) on amendment No. 494, which covers the conduct of estate agency business, auctions and mock auctions. On amendment No. 491, my hon. Friend talked about the relationship between estate agents and the legal profession. Many other professions have an impact on the legal profession.

The Scottish Parliament's control over Scottish law and the Scottish legal profession should be extended to cover estate agents. It is reasonable for Scotland to have different regulations for the conduct of estate agency because of the different conveyancing system. I am not saying that the conduct of estate agents in Scotland would be better or worse under the Scottish Parliament, but it might want to do things differently. It is a mistake for the conduct of estate agency business to be a reserve matter.

The Scottish Parliament might also want to take a different attitude to auctions and mock auctions. There is no reason why the Scottish Parliament should not control such issues. No great problems would be caused to other parts of the United Kingdom if there were slightly different rules governing auctions in Scotland. I am sure that the Scottish Parliament would continue to observe any international rules.

On many niggling issues such as those and the matters that we raised earlier on betting and gaming, the Bill will prevent the Scottish Parliament from adopting slightly different regulations, which it might reasonably want to do. In due course, that will annoy people.

The Conservatives may have a point in amendment No. 478. I am sure that, like me, more experienced Members of Parliament have had problems brought to their attention about the placing of telecommunications masts. If Members of the Scottish Parliament are not able to deal with that, there could be irritation. It is amazing that the Conservative spokesman, the hon. Member for North Essex (Mr. Jenkin), does not seem to accept that the feudal system is a major legal issue in Scotland, not just something from the history books.

The Government should pay attention to some of the points that have been made, and strike out some of the unnecessarily prescriptive reservations.

9.30 pm

Mrs. Laing: I shall speak briefly to amendment No. 475. Unusually, I find myself in agreement with the hon. Member for Edinburgh, West (Mr. Gorrie). As a Scots lawyer, I am always anxious to defend Scots law and the Scottish legal system. I credit it with a certain superiority, and I am sure that some Labour Members will agree.

The Scottish conveyancing system is certainly very different from that in the rest of the United Kingdom. Indeed, I allege that it is better—although we are not here to discuss that this evening. Estate agents in Scotland have always been closely aligned professionally with solicitors who practise conveyancing—much more so than in England, where estate agents have developed completely differently. Perhaps the Government have overlooked the fact that some firms are solicitors and estate agents, and successfully practise both parts of the conveyancing profession. That is one of the reasons why I think that the system is better in Scotland.

As matters of Scots law and the conduct of the Scottish legal system are to be dealt with by the new Scottish Parliament, it seems strange not to devolve regulations on estate agents to it. I make that not as a point of principle but as one of practicality. I hope that the Minister will accept it as such.

Mr. McLeish: I shall speak first to Government amendment No. 525. It is simply a technical amendment to correct the title of regulations referred to under sub-paragraph (f) of the second reservation on consumer protection in section 6 of head 3.

On amendment No. 490, I listened with interest to the argument of the hon. Member for Tweeddale, Ettrick and Lauderdale (Mr. Moore) for making an exception for Scottish partnerships under the Partnership Act 1890, but I cannot agree with it. The reservation of business associations is intended to include all business associations, including partnerships in the meaning of the Partnership Act and limited partnerships in the meaning of the Limited Partnerships Act 1907. I am sure that the hon. Gentleman will agree that there should not be competing regimes of business regulation north and south of the border.

Although we believe that the matters should remain within the competence of the UK Parliament, hon. Members should remember that nothing will preclude it from legislating for special rules to apply to Scottish partnerships where it considers that that is appropriate. In view of those comments, I invite the hon. Gentleman not to press the amendment to a vote.

Amendment No. 502 is not acceptable, either. It would add a further exception from the reservation for an undefined category of business trusts in relation to land ownership and land use. There is no justification for the amendment, even in respect of the category of business with which the hon. Member for Perth (Ms Cunningham) appears to be concerned. It is, however, intended that the Scottish Parliament should be able to legislate about the law of trusts as a matter of Scots private law and could, for example, legislate to require any trust owning any property in Scotland to disclose the identity of its trustees and beneficiaries. In view of those comments, I hope that the hon. Lady will withdraw the amendment.

I am grateful to the hon. Member for Tweeddale, Ettrick and Lauderdale for the explanation of amendment No. 491, which seeks to widen the definition of the legal profession for the purposes of the exception that is made to the reservation of competition policy. The legal profession is defined as advocates, solicitors and qualified conveyancers and executory practitioners. That seems to us an appropriate definition; it needs to be clearly limited to those who can be said to be part of that profession and subject to its professional rules and practices.

Our concern is that the Scottish Parliament should be enabled to legislate for those rules and practices, while ensuring that United Kingdom legislation about competition should continue to apply.

Mr. Dalyell: Is the matter I raised about other notaries covered? Is the Law Society happy about it?

Mr. McLeish: I will check that point.

The consumer protection section of schedule 5 states that the regulation of the conduct of estate agency business is a reserve matter. I shall return to that point later in dealing with other amendments in the group.

Section 25 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 has not yet been commenced. However, there is no provision in that section which would involve designating any new group as part of the legal profession. Rather, the provisions would allow non-lawyers to present a scheme for the approval of the Secretary of State and the Lord President of the Court of Session under which they would propose to train and regulate persons to exercise rights to conduct litigation on behalf of the public and rights of audience in the Supreme Court. There are no present plans to commence the provisions.

For the reasons I have given, I believe that there is no need for the amendment, and I would ask the hon. Member for Tweeddale, Ettrick and Lauderdale not to press it to a vote.

We now come to the amendments dealing with intellectual property. Politics is always a learning experience, but I must say that plant breeders' rights is not one of my specialist, starter-for-10 subjects. We were keen that the Scottish Parliament should have general competence over all matters relating to agriculture and food. There was consistency in that approach.

I recognise the point raised by the hon. Member for South–East Cambridgeshire (Mr. Paice) on consolidation enactment in 1997. Clearly, our references were to the 1964 Act. Without in any way conceding the points, I am willing to look at the technical issues arising from the consolidation which clearly have not been looked at.

Mr. Paice: When I quoted the hon. Member for Birmingham, Perry Barr (Mr. Rooker) earlier, I did not realise that he would be joining us in the Chamber this evening. He would agree that the 1997 Act was not just a consolidation, but a complete rewriting of the laws on the protection of plant breeders' rights.

Mr. McLeish: I am content to accept that. Agriculture Ministers are jointly responsible for UK plant breeders' rights. On the basis of my comments, I hope that the hon. Gentleman will not press the amendment. We will respond to him on that and other matters.

Mr. Dalyell: Would it not be better to have a meeting between Scottish Office officials and the plant authorities to hammer out an important subject for my hon. Friend's constituency and mine in relation to seed potatoes and other matters?

Mr. McLeish: I was asked about meetings that may have taken place or correspondence that had been exchanged. The hon. Member for South-East Cambridgeshire confirmed that a letter had gone to the Ministry of Agriculture, Fisheries and Food. I am not sure whether that letter has been seen by my officials or whether any meeting has taken place. I hope my hon. Friend the Member for Linlithgow (Mr. Dalyell) will acknowledge that we will look into that.

I appreciate that the motive of amendments Nos. 492 and 493 is to provide greater clarity, but I do not think that they achieve it. The reservation of intellectual property embraces everything that is covered by the legislation and referred to in amendment No. 492. It also includes all other existing and future analogous rights and matters. That wide formulation would be limited by the amendments, and would result in any future analogous rights—such as that recently introduced for databases—falling outside the reservation. Amendment No. 493 would also devolve matters such as the law of passing off. I hope that my explanation will persuade the hon. and learned Member for Orkney and Shetland (Mr. Wallace) not to press the amendments.

Amendment No. 475 seeks to remove the conduct of estate agency business from the list of reserved consumer protection matters. Amendment No. 494 seeks to go even further by deleting estate agency, auctions and mock auctions. The Government cannot accept either of the amendments. Why should there be different levels of protection for consumers in different parts of the UK? Why burden business with potentially introducing two different regimes of business regulation? In light of these explanations, I ask the right hon. Member for Devizes (Mr. Ancram) not to press the amendments.

I assume that the purpose behind amendment No. 478 is to ensure that the Scottish Parliament will be able to regulate on telecommunications masts from the perspective of planning law. That will be achieved without the amendment because planning law in general will be devolved. Following that brief explanation, I hope the right hon. Member for Devizes will not press this amendment either.

Amendment No. 479 would remove the reservation of the power to designate assisted areas and allow Scottish Ministers to adopt a different regime of assisted areas in Scotland. I do not believe that that would be the right course to adopt for Scotland or the UK.

Assisted areas are those seen in the context of regional policy as deserving of a higher level of aid to promote their economic development. Certain distortions of the single market are allowed where they benefit assisted areas. Because there is market distortion from grants, it is important that designation is handled consistently across all areas. The European Commission has a role in enforcing the common market at Community level. The Commission sets a ceiling for the total population eligible in a given member state, and it expects to see evidence of a proper methodology used by member states to decide which areas qualify for additional help. Separate devolved powers to designate assisted areas could not achieve that. With that explanation, I hope that the amendment will not be pressed.

Although the Bill reserves the designation of assisted areas, that will not detract from the devolved powers which the Scottish Parliament will enjoy over the provision of financial assistance to industry and the promotion of economic development generally.

The Commission has asked all member states to make proposals for assisted areas, to operate from January 2000. The Government therefore intend later this year to conduct a review of the assisted areas map. We will consult interested parties in the late summer about the review. The President of the Board of Trade will designate assisted areas at the conclusion of the review. Scottish Office Ministers and officials will be closely involved throughout the review process.

[Mr. McLeish]

The whole of the UK will be considered during any review of the assisted areas map. Implementation of the results of the review will be given effect under separate statutory provisions for Great Britain and Northern Ireland.

Finally, Ministers are seeking simple and transparent arrangements, based on co-operation and partnership. We hope shortly to be in a position to publish the draft concordat. It will allow Locate in Scotland to maintain its excellent record of securing inward investment for Scotland. It will also give the assurance of value for money for the taxpayer, and fairness to all parts of the UK, while allowing effective negotiations to attract inward investment projects.

We welcome the Trade and Industry Committee's helpful analysis in its report on the co-ordination of inward investment. The Committee endorsed the need for a concordat on financial assistance. Some of my hon. Friends have reinforced the point that Scotland has done exceptionally well at attracting inward investment. There is no doubt that it will continue to do so in the years that lie ahead.

Ms Roseanna Cunningham: I have listened with interest to what the Minister said about trusts in relation to possible land reform. We may come back to that on Report. In the meantime, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Amendment made: No. 525, in page 65, line 43, leave out 'Holidays and' and insert 'Package Holidays and Package'.—*[Mr. McLeish.]*

Mr. Hayes: I beg to move amendment No. 476, in page 66, leave out lines 1 to 3.

The Second Deputy Chairman: With this, it will be convenient to discuss amendment No. 477, in page 66, leave out lines 10 to 13.

Mr. Hayes: The amendments deal with the proposals to devolve responsibility for food safety, labelling and related liabilities. The amendments would reserve to Westminster control over those matters by reversing the exceptions proposed in the Bill. Schedule 5, paragraph 6, reserves to Westminster a range of responsibilities in respect of the sale and supply of goods and services to consumers, and the labelling thereof. A glance at the Bill reveals a whole range of such services. Extraordinarily enough, the exceptions to the reserve powers listed on page 66 include food, agriculture and horticultural products, fish and fish products, seeds, animal feedstuffs, fertilisers and pesticides—

Mr. Alasdair Morgan: The hon. Gentleman and his colleagues have spent the past three hours trying to extend the range of powers given to the Scottish Parliament on the basis, among others, that we should trust the Scottish people and their elected representatives to look after certain matters. Why cannot we be trusted to look after these?

Mr. Hayes: We heard earlier that the Scottish Parliament was not to be trusted with guns or drugs. It is clear that some matters are suitable for devolution to the Scottish Parliament, and that others are suitable for reservation to the UK Parliament—that is implicit in schedule 5. To continue, a range of goods are listed, to be reserved to the UK Parliament. Those excepted are:

"Food, agricultural and horticultural produce, fish and fish products, seeds, animal feeding stuffs, fertilisers and pesticides."

In addition, all materials that come into contact with food in relation to food safety are particularly excepted.

9.45 pm

Mr. Salmond: Will the hon. Gentleman give way?

Mr. Hayes: I shall make a little progress, if I may. This is my first time at the Dispatch Box, so I am slightly suspicious of the intervention from the hon. Gentleman, although I know him to be a man of infinite good will, decency and kindness. I hope that he will bear that in mind when he intervenes later.

Could those exceptions be the result of the prevailing circumstances—the context—in relation to food safety? Food safety has been elevated to the top of the political agenda by a combination of growing public awareness, growing expectations and a series of high profile problems, not least the dreadful E. coli outbreak in Scotland.

There has been little disagreement about the principal problem.

Mr. Swinney: Will the hon. Gentleman give way?

Mr. Hayes: Yes, I will give way.

Mr. Swinney: I am grateful to the hon. Gentleman for choosing me in preference to my hon. Friend the Member for Banff and Buchan (Mr. Salmond). The hon. Gentleman suggests that the Scottish Parliament would have an interest in lower standards of food safety than the rest of the United Kingdom. When I think of the first-class quality produce that comes out of my constituency, whether in the beef sector, the sheep sector, soft fruits, vegetables or other products, I do not understand why the hon. Gentleman suggests that the Scottish Parliament would have any less interest in promoting the finest standards of food quality and safety.

Mr. Hayes: Following that intervention, hon. Members will understand why I did not give way to the previous attempt to intervene. Of course there is variability in food safety across the UK. That is one of the reasons why the Government are trying to introduce a more coherent and consistent UK-wide policy. On the basis of the hon. Gentleman's argument, Northern Ireland, which has a remarkably low incidence of food poisoning and few problems with food safety, would have no regulation at all, or at least less regulation than Scotland and England. The inconsistency to which he alludes is the very problem which the Government and experts have identified.

The need for a more coherent and uniformly applied policy is recognised by professionals and politicians of all parties. The incoherent and inconsistent application of food safety policies is regarded as one of the chief causes of problems. The former Secretary of State for Scotland, then the right hon. Member for Stirling, Michael—now Sir Michael—Forsyth recognised this when he dealt on

15 January 1997 with the interim report from Professor Pennington arising from the E. coli outbreak. The current Secretary of State also recognised the need for consistency and coherence when he dealt with the final recommendations of Professor Pennington and again in a written answer on 11 June.

Much of the evidence that has been presented to the Select Committee on Agriculture, which is currently considering food safety, stresses the need for a consistent UK-wide approach. The desire for greater standardisation lies behind the Government's proposals for a UK-wide Food Standards Agency. I shall not get into a debate about whether that is a good or a bad thing—indeed, you would not let me, Mr. Lord—but one of the arguments in favour of a UK-wide Food Standards Agency has been the need for greater consistency and coherence.

That is true of the White Paper and of what the Minister of Agriculture, Fisheries and Food has said on the subject. On 14 January, he made the position clear. He said:

"The agency's functions will include formulation of policy advice, preparation of draft legislation, negotiation in the European Union and other international bodies, research, surveillance, public information and the monitoring of food law enforcement.

Its remit will extend across the whole food chain"—

and clearly across the whole of the United Kingdom. Interestingly, the Minister went on to say:

"The particular interests of Scotland, Wales and Northern Ireland will be fully covered. The Food Standards Agency will be responsible for advising Government on the United Kingdom policy framework on food standards and safety matters."—[*Official Report*, 14 January 1998; Vol. 304, c. 352-53.]

The Bill, as it stands, would undoubtedly create extraordinary and unacceptable tensions with the Food Standards Agency. It builds into the operations of the Scottish Parliament an enormous inconsistency compared with the rest of the United Kingdom. It is clear that the Bill's proposals contradict Government policy on food safety. It is clear also that the provision is contrary to the Government's rationale for the remainder of the Bill.

The desire for greater standardisation coherence lies behind the Government's policy. The claim of inconsistency does not apply only to the earlier comments on guns and drugs. The Government are quite happy to see issues regarding non-food safety and non-food product labelling reserved to Westminster, and therefore to establish uniformity across the United Kingdom. However, the Government apparently apply different logic to food. Everything from hearing aids to package holidays and all sorts of other products are deemed so important as to be reserved to Westminster, but not food. Powers regarding E. coli, listeria and salmonella are not reserved to Westminster, and thus presumably are deemed less important.

There is another inconsistency, which was referred to earlier in tonight's proceedings. I refer to Scotland's post-devolution relationship with Europe. What will happen if the European Union rules on an aspect of food safety with which the United Kingdom Government agree but the Scottish Parliament does not? The Scottish Parliament can do nothing. Clause 146 of the Maastricht treaty defines legal rights regarding national representation. Hon. Members will recall that, when we discussed this issue last week in respect of Wales, we were told that the House could delegate or send a representative from the Welsh assembly to do our bidding in Europe. However, that would not provide the necessary accountability. That delegate or representative would not be answerable or accountable to the House: we would not be able to question him or her in the normal way.

It would make sense to deal with such matters through Westminster. These amendments will ensure that a common, coherent, standardised policy would apply throughout the United Kingdom.

Mr. Savidge: Does the hon. Gentleman agree that the worst disaster to hit this country in relation to food standards is BSE, and that evidence increasingly points to the fact that Conservative Ministers in the previous Government bear a colossal responsibility for that?

Mr. Hayes: I do not wish to get into an extremely contentious debate about BSE. However, that does not negate my argument about the need for a consistent, coherent and uniform policy. I am pleased to see that the Minister of State, Ministry of Agriculture, Fisheries and Food, is in his place. Some of the Government's comments about BSE have reinforced their desire to ensure, through the better management of food safety policy, that such circumstances do not arise again. Clearly, they believe that the Food Standards Agency will play a role in that.

Common, coherent standards must apply throughout the United Kingdom and they must be argued in Europe on behalf of all our people. That approach is consistent with wide-ranging advice from professionals, with the Government's food safety policy and consistent with the Bill as a whole. That is the approach we must take. I therefore urge hon. Members to support amendments Nos. 476 and 477.

Mr. Dalyell: I know that time is limited. I simply wish to ask what advice the Government have received about this matter from Philip James and his distinguished colleagues at the Research Institute, Aberdeen.

Mr. Paice: I congratulate my hon. Friend the Member for South Holland and The Deepings (Mr. Hayes) on his first appearance at the Dispatch Box—I am sure that he will make countless more—and on the way in which he handled the introduction to these amendments.

The Minister made it clear that the Government are anxious to delegate agriculture to the Scottish Parliament. I respect that, but he will have a great deal of difficulty justifying the proposals to exempt from reservation the issues laid down in the amendment, because the single market operates in the whole of Europe as well as the United Kingdom.

The hon. Member for North Tayside (Mr. Swinney) unkindly suggested that my hon. Friend was suggesting in some way that Scotland would have lower standards, but that is not necessarily so. The fact is that when an issue is devolved, one country or another—the rest of the UK or Scotland—may change the legislation so that one or the other has different legislation. That does not necessarily imply that Scotland would choose the worst situation. Tremendous food products of the highest quality and standard come out of Scotland. I cannot therefore see how it can possibly be acceptable that there is different legislation for Scotland and the rest of the United Kingdom.

[Mr. Paice]

I also draw the Minister's attention to pesticides, which is one of the items listed. Pesticides, as the Minister of State, Ministry of Agriculture, Fisheries and Food, knows perfectly well, are regulated by the Ministry of Agriculture through the pesticides safety directorate. There is an immense system of approvals for pesticides, and to try to replicate that for Scotland would be a huge waste of resources. I hope that the Minister will look at that, as I cannot for the life of me see the gain to Scotland of having control over something that is already highly effectively regulated throughout the United Kingdom.

Mr. Frank Roy (Motherwell and Wishaw): I shall be brief in my remarks on amendments Nos. 476 and 477. The hon. Member for South Holland and The Deepings (Mr. Hayes) mentioned food safety and said that it had been elevated because of the E. coli outbreak. The E. coli outbreak took place in my constituency. In fact, two of my next-door neighbours lost their lives because of it. For that reason, I should like to think that every hon. Member takes this matter seriously.

I remember November 1996 well, and the conflicting advice that consumers were given. They were told, "Don't eat the meat from the fridge, but it's okay to eat the meat from the freezer," and, "You can use this butcher shop, but you can't use that one." That all came about because of people's different opinions. I remember forming my own opinion that never again could we go through such a crisis and hear so many different bodies telling us what to do. It is essential that we have just one body on food safety in Scotland—the Food Standards Agency. Because so many people were telling us different things, even more people lost their lives.

Mr. Hayes: I am following the logic of the hon. Gentleman's argument closely, and it seems that it is not far from my own. He is saying that it is important to have consistency and to have one body. My argument throughout has been that by devolving this to Scotland, the United Kingdom Government will be involved, as will the Scottish Parliament and the Food Standards Agency, in addition to the local authority responsibilities that already exist.

Mr. Roy: I was speaking in the context of Scotland. We had people from all over the country telling us what to do, which is why I deliberately said that we should have only one body. That is why I am speaking against the amendment.

Mr. Gray: I remind the House of Glastonbury, where E. coli occurred because of people rolling in the mud.

Mr. Roy: I reiterate that we are talking about people's lives. This blight came to my constituency, and it can come to any constituency in the country. The only way to stop it is to have one idea on food standards. I ask the Conservatives to withdraw their amendment.

10 pm

Mr. McLeish: I can tell my hon. Friend the Member for Linlithgow (Mr. Dalyell) that Professor James gave detailed support to the White paper proposals. In section 7.1 he alludes to the fact that what is being proposed will reflect the constitutional architecture of the United Kingdom. In a sense, that reinforces the central propositions that I shall be advancing.

The occupants of the Opposition Front Bench can pick and choose the issues on which they want to make political points. Unfortunately, government is rather more serious than that. We have been consistent, and there is coherence. At the same time, it is necessary to apply some common sense to the issues that we are discussing.

Amendments Nos. 476 and 477 would seriously undermine the purpose of the Bill to devolve all matters relating to food safety, plant health and animal health. On that basis, the Government cannot support them. Through the amendments, the Opposition seek to include within the reservations of consumer protection and product standards matters relating to devolved areas of food safety, animal and plant health, fertilisers and pesticides.

It is the Government's intention that the Scottish Parliament should be able to legislate on agriculture, fisheries and food on a field-to-fork basis. Consumer protection, product standard safety and labelling are essential aspects.

Against that background, I cannot support the amendments, and I invite the hon. Member for South Holland and The Deepings (Mr. Hayes) to withdraw them. The Government have a plan for a Food Standards Agency, which will be a United Kingdom body. Food standards and safety will be devolved matters. The Scottish Parliament would therefore inherit responsibility for funding the agency's initiative in Scotland. Appropriate arrangements will be made for it to be accountable to the Parliament and for joint control by Scottish Ministers and the United Kingdom Government.

Mr. Hayes: I see that the Minister of State, Ministry of Agriculture, Fisheries and Food is in his place, and I am sure that discussions will continue on these matters. Given the Minister's response, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Amendment made: No. 332, in page 67, line 8, at end insert—

'SECTION 12A—INDUSTRIAL DEVELOPMENT ADVISORY BOARD

Reservation

The Industrial Development Advisory Board.'—*[Mr. McFall.]*

Mr. McLeish: I beg to move amendment No. 526, in page 67, line 22, leave out 'Regulation of the'.

The Chairman of Ways and Means (Sir Alan Haselhurst): With this, it will be convenient to discuss Government amendments Nos. 527 to 532.

Mr. McLeish: The amendments would make a series of technical changes to head 4, which reserves matters relating to the energy supply industries. Most significantly, they bring into line the sections dealing with electricity, oil, gas and coal with that on nuclear energy, by including in the exceptions from the reservations express references to the subject matter of part I of the Environment Protection Act 1990. This will ensure that

the Scottish Parliament has the competence to legislate on the environmental regulation of energy-producing processes onshore and in coastal waters.

The amendments will delete a redundant reference to regulation at the beginning of the electricity section, and, for the sake of clarity, will split the reference to the liquefaction of natural gas to the conveyance, shipping and supply of gas.

The amendments are necessary for the sake of clarity and to ensure that the reservations do not accidentally catch matters that the White paper stated would be devolved.

Mr. Dalyell: Do the amendments have the approval of Dr. Robin Jeffrey of the Scottish nuclear industry, and have they been thoroughly discussed?

Dr. Godman: You will not be surprised, Sir Alan, to hear that I am returning to the subject of fish in relation to what my hon. Friend the Minister is seeking to do by amending the schedule.

Will my hon. Friend confirm that the treatment of pollution in controlled waters—that is territorial, coastal, inland and ground waters—is not reserved? If it is found by a Scottish Parliament that the United Kingdom-wide pollution measures for the oil and gas offshore industries are seen to be inadequate and that it could introduce measures to deal with pollution in these controlled waters, this will be an important issue for fishermen.

My hon. Friend the Minister may not be able to answer me now, but what would be the Scottish Parliament's role in the dismantling of redundant oil and gas installations and pipeline networks in controlled waters? That important matter should also be addressed.

Mr. McLeish: I shall write to my hon. Friend the Member for Linlithgow (Mr. Dalyell) on his point.

I restate my earlier comments to my hon. Friend the Member for Greenock and Inverclyde (Dr. Godman): the Scottish Parliament will have competence to legislate on the environmental regulation of energy-producing processes onshore and in coastal waters. I think that that is sufficient detail.

Amendment agreed to.

It being six and a half hours after the commencement of proceedings in Committee, THE CHAIRMAN *put forthwith the Questions necessary to be disposed of at that hour, pursuant to the Order [13 January] and the Resolution [this day].*

Amendments made: No. 527, in page 67, line 23, at end insert—

'Exception from reservation

The subject–matter of Part I of the Environmental Protection Act 1990.'.

No. 528, in page 67, line 39, leave out 'and'.

No. 529, in page 67, line 40, after first 'and', insert—

'(h)'.

No. 530, in page 68, line 2, after 'of', insert—

'(a)'.

No. 531, in page 68, line 3, at end insert

'and

( ) Part I of the Environmental Protection Act 1990'.

No. 532, in page 68, line 10, at end insert—

'The subject–matter of—

( ) Part I of the Environmental Protection Act 1990, and

( )'.—*[Mr. McFall.]*

It being after Ten o'clock, THE CHAIRMAN *left the Chair to report progress and ask leave to sit again.*

To report progress and ask leave to sit again.—*[Mr. McFall.]*

Committee report progress; to sit again tomorrow.

DELEGATED LEGISLATION

Mr. Deputy Speaker (Sir Alan Haselhurst): With the agreement of the House, I will put together the four legal aid and advice motions.

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation),

LEGAL AID AND ADVICE (SCOTLAND)

That the draft Criminal Legal Aid (Scotland) (Prescribed Proceedings) Amendment Regulations 1998, which were laid before this House on 4th March, be approved.

That the draft Advice and Assistance (Assistance by Way of Representation) (Scotland) Amendment Regulations 1998, which were laid before this House on 4th March, be approved.

That the draft Advice and Assistance (Financial Conditions) (Scotland) Regulations 1998, which were laid before this House on 4th March, be approved.

That the draft Civil Legal Aid (Financial Conditions) (Scotland) Regulations 1998, which were laid before this House on 4th March, be approved.—*[Mr. McFall.]*

Question agreed to.

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation),

SOCIAL SECURITY

That the draft Social Security Amendment (New Deal) Regulations 1998, which were laid before this House on 9th March, be approved.—*[Mr. McFall.]*

Question agreed to.

EUROPEAN COMMUNITY DOCUMENTS

Mr. Deputy Speaker: With permission, I shall put together the motions relating to European Community documents.

Motion made, and Question put forthwith, pursuant to Standing Order No. 119(9) (European Standing Committees),

AID TO SHIPBUILDING

That this House takes note of European Community Documents Nos. 11165/97, two draft Regulations on aid to shipbuilding, and 11167/97, a Commission Communication: Towards a new shipbuilding policy (as they relate to new rules on Community aids to shipbuilding); and approves the Government's support for the Commission's proposals to end operating aid for shipbuilding and to focus remaining aids on improving the competitiveness of the industry, as providing a good basis for reaching agreement and fully

taking account of the UK's shipbuilding interests, subject to the Government being satisfied that the aid limits and monitoring provisions are sufficiently rigorous.

BANANAS

That this House takes note of European Community Document No. 5357/98, a draft Regulation amending Regulation (EEC) No. 404/93 on the common organisation of the market in bananas and a draft Decision authorising the Commission to negotiate with countries having a substantial interest in the supply of bananas to the EU, and European Community Document No. 6150/98, a draft Regulation establishing a special framework of assistance for traditional ACP suppliers of bananas; and supports the Government's position that these proposals together represent a serious attempt to meet the EU's international obligations under the WTO and the Lome Convention, that revised arrangements must take full account of the interests of those Caribbean countries which have traditionally supplied the UK with bananas and that aid to the Caribbean Commonwealth producers has an important part to play in assisting general adaptation to more competitive market conditions.—*[Mr. McFall.]*

Question agreed to.

Rail Services (London-West Country)

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. McFall.]*

10.6 pm

Mr. Steve Webb (Northavon): I am pleased to have the opportunity to put before the House an issue that is important not only to my constituents, but to millions of people across the west country. Train services between Bristol and London are of most concern to me, as the Member of Parliament for Northavon, but the issues that I shall discuss touch on the concerns of hon. Members from Devon and Cornwall, from south Wales, from Gloucestershire, from Herefordshire and from a range of areas where Great Western runs trains. There was speculation that we could have heard from hon. Members who represent each station along the line had the previous debate collapsed an hour earlier.

I shall not go over old ground. The huge profits that the management of Great Western are set to make when the company is taken over by FirstGroup are a reflection of the poor deal that the British taxpayer gained from the previous Government when the franchises were first awarded; but that is history. My primary concern is to highlight for the Minister the grave dissatisfaction of people in the west at the quality of our rail services and to seek her assurance that the Government will do all they can to ensure that the service is improved in a practicable time scale.

I stress that my purpose is not to criticise the many hard-working people at Great Western rail services. We encounter them on our train journeys. The vast majority work hard, are good natured and often bear with good humour the brunt of the complaints about poor service, which is often not their fault.

I make a further promise: I undertake to refrain from sharing with hon. Members details of each delayed Great Western service that I have been on and the reasons for the delay, on the understanding that other hon. Members will show the same self-restraint.

Rather than rely on anecdotal evidence, I shall give the hard facts of Great Western's performance since it was awarded the franchise in February 1996. The target set for punctuality was 90 per cent. Nine out of 10 trains should either be on time or within 10 minutes of the scheduled time. That was broadly in line with performance in the year before the franchise began. In the first year, Great Western narrowly exceeded that target with a punctuality performance of 90.5 per cent. In the year ended December 1997, 86.7 per cent. of trains ran on time. That was not up to the required standard, and, as a result of that poor performance, season ticket holders received a discount.

The punctuality statistics exclude Sundays, bank holidays and the other days when rail services are poor, which suggests that the standard actually achieved in 1997 was very poor. Since then, performance has got worse. In the most recent four-week period, only 81.7 per cent. of trains were on time. That information was displayed this morning in Bristol Parkway station for all to see. That is the worst performance since the franchise began. In practical terms, it means that a daily commuter from Bristol to London can expect to be late twice a week. That is simply not acceptable.

The poor levels of service are no aberration. Only once in the past 12 months has Great Western achieved its target for punctuality, and that was by only a fraction of 1 per cent. I fear that Great Western passengers can look forward to another discount on their season ticket this year, although I suspect that many of them would forgo that for a decent, reliable service.

How does the poor level of service relate to the current takeover bid for Great Western by FirstGroup? The Director of Passenger Rail Franchising, John O'Brien, has the power to vary the terms of the franchise when a takeover bid is launched. Now is the perfect opportunity to secure for Great Western passengers the improvement in services that they want and which they have every right to expect—but there is good reason to believe that that opportunity has been missed.

According to a helpful written answer from the Under-Secretary of State for the Environment, Transport and the Regions, the hon. Member for Hampstead and Highgate (Ms Jackson), the franchising director was first told informally of Great Western's intention at the end of January. He was formally told on the evening of 3 March that, because of speculation in the press, FirstGroup wanted to announce its planned takeover the next day. The franchising director met FirstGroup on 4 March to discuss the franchises that it was seeking to acquire and the Great Eastern franchise, which it already held. Just two days later, on 6 March, the franchising director announced the deal whereby, in return for promises of service improvements on Great Western and Great Eastern, he would approve the takeover.

That process raises a number of concerns that I should be grateful if the Minister would address. First, the speed with which the franchising director concluded an agreement with FirstGroup was surprising. Just three days from formal notification of its intention to seek a takeover, a complex £75 million deal was agreed. How did that happen? The charitable view is that the franchising director had been working on the bid since January and that when he was formally contacted on 3 March it was only a matter of dotting the i's and crossing the t's. In that case, why did he not consult passengers?

Mr. Matthew Taylor (Truro and St. Austell): This is a crucial point. Apart from the fact that real improvements should be secured—we could all mention the stations that we want upgraded and the services that we want improved—it cannot be right that the regulatory framework that was meant to represent the interests of consumers seems not to have involved proper consumer consultation. Not even the user representative groups were consulted, except when that was a statutory requirement. Certainly our user representative group was not consulted.

Mr. Webb: My hon. Friend is right.

The counter argument may be that the bid was commercially sensitive. If a company is about to launch a takeover bid, there is clearly a limit to the extent to which the franchising director can chat to whoever he fancies to find out what people think. If he knew in January that a bid was to be made, he had time to make informal inquiries, without reference to a specific bid, to find out what passengers thought, but there is little evidence that that happened.

The whole deal seems to have been put together in only three days. I feel that the franchising director must answer some questions in either case. Either he put together a complex £75 million deal in three days—which strikes me as undue haste—or he had been working on the deal since January, in which case there was inadequate consultation.

A second and related issue concerns the detail of the deal agreed by the franchising director. The promises of more rolling stock and improved security are naturally welcome, but I understand that part of the deal involves improved first-class rail facilities at Swindon and Bristol Temple Meads. I have nothing against improved first-class rail facilities, but it is hard to believe that that is one of the priorities of a railway that has been starved of investment. Again, perhaps the haste with which the deal was concluded has meant that the travelling public have not received what they might have expected.

Talking of not receiving what one might have expected, hon. Members—particularly those representing constituencies in the west country—may have received a letter from the chairman of FirstGroup, whom I met recently. The letter, dated 6 March, begins:

"As you may have seen in the press, FirstGroup plc has taken over Great Western Holdings".

That will come as a shock to those who attended the FirstGroup extraordinary general meeting today.

The letter goes on to list the conditions attached to the new bid, which include an order placed for 32 new vehicles. Initially I was terribly impressed by that, understanding a vehicle to mean a train. I have now discovered that a vehicle is a carriage. That means four new trains, which, for the benefit of the uninitiated, is rather less impressive. Extra trains are obviously welcome, but my second point is this: are these precisely the right priorities? We want extra trains, but do we really want the franchising director to press for improved first-class lounges? I have my doubts.

A third key concern, which particularly affects those of us who represent west country constituents, is the scope of the franchising director's negotiations with FirstGroup. Apart from promises of improvements on Great Western, nearly half the £75 million deal relates not to Great Western but to Great Eastern and getting rid of slam-door trains on its routes.

I have nothing against those who use Great Eastern services and would be delighted if they had trains whose doors did not slam, but the only franchises that were up for renegotiation were the Great Western and North Western franchises. Let me make a point of logic. The profit that FirstGroup expects to make from the deal will come exclusively from the pockets of Great Western travellers. It will gain nothing extra from Great Eastern travellers. I feel that Great Western travellers should gain the benefits of the renegotiation of the franchise. Similarly, when the Great Eastern franchise comes up for renegotiation, I shall expect Great Eastern passengers to benefit. Because half the benefit of the scheme went to Great Eastern passengers, passengers in my area have lost out.

Finally, I am concerned about the penalty regime. I am glad that Great Western and its successor will face penalties for lateness and cancellations, but, according to calculations by Save Our Railways, if Great Western cancelled a train it would receive more money in subsidy than it lost in the fine. Perhaps we can infer from that that

[Mr. Webb]

if it ran no trains at all it would make a handsome profit. I do not know whether that is literally true, but it makes me wonder whether the fine regime is as severe as it might be.

I hope that the fears will prove groundless and that the new regime will be better, but I understand that at today's extraordinary general meeting of FirstGroup, one of the shareholders—a high street bank shareholder—voted against the takeover on the ground that there was no confidence in the management that FirstGroup was to put in place. That was a significant vote against the takeover.

If the company's own shareholders have reservations about the managers who will come in, I—as one who represents people in the west country—am anxious about whether the promises will be fulfilled. I hope that the Minister can reassure us that considerable pressure will be put on the company to keep the new promises.

Mr. David Drew (Stroud): The hon. Gentleman makes a good case. I represent a neighbouring constituency and my constituents share the misery. The other ingredient to be thrown into the pot is the relationship with Railtrack. To be fair to Great Western, the delays and problems are not all of its making; many are due to the complexity of the relationship between the train operating companies and Railtrack. I am not sure of the wisdom of the bizarre relationship and the method of paying fines, but does the hon. Gentleman agree that Railtrack must not get away scot free?

Mr. Webb: The hon. Gentleman makes the fair point that the train operating companies must not be viewed in isolation. The House recently had an opportunity to discuss strategic rail issues and it is important to see matters in the round. I am sure that that is the Minister's approach.

People in the west country want a rail service that is quick, efficient and reliable. In recent years, they have been denied such a service. Many are offended by the huge sums that Great Western management is about to receive. Their one consolation was that the takeover might provide an opportunity to secure real improvement for the travelling public. I hope that the Minister can assure me that in this and subsequent takeovers she and the Government will do all they can to ensure that that is the case.

10.20 pm

The Parliamentary Under-Secretary of State for the Environment, Transport and the Regions (Ms Glenda Jackson): I congratulate the hon. Member for Northavon (Mr. Webb) on securing the debate, although I am sure that he wishes—as do I, and the millions of passengers in the west country—that there was no need for a debate on the provision of rail services between London and the west country. I am sure that the hon. Gentleman is not the only hon. Member to have received complaints. He spoke about his bitter personal experience of using the rail services between London and the west country.

The substantial profits that have been made by the directors of Great Western Holdings following the takeover by FirstGroup simply add insult to injury. They are another example of the privatised railways making individuals into millionaires at the expense of passengers and taxpayers. As the hon. Gentleman said, that has happened courtesy of the contracts that were awarded by the previous Government. Regrettably, there is nothing that we can do to stop that, but we can ensure that the passenger gets the maximum possible benefit from takeover deals.

The new objectives, instructions and guidance that we issued to the franchising director last year require him to put the passenger first. Those have allowed the franchising director to negotiate a package of improvements that are worth more than £75 million not only for Great Western passengers—although I acknowledge that they are the hon. Gentleman's primary concern—but for Great Eastern and North West Trains passengers. My right hon. Friend the Deputy Prime Minister has asked the franchising director to ensure a significant passenger dividend in any future takeover of a train operating company.

As part of the package, FirstGroup will provide new rolling stock at a cost of £32 million to be in service by June 2002. Season ticket holders who have borne the brunt of Great Western's performance problems will receive a week's free travel. There will be more bus-rail through ticketing on routes that serve Newport, Bridgend, Port Talbot, Neath, Chippenham, Weston-super-Mare, Trowbridge, Frome and Shepton Mallet.

Since the franchising director announced on 6 March the package of passenger benefits that were provisionally agreed with FirstGroup, he has had further consultations and negotiations. As a result, additional benefits for passengers in the north-west and a new penalty regime in the event of late introduction of the new rolling stock have been secured. The franchising director has confirmed his approval of the change of control. I am sure that all hon. Members and their constituents will welcome the package of improvements. I do not ignore the hon. Gentleman's point that those promises must be kept.

I have no knowledge of the January date to which the hon. Gentleman referred. He raised the issue of consultation with rail users, as did the hon. Member for Truro and St. Austell (Mr. Taylor). By their nature, takeover deals are time limited and market sensitive, and I understand that the franchising director's negotiations on additional passenger benefits were conducted on a commercially confidential basis. An agreed outline package was announced on 6 March. The franchising director then entered into consultation with the passenger transport executives, which are co-signatories to the North West Trains franchise, before ratifying his approval of the change of control.

Mr. Webb: The January date to which I referred was given by the Minister in a written answer to me as the point at which the franchising director was first given informal indication that FirstGroup might be expressing some interest. My point was that, given that he knew what might be coming, he had the chance to make informal inquiries of user groups without breaching commercial sensitivity.

Ms Jackson: I am grateful to the hon. Gentleman. I misunderstood. He meant informal inquiries. I thought that he meant a formal application. However, I understand that this was the first takeover deal requiring consent, so, obviously, the procedures had not been tested before.

The hon. Gentleman raised the issue of whether the franchising director had secured the best possible deal. The director has a statutory value-for-money obligation under the Railways Act 1993. As my right hon. Friend the Deputy Prime Minister made clear when commenting on the change of ownership of Victory Railway Holdings Ltd., owner of the Thames Trains franchise, the Government want passengers to get the maximum benefit from buy-outs or takeovers. Such a passenger dividend has been secured by the franchising director in both the Great Western and Thames Trains cases.

The hon. Gentleman suggested that passenger benefits should not necessarily have been spread over North West Trains and Great Eastern as well as Great Western, but the franchising director has secured benefits to apply across all FirstGroup's franchise interests. That is consistent with the Government's view that there should be maximum benefit for passengers. All taxpayers, regardless of where they live, contribute to the almost £2 billion of subsidy that goes into our railways every year.

The hon. Gentleman detailed the recent reports of poor performance by train operators and falling levels of customer satisfaction. We have always made it clear that we will not accept poor performance by train operators. Poor performers must take immediate steps not only to improve their services to satisfactory levels, but to ensure that those levels are maintained.

Mr. Paul Tyler (North Cornwall): My hon. Friend the Member for Northavon (Mr. Webb) said that we were not to go over recent experiences of train delays, so I will not mention the fact that my train from Cornwall was half an hour late today. May I press on the Minister the point that was made by the hon. Member for Stroud (Mr. Drew)? All the goodies that are now being offered by FirstGroup are way in the future. The problem is that the combination of inadequate rolling stock and inadequate maintenance of that line by Railtrack means that we will have continual delays and continual reduction in the quality of service in the next few years—long before we get the improvements that are being referred to.

Ms Jackson: The hon. Gentleman has somewhat pre-empted my next point. There are undoubtedly difficulties here. Like my hon. Friend the Member for Stroud (Mr. Drew), I argue that Railtrack has a significant part to play. For example, the fleet of high-speed trains that Great Western runs has been regularly depleted by train failures. It was reduced further by the accident at Southall. The company has been plagued by infrastructure failures, operational difficulties, a freight train derailment and even animals on the line.

The state of the track means regular closures of parts of the route for maintenance and improvement. Failed trains have held up other train operator services and contributed to their poor performance. Time and again, connections have been missed, yet taxpayers have paid nearly £60 million over the past year for that so-called service. Passengers have a right to expect something better. The Government intend that they shall get it.

As part of the takeover deal, Great Western will be subject to an incentive payment regime, which will directly penalise it for poor performance. That will be the first time that such a regime has been applied to inter-city services. In future, £1,000 will be levied against Great Western each time a train is cancelled. It will also be fined £250 for every train that is more half an hour late or does not complete its journey. That is a strong incentive to provide the punctual and reliable service that passengers deserve. Although—as my hon. Friend the Member for Stroud said—we are far from satisfied with Great Western's performance, I recognise that Railtrack's infrastructure problems and temporary speed restrictions have hampered its efforts to improve.

Hon. Members will be familiar with the problem of engineering works. Stretches of the route between Bristol and London have been closed to allow work to be carried out, causing passengers to endure long bus journeys or diversions. There are more works to come this summer and next year, affecting passengers travelling to and from western England and Wales. I could wish that it were not so, but it is vital that the work be completed in a timely way.

However, I expect operators to ensure that comprehensive and accurate information on the travel arrangements applying during those works is easily available to passengers, in good time. I look to the franchising director to ensure that that happens. I also expect Railtrack to plan works in a way that minimises disruption to passengers and reduces the need to close the railway.

Mr. Matthew Taylor: The hon. Lady may have heard a murmur from the Liberal Democrat Benches when she mentioned fine levels. Can it possibly be appropriate that a cancelled inter-city train is fined only £1,000, and a long-delayed train only £250? Two MPs not travelling up from the west country will cost Great Western more in lost fares than the fine.

Mr. Drew: Labour Members travel second class.

Mr. Taylor: I think the hon. Gentleman does not have so far to travel.

Ms Jackson: I appreciate the point that the hon. Member for Truro and St. Austell (Mr. Taylor) has made, but, equally, he must be aware that one of the first things that the Deputy Prime Minister instituted when he took office was an examination of the existing powers of the present rail regulators. We are committed to the creation of a strategic rail authority; we are committed to even tighter regulation—and, indeed, reform—of the railways, but we require a legislative slot before such improvements can be made.

I am worried about the growing number of emergency speed restrictions as a result of track condition, and I look to the Health and Safety Executive's railway inspectorate to ensure that standards are maintained, and improved where necessary. I expect train operators to provide journeys that are both fast and reliable. Train operators must plan to deliver the maximum journey times specified in the passenger service requirement. Although train operators are able to increase some journeys by a few minutes to accommodate additional station stops or Railtrack-imposed speed restrictions, they cannot increase journey times significantly merely because they are unable to operate a reliable service.

As far as I am aware, Great Western has not made representations to the franchising director asking him to relax journey times in the passenger service requirement.

[Ms Jackson]

I would expect the franchising director to consider relaxing those requirements only where it is unavoidable, and then only after full consultation with the relevant rail users consultative committees and local authorities.

Mr. David Rendel (Newbury): I am grateful to the hon. Lady for giving way, because she has given way several times. There is a specific problem with GWR, in that it is a feeder line for a number of other railway franchisees. Many people travel from my constituency, Newbury, to Reading on GWR and then need to take a Thames Trains train from there. If a GWR train is late—for the reasons that the hon. Lady has described or for some other reason—people miss their connections. Connections used to wait for the faster train; nowadays they leave without the passengers.

Ms Jackson: I am starting to think that Liberal Democrat Members have already read my speech, because I am just about to come to missed connections. As the hon. Gentleman said, late running means that operators are faced with a difficult choice: whether to keep connecting services waiting for a late-running train or to let them go. Either way, that results in delays for passengers. The problem of missed connections is made worse if operators fail to communicate properly with one other, so that passengers alight from one train in time to see their connecting service leave.

However, it is all very well insisting that, in those circumstances, operators must take decisions in the interests of passengers. I would much prefer that trains ran on time in the first place; if they did so, the issue of missed connections would not arise.

Several routes in the west country suffer from severe overcrowding. Holiday routes in Devon and Cornwall can experience sudden peaks in passenger numbers during the season. Ever more rolling stock is beginning to be ordered. I am pleased that, at long last, rolling stock companies are beginning to see the commercial merit in ordering their own new trains on a speculative basis.

Members of the Transport Sub-Committee and I wish there to be more rolling stock to respond to capacity pressures, wherever they arise. More short-term leasing opportunities between ROSCOs and train operators would make it easier for operators to procure additional staff on short-term contracts to deal with peaks in demand.

The Government have made clear our intention to put railways at the heart of a truly integrated transport system. I welcome the integrated bus and rail schemes that Great Western has introduced. The addition of nine other schemes as part of the proposed takeover deal will make through journeys by bus and train an attractive option for more people in the west country, and will build on Great Western's plans for joint ticketing and information schemes with local bus operators.

We are committed also to encouraging more people to cycle. A cycle-friendly railway will be good for the environment, encouraging people to travel by cycle and train and to leave the car at home. However, for that to happen, train operators must accommodate cyclists on trains and provide secure facilities for cycle storage at stations.

The voluntary code of practice, "Providing for Cyclists", which I launched last year, offers helpful guidance to operators on what they should do to make cyclists' lives easier. I am pleased that some train operators have not quailed at the technical obstacles that make it difficult to carry cycles on trains. Great Western has already equipped its high-speed trains with additional cycle racks, which I know are proving popular. As part of the proposed takeover, FirstGroup has committed itself to investing £50,000 in new cycle facilities on both Great Western Railways and North West Trains. I look forward to other train operators following suit.

Everyone acknowledges that the challenges facing the rail industry cannot be solved overnight. Clearly, in many instances, the passenger and the taxpayer are still not getting the best deal from the privatised railway, but the Government are determined to put that right. Passengers want regulation of the railways that is firm, fair and accountable—a railway with a public service ethos, not driven solely by the profit motive, which is fit for the 21st century.

Our forthcoming White Paper will state our proposals for the railways. I believe that those proposals will be a major step in the right direction and will help to create a climate in which the railways can flourish as part of an integrated transport system, not only in the west country but across the United Kingdom.

Question put and agreed to.

Adjourned accordingly at twenty-four minutes to Eleven o'clock.

House of Commons

Tuesday 31 March 1998

The House met at half-past Two o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

PRIVATE BUSINESS

TAMAR BRIDGE BILL

Order for Third Reading read.—[Queen's consent, on behalf of the Crown, signified.]

Read the Third time, and passed.

LLOYDS TSB BILL *[Lords] (By Order)*

Order for Second Reading read.

To be read a Second time on Monday 20 April at Seven o'clock.

Oral Answers to Questions

ENVIRONMENT, TRANSPORT AND THE REGIONS

The Secretary of State was asked—

Environmentally Sensitive Areas (Dredging)

1. **Mr. Bayley:** What action the Government are taking to reduce the amount of gravel and sand dredged from river beds in environmentally sensitive areas. [35440]

The Minister for the Regions, Regeneration and Planning (Mr. Richard Caborn): The Environment Act 1995 requires all mineral permissions to be reviewed and conditions to be approved by the mineral planning authority. It is for the mineral planning authority—in my hon. Friend's case, North Yorkshire—to determine what new conditions are appropriate in the circumstances of any particular case.

Mr. Bayley: Is my hon. Friend aware of the concern in York and North Yorkshire about mineral planning authorities' inability, because of the high cost of compensation, to revoke permissions given way back in the 1950s to dredge in a way that would these days be regarded as environmentally unsatisfactory? Is the Chancellor of the Exchequer still considering, as he said he was in his May Budget, a review of the fiscal terms applicable to mineral extraction? Will my hon. Friend examine the law in Germany which, with regard to peat extraction, when a planning permission is revoked, limits compensation to the cost of the investment that the landowner has made in the site and does not relate it to the loss of extraction—unlike a revocation of planning permission in this country?

Mr. Caborn: It is true that my right hon. Friend the Chancellor is reviewing aggregate taxes, as he made clear in his statement on the Budget. In addition, North Yorkshire still has under review the appraisal of the mineral extraction in the case to which my hon. Friend refers.

Mr. Ian Bruce: I am sure that the Minister realises the importance of the question asked by the hon. Member for City of York (Mr. Bayley), especially in relation to the fiscal regime. If the Chancellor decides to tax digging aggregates out of holes, that will surely put greater pressure on river bed and sea bed extraction and make it cheaper to import aggregates. Will the Minister please make vigorous representations to the Chancellor to examine carefully what could be a disastrous policy for the United Kingdom aggregates industry?

Mr. Caborn: As I said, further research is being undertaken into mineral taxes. I have no doubt that the point made by the hon. Gentleman will be factored into my right hon. Friend the Chancellor's thinking before he makes a decision.

Government of London

2. **Mrs. Gordon:** When he expects to publish a White Paper on the future government of London. [35441]

The Secretary of State for the Environment, Transport and the Regions (Mr. John Prescott): I announced last week the publication of a White Paper, "A Mayor and Assembly for London", which sets out our proposals for a new Greater London authority made up of an elected mayor and a separately elected assembly.

Mrs. Gordon: I thank my right hon. Friend for that reply. I was quite impressed that, no sooner had I tabled my question, the White Paper was published. That highlights the speed and determination with which the Government are bringing democracy back to the governance of London. Does not my right hon. Friend consider it fitting that we should be discussing the matter today, the 12th anniversary of the abolition of the Greater London council when the previous Tory Government handed over vital London services to unelected quangos? How do the Government intend to encourage the people of London to vote on 7 May, when I am sure there will be a resounding yes vote?

Mr. Prescott: The House will have noticed that, although my hon. Friend is a new Member, she has considerable influence on the Department's production of White Papers. She gives me the opportunity to recognise the anniversary of the abolition of the GLC and compare the Government's approach to the voice of London with that of the previous Administration, who abolished the GLC without any consultation. It is vital that as many people as possible vote on 7 May. We must all do our part, even if I have to stand in front of a goalpost.

Mr. Burstow: As the White Paper acknowledges that Londoners want a new non-confrontational style of

politics in London, and as the Government have been persuaded of the case for proportional representation in electing the assembly, are they equally open-minded on the policy of extending non-confrontational politics to the rest of local government by introducing fair votes for elections to town and county halls?

Mr. Prescott: I do not know whether I am the best person to advocate a non-confrontational approach to politics—each to his own—but we have made a judgment that the supplementary vote and the additional member system are appropriate and will encourage more Londoners to vote on 7 May and elect the mayor and assembly for which they are waiting.

Mr. Ottaway: Is the Deputy Prime Minister aware that when the Greater London Authority (Referendum) Bill was considered on Report, the Minister for London and Construction gave an undertaking that full information about the Government's proposals would be available before Londoners voted in the referendum? Does he agree that all sources of revenue to the Greater London authority are of paramount interest to voters? Is he aware that the White Paper leaves open whether a so-called congestion tax and a parking levy would be a source of revenue for the new authority? We know that the Liberal Democrats want it, but will he come clean before the referendum and honour the Minister's pledge? Will there be a tax on motorists—yes or no?

Mr. Prescott: I made it absolutely clear last week that matters of congestion and parking levies are being considered. The hon. Gentleman will have his answer when the White Paper is published.

Local Government Finance

3. **Sir Geoffrey Johnson Smith:** When he last met representatives of the Local Government Association to discuss the distribution of local government finance in 1998–99. [35442]

The Minister for Local Government and Housing (Ms Hilary Armstrong): The Local Government Association had the opportunity to discuss the distribution of the 1998-99 settlement at our meeting on Wednesday 14 January.

Sir Geoffrey Johnson Smith: The hon. Lady will be aware that the recent distribution of grant to local authorities has resulted in discrimination against shire counties. Looking to the future, will the Government bear it in mind that notwithstanding the apparent high level of the area cost adjustment for London and the south-east, if we detach the south-east and look only at the shire counties, it is clear that they receive far less than other counties and well below the national average—£792 per head compared with £869?

Ms Armstrong: Several questions on the amounts given to shire authorities have been tabled. I assure the right hon. Gentleman that there was no discrimination; we have moved to a fairer settlement this year. He knows that no changes were made to the area cost adjustment under the Conservatives. It is under consideration this year. We have commissioned additional research on the specific cost element of the area cost adjustment.

Dr. Kumar: Is my hon. Friend aware that there was an £8 million shortfall this year in the cash allocated for the business rate in Redcar and Cleveland? After yesterday's announcements, will she ensure that my constituents do not lose out next time on the business rate?

Ms Armstrong: The Government published further consultation papers yesterday on the reform of local government. On the business tax, we aim to balance the need for redistribution and stability with local authorities' ability to develop strong relationships with business. The ability to vary the national business rate at local level will meet those objectives. We look forward to the responses of all interested parties.

Mr. Gummer: Does the hon. Lady accept that, this year, council tax rises have been significantly greater in shire areas than elsewhere? That suggests that the distribution of the money has been unhappy for country areas. Will she look closely at why council taxes have risen more steeply in many rural areas? If it turns out that those areas have received less than they should have done, will she undertake to come forward with new proposals for next year?

Ms Armstrong: It is not for me to reconsider the settlement once the House has agreed it. We regularly examine the distribution to ensure that it is as fair as possible. I have examined the Conservative allegations, which the right hon. Gentleman has repeated. There is an element that he has forgotten—metropolitan areas are facing elections this year; shire counties are not.

Mr. Pike: However we juggle around with the figures to make them fairer—which we clearly have done—if there is a financial ceiling, we are bound to please some authorities and upset others. Should not we reconsider how much of the burden should be borne by council tax payers? We need a larger allocation from the Government to meet local government expenditure.

Ms Armstrong: The issue is the balance between central and local funding. After the debacle of the poll tax, too much was taken to the centre. Central Government controlled not just how much money local authorities received, but what they spent it on. That has led to an unhealthy relationship between central and local government. We want a better balance, ensuring that areas of need have their needs properly addressed and that there is a fair distribution of Government grant.

Sir Norman Fowler: In spite of the Government's changes to the distribution of grant, which have undoubtedly favoured Labour councils, do not the latest figures show that of the 25 councils with the highest band D council tax, 23 are under Labour control, one is Liberal Democrat and the other is a Labour-Liberal Democrat coalition? Why does the Minister think Labour councils tax more? She has mentioned the elections. Should not the public take that fact into account when they vote?

Ms Armstrong: The right hon. Gentleman knows that we never believed that band D properly reflected what

was happening, and for this reason: the majority of properties in the majority of Labour authorities fall into bands A and B. The amount charged at band D therefore has to be higher because authorities have to raise the necessary amount from bands A and B. Indeed, from averages that we published last week, Labour councils charge an average of £590 and Tory councils an average of £626. I invite the electorate to take that into account.

Mr. Skinner: Before anybody runs away with the idea that marginal changes to revenue support grant distribution this financial year disbenefited the few shires still under Tory control, should we not remember that the lowest grant made to any shire county was that to Derbyshire, which has nine Labour Members? I therefore hope that my hon. Friend and others on the Treasury Bench will look at the matter very carefully with a view to ensuring that Derbyshire is not badly affected in this outcome and the one next year.

Ms Armstrong: Representations are being made to the Government about Derbyshire, and it would therefore not be proper for me to comment on the matter today. I assure my hon. Friend, however, that the Government are determined to see a fair distribution of Government grant throughout local government.

4. **Mr. Flight:** What assessment he has made of the impact of the local authority funding formula for 1998–99 on the provision of services by shire authorities. [35443]

Ms Armstrong: The impact of any change in the formula will depend on local authorities' decisions on the size and allocation of their budgets. Shire counties have gained significantly as a result of the additional £835 million that we have provided for schools this year. For the first time in four years, we have provided an increase for the services delivered by shire districts.

Mr. Flight: Taking West Sussex as a good example of a shire county, we see that spending on social services has been cut in real terms. Spending on other services, other than the Government's allocation to education, has stayed approximately equal. When allocations were made, did the Government consider how shire spending would work out? Why are allocations biased against shire counties? West Sussex has had quite enough attacks on extra housing, let alone on social services spending.

Ms Armstrong: I dispute that there was discrimination against shire counties. When dealing with a pot of money, one must distribute it fairly and properly, matching decisions with where need is and how money should follow need. We took particular decisions on standard spending assessments this year, which were calculated to deliver fairness. We recognised the particular need of shire districts and gave them an increase for the first time in four years. Due to particular pressure on education, we ensured that shire counties, along with other local education authorities, received a fair and additional allocation.

Mr. Watts: Does my hon. Friend agree that if we want to assess whether the grant system is fair we need to take account of the settlements of the previous 18 years, which were fiddled by the previous Government to such an extent that Westminster receives a better grant than Liverpool? Does she agree that she is trying to restore some of the fairness in the system after 18 years of the previous Administration's fiddling?

Ms Armstrong: We said before the election and in the manifesto that we wanted a fairer system of grant allocation. We have told the House about the manner in which we have changed the calculation of the indexes for examining economic and social need. That was done according to a formula agreed with the Local Government Association as a whole and with all its parts. That fairer allocation was worked out against a set of indicators that everybody agreed should exist. That was the main change. It meant that some authorities did better than others. Certainly there was a real change in the way need was assessed. We believe that the previous Administration did not address need in anything other than a partisan way.

Mr. Yeo: Will the Minister confirm to the House what has become clear during the past 10 minutes—first, that the Government have fiddled the formula so that Labour councils, however incompetent, extravagant, or corrupt, receive more money than before and, secondly, that council tax payers, whether their homes are in band A, B, C, D, E, F or G, pay more if they live under a Labour council than if they live under a Conservative council?

Ms Armstrong: Addressing fairness is not fiddling.

Landfill

5. **Helen Jackson:** What assessment he has made of the impact of landfill proposals announced in the Budget on his environmental objectives. [35444]

The Minister for the Environment (Mr. Michael Meacher): The recent review of the landfill tax indicated that it is already having some impact on behaviour but that the rate needs to be higher to ensure a significant increase in waste recycling, recovery, and minimisation. I therefore welcome the Chancellor's decision to increase the standard rate of the tax.

Helen Jackson: Does my right hon. Friend agree that the whole point of a tax on landfill should be not so much fiscal as environmental? There is some concern that the tax is falling heavily on local authorities, as the major waste disposal agents. What is he doing to ensure that the revenues generated from the tax are planned in a co-ordinated way, so as to bring genuine benefit to environmental projects that create jobs in the regions? When is he likely to undertake an overall review of landfill practice to ensure that it is meeting our environmental objectives?

Mr. Meacher: I agree that the purpose of the tax is primarily environmental rather than revenue raising. The environmental bodies scheme achieves that purpose to a degree, and about £68 million has been passed to enrolled environmental schemes under ENTRUST for use in environmentally sensitive projects, especially recycling. Customs and Excise is undertaking a review of the scheme and the Government want more of the money to go towards helping local authorities to increase recycling facilities.

Mrs. Ann Winterton: Does the right hon. Gentleman recall meeting representatives of British Salt,

from Middlewich in my constituency, and of ICI, who came to lobby him about their case concerning the payment of landfill tax? Does he agree that the pumping of brine, the extraction of salt and the returning of the material to underground cavities has no adverse environmental impact whatever? Will he ensure that in future those who carry out such activities will not have to pay the tax?

Mr. Meacher: The hon. Lady came with a delegation to see me about the matter. It is a difficult issue because we must be exactly sure of the definition of environmental impact, which is disputed between the Environment Agency and the businesses concerned. I am anxious that there should be a fair conclusion to that long-standing dispute and I undertake to write to the hon. Lady.

Mr. David Taylor: I welcome the Minister's answer on landfill tax. The twin and equally ugly sister of landfill is opencast. Does he agree that that should be brought within the scope of environmental taxes so that the real costs incurred by nearby communities are brought into the public domain?

Mr. Meacher: I strongly agree with my hon. Friend that major environmental impacts are caused by opencast, which is being examined under the energy review.

Regional Development Agencies

6. **Mr. Ruffley:** What representations he has received on the accountability of RDAs. [35446]

Mr. Caborn: We have received a number of representations about the accountability of RDAs. They will be non-departmental public bodies. As such, they will be accountable to Ministers, but they will also be required to consult the designated regional chamber and account for their activities to that chamber.

Mr. Ruffley: Is the Minister aware of the genuine concern felt by many rural interest organisations throughout the country that rural interests are not properly protected by the Regional Development Agencies Bill? Will he address that concern by ensuring that the RDAs produce an annual report, showing the effects of their activities on rural interests in their region? Will he further ensure that that report is laid before and debated by Parliament?

Mr. Caborn: I have no doubt that the hon. Gentleman will make some of those points during tomorrow's debates on the remaining stages of the Bill. Rural areas will be represented on the boards. The RDAs' annual reports will contain an element dealing with rural areas, and those reports will be deposited in the Library.

Mr. Dawson: Does my hon. Friend agree that it is essential that organisations from rural areas are fully engaged in the RDAs? Does he further agree that Lancaster—being at the centre of the north-west region, which stretches from Cheshire to the Scottish border—is ideally placed to represent those rural interests in a north-west regional development agency?

Mr. Caborn: As I have just said, rural areas will be represented on the boards. I assure my hon. Friend that the Government will approach the problems of rural areas more effectively than has previously been the case. We will ensure that issues such as deprivation and underemployment in rural areas are addressed positively.

Local Government Conduct

7. **Mr. Pickles:** When he next plans to meet representatives of local government in shire areas to discuss the conduct of local government. [35447]

Ms Armstrong: Earlier this month, my right hon. Friend the Deputy Prime Minister chaired a meeting of the central-local partnership, the forum where senior Ministers and leading Local Government Association members discuss major issues affecting local government. Two further meetings of the partnership are planned for later this year.

Mr. Pickles: Those who attended that meeting were left with the impression that the Government favour the Local Government (Experimental Arrangements) Bill, which was introduced in another place and proposes a fundamental change to the way in which local authorities are conducted. The Bill is so important that it will receive its Second Reading in this Chamber, but the only way in which it can proceed is if the Government provide additional time. County councillors have formed the impression that the Government are favourable to that view. When can we expect an announcement?

Ms Armstrong: The hon. Gentleman clearly has not had a chance to read last week's Adjournment debate, when this matter was discussed. We are always keen to support proposals from local government to ensure that it is more responsive to local people. I understand that the hon. Gentleman's county council is interested in proposing ideas for experimentation. The Bill addresses experimentation in local government; it is not the Government saying, "This is what you ought to do." We need to be sure that local government has the opportunity to experiment. That is in the hands of the House, including Opposition Members.

Mr. Bill O'Brien: I thank my hon. Friend for her efforts to try to improve the conduct of local government. In the experiments to which she referred, her attention will be drawn to the need to bring the standard spending assessment nearer the actual expenditure of local government. Will she try to narrow the gap between the SSA and expenditure to help the conduct of local government?

Ms Armstrong: Yesterday, we published three consultation papers governing local authority finance in which we addressed the future of grant distribution and the SSA, and offered ideas. We are also encouraging ideas from local government.

It is important that central Government listen to and work with local government. I look forward to the responses to yesterday's document.

Sir Norman Fowler: Let me returning to the point raised by my hon. Friend the Member for Brentwood and Ongar (Mr. Pickles). Is it not a fact that the Local Government (Experimental Arrangements) Bill is a

controversial measure drafted entirely by the Government but introduced in another place by a private Member? Is it not also a fact that the Government want it to go on to the statute book without a Second Reading debate in this place on its principle? Surely that is unacceptable. Is it not another example of the Government attempting to bypass the House and the normal checks of parliamentary democracy?

Ms Armstrong: I seem to remember that the previous Administration pursued the same route with a Bill to open up committees in local government. I am not in charge of, nor can I control, the amount of time that Opposition Members want to take debating Bills on Second Reading. If Opposition Members were prepared to curtail discussion on other Bills, we would welcome a Second Reading debate in private Members' time. We are talking about a private Member's Bill, not a Government Bill. When the Government have to take forward such measures, we shall ensure that they receive proper attention in Government time.

Rail Rolling Stock Market

26. **Jane Griffiths:** If he will make a statement on the operation of the rail rolling stock market. [35470]

Mr. Prescott: On 21 January I asked the Rail Regulator to conduct a wide-ranging inquiry into the operation of the rolling stock leasing market and report his findings to me by mid-April. We will decide whether further action is required in the light of the regulator's recommendations.

Jane Griffiths: Is my right hon. Friend aware that the National Audit Office has reported that the value of the rail rolling stock companies' cash flow was £2.9 billion, but that, because the sale was rushed through by the Tories on the basis of inadequate valuations, the nation's trains—our trains—were sold off for only £1.8 billion? Does my right hon. Friend agree that the privatisation of the rail rolling stock companies was the Tories' great train robbery?

Mr. Prescott: There is absolutely no doubt, especially after the National Audit Office's report, that there was a scandalous sale of the leasing companies and much of the privatised railways: it was identified that assets had been undersold and that a massive profit had been made. The Department will appear before the audit committee, and I hope that the Rail Regulator will make some recommendations in respect of the changes that need to be made.

Rail Freight

27. **Mr. Connarty:** What steps he proposes to encourage freight on to the railways. [35471]

The Minister of Transport (Dr. Gavin Strang): Our proposals to create a new rail authority will help to ensure that freight interests are properly considered in the strategic planning of Britain's railway network. We will continue to improve the operation of the freight grants scheme, building on the success of last year. Our White Paper on integrated transport will include other proposals for encouraging rail freight.

Mr. Connarty: I thank my right hon. Friend for that reply. I am sure that he agrees with me that it is necessary to put more freight on to rail so that we can reduce the pollution and congestion on our roads. I am sure also that he welcomes the decision by English, Welsh and Scottish Railways to put a new rail head into Grangemouth, the largest port in Scotland, which will help with the task of reducing pollution and congestion on our roads. Will my right hon. Friend give us some specific information about the grants that he is making available and what he has done to untangle the red tape that the previous Government put in the way of those who wished to use the grants for rail freight?

Dr. Strang: We certainly welcome the investment by EWS and other rail freight companies and we want to see the maximum progress made. We have simplified the grants arrangement and eliminated all the red tape. Whereas the money available for rail freight grants in the previous financial year was £15 million, we have increased it to £30 million in the current year, virtually all of which will be spent. Next year we are allocating £40 million for rail freight grants. On freight, the Government are putting their money where their mouth is.

Sir Norman Fowler: Is it not a fact that EWS Railways has, without subsidy, increased the amount of freight that it carries by introducing new services, and is to invest from its own resources some £650 million on 280 new locomotives and up to 5,000 new wagons? Is that not a significant success in transferring freight from road to rail? Is it not also a significant success for the policy of rail privatisation?

Dr. Strang: The right hon. Gentleman should check his facts. The idea that EWS Railways receives no subsidy for rail freight totally ignores the concession in relation to the channel tunnel; it totally ignores the money that EWS got from the taxpayer to take over the state assets; and it totally fails to take into account the fact that the Government are putting £1.8 billion into the railway network this year.

Mr. Snape: Does my right hon. Friend accept that the main competitor—*[Interruption.]* I will continue when the bickering stops. Does my right hon. Friend accept that the main competitor to long-distance rail freight is the heavy goods vehicle? If we are talking about subsidy, is it not a fact that, all over the country, bridges are being strengthened to take 44-tonne vehicles in accordance with the wishes of the European Community—

Dr. Strang *rose—*

Mr. Snape: I have not finished yet; my right hon. Friend must forgive me. Would it not be sensible to maintain the Government's restrictions on the use of 44-tonne vehicles to ensure that as much long-distance freight as possible goes by rail?

Dr. Strang: My hon. Friend raises an important point. Under European law, we will be required to accept 40-tonne, five-axle lorries on our roads from 1 January 1999. We have to take a decision—it certainly makes sense to do so—on whether we will allow 44-tonne lorries with six axles, which means less impact on the roads in future. We will have to take a decision on that in the next few months.

Transport Requirements (Rural Areas)

28. **Mr. Flight:** What assessment he has made of the role of the private car in meeting the transport requirements of people in rural areas. [35472]

Dr. Strang: The Government are aware that people in rural areas have to rely more on the private car for access to jobs and services than do people in towns or cities. The Chancellor has announced an additional £50 million a year to improve the public transport alternative in rural areas.

Mr. Flight: Given that the Government acknowledge that the car is a necessity for those living in the countryside, do they wish to insult people with their offer of £50 million, which amounts to virtually nothing per citizen? Why has policy yet again been aimed against the interests of those living in the countryside?

Dr. Strang: The hon. Gentleman had better think again. If he thinks that £50 million a year is not a significant benefit to rural bus services, he should look at the current level of subsidy. He is right that, for many people, the private motor car is indispensable. That is why he should welcome the fact that the Chancellor has announced a new vehicle excise duty rate of £100 for the least polluting, most efficient vehicles.

Mr. Hanson: Is my right hon. Friend aware that a private car is of assistance only to those who have one, and that many of my constituents in rural areas do not have access to private vehicles? Will he comment on the fact that, in Wales alone, 33 million bus journeys a year were lost through deregulation? That £50 million would certainly begin to rebuild bus services and give many of my constituents real access to real services in towns outside the rural areas.

Dr. Strang: My hon. Friend makes an important point. No less than a fifth of households in rural areas have no access to a motor car. That is why we have not only put another £50 million into rural transport but, by increasing the fuel duty rebate for buses to ensure that they are not subject to the higher duty on fuel, we have given them the benefit of £40 million. Moreover, we are looking at how we can more effectively regulate buses.

Mr. Matthew Taylor: Although the Government have put £50 million into rural areas, did not the previous Conservative Government's introduction of the fuel price tax escalator take £4.5 billion from motorists, and will not the changes now introduced by the Labour Government take £9 billion from motorists during the lifetime of the Parliament? Would that not be more than enough to reduce vehicle excise duty for all motorists driving small vehicles up to 1600 cc, not to £100 but to just £10? Would that not help rural motorists to stay on the road while encouraging them to use less polluting vehicles?

Dr. Strang: But £100 for the cleanest vehicles is a good start. If the hon. Gentleman takes the trouble to talk to private bus operators in his constituency, he will find that, when they take into account the £50 million and the fact that the increase in the fuel duty rebate is worth £40 million, they will tell him, as they are telling me, that this is the best Budget that the bus industry has ever had.

Mrs. McGuire: Unlike the Conservative party, I welcome the investment in rural transport announced by the Chancellor. Does my right hon. Friend agree, however, that, in parallel with urban transport management, it is essential that we have rural transport management to encourage people out of their cars and on to public transport, resulting in greater integration? Will my right hon. Friend assure the House that, in planning rural transport, the Government will consider the integration of services, which will meet the needs of education, work and leisure in rural communities in Britain?

Dr. Strang: My hon. Friend makes a number of important points. Of course, some families in rural areas have no alternative to the motor car because there is no bus service anywhere near them. But, as has already been pointed out, many households in rural areas do not have access to a car, and that is why public transport is so important to them, and why my hon. Friend will be looking forward to the new White Paper which will announce further initiatives in that area.

Mr. Chope: The Government pay lip service to rural public transport but, in reality, they are raising £1.7 billion extra in taxes next year from motorists; investing less than 10 per cent. of that in public transport and less than 1 per cent. of it in rural public transport; and the sum of £50 million is even less than the £60 million which is being raised by the new secret £25 tax on every new car that is registered. Are not the Government totally out of touch with the realities of rural life where, for most people, the car is a necessity rather than a luxury?

Dr. Strang: The Conservative party's green manifesto of 1997 states:

> "We need to consider new ways to break the link between desirable economic growth and undesirable traffic growth. We will continue to encourage the manufacture of more fuel efficient vehicles through annual increases in fuel duty."

That was entitled "Leadership Abroad, Responsibility at Home". I do not see much sign of that now from the Conservative party.

Mr. Reed: Does my right hon. Friend agree that quality bus initiatives—joint partnerships between private bus companies and local authorities—will benefit from the £50 million, and that that £50 million could be translated throughout the country into a series of schemes that will benefit a vast number of people throughout rural areas? Does he further agree—I am sure that he has already done so this afternoon—that, in reality, many people in rural villages, particularly in my constituency of Loughborough, do not have access to their car during the day once it has been parked in the town centre? An integrated transport system will ensure that such cars stay at home and that buses go to some of those rural villages that have been so badly damaged during the past 18 years.

Dr. Strang: My hon. Friend is absolutely right. Of that £50 million, £45 million will go to the bus industry, but £5 million will be available for community transport and for other types of transport in rural areas. Some Labour Members, including my hon. Friend, are considering innovative methods of rural transport in their constituencies.

Traffic Congestion (A380)

29. **Mr. Sanders:** What proposals he has to reduce traffic congestion on the A380 between Newton Abbot and Torbay. [35473]

Dr. Strang: The A380 is a local road for which Devon county council is the highway authority. It therefore falls to the council to develop and implement any measures to reduce traffic congestion on the route.

Mr. Sanders: That was not a particularly helpful answer, given the traffic congestion on that route. At the moment, we are waiting for approval of a private finance initiative scheme to build a bypass, but it looks as though it will not be forthcoming. What specific advice would the Minister give the responsible authority to reduce traffic congestion now and in the future?

Dr. Strang: As part of our roads review, we are developing a new appraisal framework to enable us to prioritise road schemes. Although it will be applied to the trunk road programme, it will be available for application to local authority schemes, particularly public-private partnership schemes, which is how the hon. Gentleman's county council has decided to go ahead with that scheme. He may be aware that the county council will require at least another two years' work before it is in a position to sign a contract for such a scheme, so there is no question of the Government delaying the scheme.

Heavy Goods Vehicle Operators

30. **Caroline Flint:** What measures he proposes against illegal heavy goods vehicle operators. [35474]

Dr. Strang: In my recent speech to the annual conference of the Freight Transport Association, I announced consultation on proposals for the detention of illegally operated heavy goods vehicles. We are determined to take tough action against cowboy operators who undermine the great law-abiding majority of road hauliers.

Caroline Flint: Is my right hon. Friend aware that the former Transport Minister, Steve Norris, who I understand is now chief trucker for the Road Haulage Association, agreed when he was a Transport Minister with the measures now being taken by my right hon. Friend, even though he did not receive backing from the Government of the day? Is not that another case of the previous Government parking good ideas in the layby while the new Labour Government move us into the fast lane? My right hon. Friend has my assurance that the many law-abiding road hauliers in my constituency will raise their Yorkie bars in salute to his action.

Dr. Strang: My hon. Friend is absolutely right. This is another example of a policy which this Government are implementing but which past Ministers make excuses for not implementing during the 18 years of Conservative rule because they were not allowed to. I welcome the support of the Road Haulage Association and the Freight Transport Association for those proposals.

Mr. Boswell: Although I do not condone cowboy operators, will the Minister bear in mind two specific points? First, he must ensure at least reasonable equality of treatment on overloading as between the various magistrates courts across the country, to encourage them towards consistency of treatment. Secondly, as the Minister is contemplating higher lorry weights with more axles, will he remember the importance of ensuring that those weights are evenly distributed and that any axles are adequately compensated?

Dr. Strang: That is a fair point. I am glad that the hon. Gentleman does not condone cowboy operations. He must understand that it is not just a question of fairness to law-abiding operators, but that cowboy operators tend to be those who are involved in accidents, who are a threat on the roads to the vast majority of people who try to travel about safely, and who offend in relation to our environmental objectives. I therefore hope that I have the whole House's support in clamping down on cowboy operators.

Private Motoring

31. **Mr. Brady:** If he will make a statement on the costs of private motoring. [35475]

The Minister for Transport in London (Ms Glenda Jackson): Information on retail prices is released by the Office for National Statistics. Over the period 1974 to 1997, motoring costs have stayed about the same in real terms. In the year ending December 1997, the cost of private motoring increased by slightly less than the all-items retail prices index.

Mr. Brady: Is the Minister aware that the Chancellor's Budget changes in motoring taxation will impact particularly hard on the low-paid and those on fixed incomes? Is she further aware that a typical unskilled manual worker will pay £66 more a year, and that a retired couple on state pensions will pay another £18 a year? Does she share my concern that the tax will hit those who are least able to pay?

Ms Jackson: I wonder at the hon. Gentleman's somewhat late concern for those who are unable to pay. He may be interested to know that in the last decade of the previous Administration, the cost of motoring in real terms increased by about 5 per cent., compared with increases of about 21 per cent. for rail fares and 16 per cent. for bus and coach fares. There is no distance between those figures and the fact that at that time the previous Administration were forcing through legislation on two particularly unpopular privatisations—those of the buses and of the railways.

Mrs. Anne Campbell: Will my hon. Friend join me in advising hon. Members that, from tomorrow, they will be able to avoid the costs of private motoring by getting on their bikes and claiming the 6.2p a mile cycle allowance?

Ms Jackson: I congratulate my hon. Friend on her work in producing this marked change in funding for transport as it applies to hon. Members, which is a giant step forward in improving the environment for everyone.

Mr. Nicholas Winterton: The new Labour Government are supposedly promoting fairness. I wish to

speak for my constituents in the county of Cheshire. My constituency contains a lot of rural areas and remote rural villages. Does she believe it fair that my council tax payers should not only meet a council tax increase of nearly 16 per cent., but face such a huge increase in motoring costs—especially the heavy increase in the price of petrol—when they live in areas where there never has been any public transport, and never will be, despite the limited inducements provided by the Government in the Budget? Is that an example of Labour Government fairness?

Ms Jackson: The Government do not share the hon. Gentleman's philosophy of despair. As my right hon. Friend the Minister of Transport has pointed out, the Chancellor has found £50 million, every year for three years, which will be specifically targeted to create rural bus services. He has also increased the fuel duty rebate to the tune of £40 million. We are as much concerned with reducing and reversing the seemingly inevitable tide of environmental pollution as we are with creating a properly integrated public transport system.

Mr. Maclennan: Does the Minister recognise that in parts of the country where there are no public transport arrangements and bus services to be assisted by the £50 million—remote, rural, sparsely populated areas such as the highlands and islands of Scotland—the price of petrol is rising at a substantially higher rate than in other parts of the country? Will she undertake to examine with other Ministers what is being done in other parts of the European Union to deal with such inequity? Will she consider lowering value added tax on petrol in such areas to increase the possibility of people being removed from their communities by their own cars, and not by the impossibility of living there?

Ms Jackson: Ministers have already pointed out that the Chancellor made his Budget changes because he was cognisant of the fact that people in many rural areas depend exclusively on private cars because of the failures of the previous Administration. The right hon. Gentleman pointed out the particular difficulties in his area. I have touched on the amounts of money that the Chancellor found for the creation of public transport systems in remote areas, and we have also touched on reduced vehicle excise duty for environmentally friendly cars.

I do not believe that it is beyond the wit of people, particularly those whom the right hon. Gentleman represents, to take best advantage of the Government's proposal to create a properly integrated public transport system that meets the needs of far-flung areas.

London Transport

32. **Mr. McNulty:** What steps he proposes to improve transport provision in London. [35476]

Ms Glenda Jackson: We have recently announced a number of proposals that will improve transport in London, including a public-private partnership to address London Underground's investment needs; an extra £365 million for London Transport over the next two years; the establishment of new passenger transport services on the Thames; the introduction of revised traffic management and parking guidance; and, through the new Greater London authority, better planning and integration of transport services under Transport for London.

Mr. McNulty: Those announcements are much welcomed by the people of London. For all their hot air and blather, all that the Tories left Londoners was a £1.2 million backlog in tube investment. Does the Minister agree that the present Government have done more in the last two weeks than the other lot did in the last 18 years?

Ms Jackson: My hon. Friend would not expect me to disagree with that factually accurate statement.

Sir Sydney Chapman: The Deputy Prime Minister recently announced the privatisation of London Underground infrastructure. Bearing in mind the fact that the operation is to remain in the public sector, how can the Minister be sure to attract the necessary additional private capital? Will London Underground borrowing remain within the Treasury rules on the public sector borrowing requirement?

Ms Jackson: My right hon. Friend the Deputy Prime Minister did not announce a privatisation. He announced a third and middle way: it is neither overt nationalisation nor overt privatisation. I understand that many people who are very interested in being part of a public-private partnership are already queueing up outside his door.

Health Action Zones

3.30 pm

The Secretary of State for Health (Mr. Frank Dobson): Two weeks ago, I came to the House to announce that the extra £500 million earmarked for the national health service in the Chancellor's Budget would be devoted to reducing hospital in-patient waiting lists. That was part of our modernisation programme for the health service, which was set out in our recent White Paper "The New NHS". That programme will be necessary if patients and taxpayers are to get the full benefit of the extra resources we are providing, and if the million dedicated staff are to be able to use their talents to the full.

Our Green Paper on public health spelled out the action that the new Government intend to take to prevent people from falling ill in the first place, and to narrow the health gap between rich and poor.

Today I come to the House to announce the 11 areas in England that will become health action zones, where special arrangements will be made to benefit local people by both modernising the local health services and taking concerted action to tackle the root causes of ill health.

Health action zones will involve local partnerships between the health service, local councils and voluntary groups and local businesses. Their job will be to make measurable improvements in the health of local people and in the quality of treatment and care. They will break down existing barriers that are holding back local partnerships, which everybody recognises are crucial to tackling intractable health problems in many of the worst-off parts of the country.

Applications to become a health action zone were received from 41 health authorities covering widely differing areas: inner cities, coalfield communities, struggling rural areas and places where wealth and poverty live cheek by jowl. I shall now announce the 11 areas chosen for the first wave.

The South Yorkshire coalfield communities of Barnsley, Doncaster and Rotherham with a population of 770,000, want in particular to tackle the problem of young people growing up in communities ravaged by pit closures and the chronic ill health of many older people. Bradford, with a population of 470,000, has already shown a willingness to work in partnership to tackle deep-seated causes of ill health.

The east end of London, covering the boroughs of Hackney, Newham and Tower Hamlets, with a population of 580,000, has the greatest concentration of poverty and poor health in the whole country. Lambeth, Southwark and Lewisham, with a population of 730,000, rank second only to the east end on the scale of need, and have the highest rate of under-age pregnancies in the country. Luton has a population of 180,000, and the unitary council and the health service have shown a remarkable commitment to working together.

Manchester, Salford and Trafford, with a population of 880,000, have shown an exemplary willingness to abandon old rivalries and instead to get together to promote the health and well-being of local people. North Cumbria, with a population of 320,000, is a predominantly rural area with acute deprivation on the coast of west Cumbria, whose needs were ignored by the previous Government.

Northumberland, with a population of 310,000, is another predominantly rural area. It also contains pockets of severe deprivation, where both the health of the local people and the environment are scarred by the legacy of industrial decline. Plymouth, with a population of 260,000, contains some of the most deprived neighbourhoods in Britain, and has often been ignored in the past because of its location in the west country.

Sandwell, with a population of 300,000, has an excellent record of collaborative regeneration, but faces major public health challenges. Tyne and Wear, with a population of 1,100,000, contains many seriously deprived areas, and the health service and local councils are committed to a common strategy to improve the health of the whole conurbation.

The areas chosen cover a total population of almost 6 million, and include many of the most deprived parts of the country. Every health service region is represented. The health action zones cover a wide range of circumstances, as the people living in them face a wide variety of problems. The hospitals, clinics and GP premises in the zones range from the very best to the very worst. All the zones need special help; all have demonstrated a willingness and capacity to change and modernise—to help themselves. The zones will make real changes in people's experience of health services, and will begin to make real progress in tackling inequalities.

Let me give just one example of the conditions that should receive special attention in a health action zone: diabetes. Diabetes is the principal cause of blindness, and a major cause of coronary heart disease and amputations. Many of those drastic consequences of diabetes could be avoided by early diagnosis, advice, help and treatment. In health action zones, bureaucratic obstacles to early and continuing top-quality attention and treatment for diabetes will be removed, so that primary, community and social services join hospital specialists to provide a continuous range of services. That is just one example of the changes that health action zones can bring about.

People will begin to experience real differences in health action zones. Let me give an example of local priorities from each of the zones that have been chosen. I mentioned diabetes. In Bradford, a new community-based diabetes service is being set up—a partnership between the health authority, general practice and community and acute trusts to deliver integrated preventive, specialist and primary care to a very needy population. That is an instance of the different parts of the NHS working together, rather than in competition.

In the South Yorkshire coalfield communities, a heart health programme will be implemented, and rehabilitation services will be redeveloped to better support the casualties of the coal and steel industries. In the east end of London—in recognition of the fact that everyone is healthier if they have a job—the health action zone will target improving job opportunities for disadvantaged young people, particularly those from ethnic minorities. It will work in partnership with the local authorities, new deal agencies, local employers—including health trusts—and voluntary groups.

In Lambeth, Southwark and Lewisham, the zone will develop an integrated approach to improving child health and supporting families, including programmes to improve parenting skills and reduce under-age pregnancies, and home start schemes to support families

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with vulnerable children. In Luton, the health needs of Asian women will be particularly addressed. There will be a focus on increasing the uptake of cervical screening, the development of a community-based coloscopy service with a female consultant, and a partnership between the NHS and the Asian community to address child development problems.

Manchester, Salford and Trafford will take an integrated approach to mental health, with programmes to provide employment and training opportunities for people with serious mental problems, and accompanying programmes to improve mental health services. North Cumbria will go ahead with an anti-poverty strategy and will work with local transport services to improve access to health services in rural areas.

Northumberland will develop a network of healthy living centres, ranging in scope from one based on a large community hospital and health facility, to making use of new technology—virtual centres for the most isolated rural areas. Plymouth will develop new approaches to improving dental health, particularly in children. In Sandwell, the health action zone will build on valuable work that has been carried out in your constituency, Madam Speaker, action on community health in Tipton and the Neptune health park, and will be used to develop community-focused health services throughout the zone.

In Tyne and Wear, there will be a new partnership approach to improving the health of elderly people, with a new system for assessing high risk, improved access to public transport, improved special housing, and a programme to improve home insulation and reduce hypothermia.

Now that the health action zones have been chosen, they must get on with the job, and much remains to be done. With the help of the NHS executive, each of the chosen areas will have to prepare detailed plans to implement what they have proposed. We shall be monitoring closely to check that their actions are having a real impact on health. They must ensure that they work in consultation with front-line staff, patients, carers and users.

I expect health action zones to develop ways of involving patients and the public in making decisions about local priorities. Each will be expected to produce by October a practical programme for measurable change.

Some £5.3 million will be made available in the coming year to promote joint working in each locality. A further £30 million will be made available in the following year to finance direct improvements in local health and health care. Further additional resources will also be available from the new opportunities fund to provide healthy living centres. We shall also look to give priority to the zones in terms of further development funds and initiatives, including giving them greater freedom and flexibility to improve health and social services for their people.

To improve local health, the health action zones will promote local partnerships to tackle pollution, homelessness, unemployment and poverty. To improve local health services, they will develop primary and community services, improve premises, promote the use of telemedicine, modernise hospital services and develop a health service that is moulded to the needs of local people.

To carry out both those tasks, the health action zones will have to tackle all the bureaucratic impediments that presently stand in the way. When they do that, it will save money and time, and that will let doctors, nurses and other staff get on with their real job of looking after patients instead of having to tend to the needs of the bureaucratic machine that we have inherited. That is a long-term challenge, and that is why this is a long-term commitment. It is seven years for each zone.

I realise that there will be great disappointment in the areas that have not been chosen, but this is just the first wave. A further group of 10 or a dozen areas will become health action zones next year. Once again, they will be chosen on the basis of need, and of being able to demonstrate a willingness and capacity to put together an effective local partnership.

I urge everybody concerned to continue to develop local partnerships. We know from the number of applications that that is what people throughout the country want to do, and that is further proof that what we are doing goes with the grain. I remind everyone that partnership can be put into practice without having to wait for health action zone status. Early partnerships will bring practical benefits for the health of local people, as well as improving the chances of success in the next round of applications.

The cornerstone of our public health strategy is our commitment to driving up the standards of health among the poorest at a faster rate than for the general population. We also want to modernise the NHS to meet the needs of patients and carers, and to give the dedicated staff of the health service the resources and opportunities to bring about the improvements in quality of treatment and care that they are striving to achieve.

This is a massive double challenge. No Government have previously dared to set themselves such a challenge. It means partnership in action, not partnership on paper. To meet the challenge will require targeted effort and targeted resources. Health action zones will deliver both.

Mr. Patrick Nicholls (Teignbridge): First, may I apologise for the fact that my hon. Friend the Member for Stratford-on-Avon (Mr. Maples) is not making this response, and for the fact that I will have to go before the exchanges are over, for the reason that I have already given in correspondence to you, Madam Speaker, and to the Secretary of State?

The theme running through the White Paper is clearly that, if one can improve co-ordination between the various services, that must help inequalities in health. I say at the outset that that is a perfectly laudable aspiration, and I commend the Secretary of State for it. I am pleased also that the health action zones that have already been announced include rural areas. I cannot think for one moment why I ever doubted that they would. but I commend him for it.

However, whether or not the Secretary of State will succeed in his aspirations will depend not so much on the rhetoric of today's statement as on his response to some of the detailed questions that I imagine he is going to be asked. He has said that there will be 11 health action zones now and some 10 to 12 more next year. How far does he see the process of health action zones going? Ultimately, how many zones will be in place throughout the country?

Is there not the difficulty that, if the ultimate aim is that there should be a health action zone everywhere, the Secretary of State will be faced with a conflict of priorities in trying to work out which area is going to have more priority than another? In short, I ask him effectively to draw the dividing lines between what will count for inequality and what will not, because he knows as well as I do that, throughout the country, it would be possible to make a case even for areas of apparent affluence where there are inequalities that need to be addressed.

On finance, the Secretary of State said that £5.3 million would be made available in the coming year. He went on to say that £30 million extra will be made available in the following year. Is that new money or old? If it is new money, he is going to have to tell us why he thinks that those funds should be applied in this way and not in other, proven ways within the national health service to improve matters. If he is talking about new money, he is going to have to satisfy the House, and ultimately the public at large, that those relatively substantial sums should not be applied directly into reducing waiting lists.

Alternatively—it is not entirely obvious from what the Secretary of State has said—is it in fact old money? Is the money already there in the system? Some people will say that, if it is simply old money, this is very much a question of the emperor having no clothes. We hear enough strictures from the right hon. Gentleman, usually blamed on us, but that cannot last for ever—[HON. MEMBERS: "Oh no?"] They know how to take the bait. Wait and see what the response will be in the 13th month.

We hear enough strictures from the Secretary of State about why more resources are not available, so, if this is old money, where is the money being taken from? What areas will be rifled to produce that money? What areas will find that they have fewer resources to make up for the extra resources that are being applied in this way?

The Secretary of State talked eloquently about bureaucracy. I should like to know what increases in bureaucracy he is expecting. What new structures—not in theory, but in practice—is he expecting? Are we going to have a co-ordinator general? Are we going to have a team of outreach workers who will help to monitor the performance of the co-ordinator general?

In short, the Secretary of State seems to be doing two contradictory things, although doubtless with the best intentions. He talked about tackling

"all the bureaucratic impediments that presently stand in the way."

Elsewhere, he talked movingly of

"the needs of the bureaucratic machine".

Judging from his statements today, it is a recipe not so much for cutting bureaucracy as for increasing it.

Both today and since 1 May, the right hon. Gentleman has made great play of the fact that the way in which to deliver extra resources to the health service was to cut bureaucracy. How does it come about that one cuts bureaucracy and tackles the bureaucratic machine, while creating a new bureaucracy to do so?

The Secretary of State believes—it runs clearly throughout the statement as it did through the press release that announced the initiative some months ago—that health action zones will be able to address those inequalities in health that matter so much to him and to hon. Members on both sides of the House. However, his statement does not make it clear how he will measure the success of that policy. Indeed, it could not make that clear because, in his Green Paper, the right hon. Gentleman has reduced from 27 to four the criteria by which one judges whether the health of the nation has been improved.

I could offer my thoughts on that, but, knowing the cynicism that sometimes permeates the Labour Benches, I can tell the right hon. Gentleman that he does not have to take my word for the fact that the reduction of those targets will make it impossible for him to know whether his health action zones are successful. He has only to consider the remarks of Karen Caines of the Institute of Health Service Management. When talking about the effect that reducing the targets would have on inequalities in health care, she said:

"on this most crucial issue of health and equality they"—

the Government—

"have bottled out. Without measurable targets, even over a long-term scale, there will be less pressure for change and less scope to hold them to account."

I cannot say whether that lady is a right-wing nutter, but I have never yet heard that term applied to a leader writer in *The Guardian*. Considering whether health action zones and the like would succeed, that leader writer said:

"The Government is wrong to shrink the number of targets from 27 to four . . . Most serious of all is the absence of targets for reducing health inequalities. Anti-poverty campaigners must insist on their inclusion. There must be a specific commitment to close the gap."

That is what *The Guardian* thought about the Secretary of State's approach to these matters, and the right hon. Gentleman needs to address that.

The Secretary of State has to say what he regards as the criteria of success. Aspirations do not cure anything. The right hon. Gentleman is engaged on a noble crusade to improve the health of those who are most disadvantaged in our country, but he has not yet told the House—it does not appear in the statement—what criteria he will use to decide whether that has been achieved.

We are dealing today with part of the same process that has permeated Government health policy since they took office, which is that they have not produced a radical agenda for improving the health of the nation. They have produced a blizzard of acronyms and snappy-sounding titles. Today we have heard about health action zones. We can add that to the Soviet-sounding NICE and Chimp, which can also be added to local community groups and primary care groups, as well as to the healthy living centres referred to so movingly today by the Secretary of State.

Will the right hon. Gentleman tell us something more about that, or will he rely instead on the quotation from the Minister for Public Health, his hon. Friend the Member for Dulwich and West Norwood (Ms Jowell)? In a memorable but infelicitous way, she talked about healthy living centres and said that they will be "Lycra-free zones". She said that they will be "exercise on prescription". I must ask the right hon. Gentleman how behaviour such as that, together with such nanny statism at its absolute worse, can take forward this agenda.

The statement is laudable enough in its aspirations, but it is woefully short on detail and on the criteria that must be used to see whether it is ultimately a success. Today, the Secretary of State must begin to address those questions. He must show that he is capable of

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transforming an ill-thought-out and ill-judged press release issued months ago into a coherent intellectual statement about how the health of the nation can be improved. So far, the Secretary of State's record in office has shown that he is completely incapable of doing so. Perhaps today, for once, he will prove that we are wrong.

Mr. Dobson: Criticism from Karen Caines—she and her husband were the principal architects of the lunatic system for organising the national health service that we inherited from the Tories—is music to my ears. Although it may sound strange coming from a Labour Cabinet member, the same applies to *The Guardian* leading articles.

I would take up too much time if I attempted to reply to all the points—some of which were conflicting—made by the hon. Member for Teignbridge (Mr. Nicholls). I welcome his welcome for our emphasis on co-ordination, which has certainly been lacking in the past. He accused us of making proposals for improving the health of the worst-off parts of the United Kingdom, and of abandoning proven ways of dealing with health inequalities. However, there are no proven ways of dealing with health inequalities in the UK. If there were, the Tories must have ignored them, because health inequalities grew—the health of poorer people fell even further behind the health of wealthy people—while the previous Government were in office.

We are determined to tackle the ill health that results from poverty where poverty occurs. That objective has very little to do with national targets, but everything to do with local targets. People are suffering from pneumoconiosis in Barnsley, Doncaster and Rotherham; people are not suffering from pneumoconiosis in east Surrey. Setting a national target for dealing with such conditions would therefore be a spurious approach. We are saying that, in those areas, effort will be targeted and bureaucracy broken down, as local people wish.

If the hon. Member for Teignbridge—who made a gallant effort to substitute for, and did much better than, the hon. Member for Stratford-on-Avon (Mr. Maples)—thinks that our proposals are not popular, he will have to explain why 41 health authorities applied for health action zone status. Sadly, 30 of them will be disappointed.

Mr. Jim Cousins (Newcastle upon Tyne, Central): I congratulate my right hon. Friend—as only one hairy man can do to another—*[Laughter.]*

Mr. Peter Snape (West Bromwich, East): Better move off that one, Jim.

Mr. Cousins: Yes; move off it, but hang on to it.

I congratulate my right hon. Friend on his statement, which will be greatly and warmly welcomed in Tyne and Wear, the largest of the health action zones. He will know that action will come not a moment too soon in Tyne and Wear, where—against the trend of the past 150 years—death rates are rising among younger men, who should be in the prime of their lives as earners, fathers and sportsmen, and among older women, who should be looking forward to many more happy and active years.

I ask my right hon. Friend to consider that very difficult situation and accept that it requires urgent action—to ensure that the promises of partnership stated in the document submitted by Tyne and Wear are truly met; that specialists are winkled out of civic centres and hospitals and put to work with at-risk groups in communities; and that, together, we consider people's total well-being, mental and physical, in ensuring that the objectives are delivered.

Mr. Dobson: I thank my hon. Friend—like myself, a fully paid-up member of the hirsute tendency—for his welcome. I acknowledge the parlous state of health among many of the worst-off people in Tyne and Wear—which is why Tyne and Wear has been chosen as a health action zone. The fact—which, until recently, was denied by Conservative Members—is that unemployment is one of the principal causes of ill health. In younger people, unemployment leads to suicide and accidents; despair and hopelessness; and drug use, which itself leads to illness and early death. If a middle-aged man loses his job, his chance of dying in the next five years is doubled.

We therefore cannot tackle health problems by using health measures alone. We have to create jobs, build houses and get wages up. We have to tackle poverty, and pollution.

As for getting the specialists and consultants out doing the work, my experience of health service consultants, limited as it is, is that most want nothing more than an untrammelled opportunity to improve the health of people who are poorly. That is why they went into the profession. Many have been inhibited by bureaucracy and a lack of resources, which is why we are trying to tackle both.

Mr. Simon Hughes (Southwark, North and Bermondsey): My colleagues and I warmly welcome the Secretary of State's statement. We congratulate him on following up the Green Paper of a few days ago, which was a statement of principle, with a statement which delivers some resources, targeted specifically to many of the worst-off areas. That is right even though, by the Secretary of State's admission, the first step is fairly modest.

I have three simple questions. First, given that 41 areas applied and only 11 were chosen, on what criteria was the choice made? Secondly, although the Secretary of State is of course right to say that each area has a different priority, does he agree that the ideal outcome of the scheme should be that, as far as health action zones go, everyone should have one?

Finally, given that it was implied in the statement, if not explicitly expressed, that the Berlin wall between health, social and other services needs to be broken down, has the right hon. Gentleman yet arrived at the view shared by my colleagues and me that the sooner we join health and social services commissioning, the better?

Mr. Dobson: I thank the hon. Gentleman for that welcome, which I suppose was to be expected as his constituency is in one of the chosen zones. I have to say that the zones were chosen on the basis of my estimation of the need in particular areas and on my estimation, with the advice of my ministerial colleagues and some officials, of the ability and capacity of the relevant people in a particular area to deliver what they said they could

deliver. I am not pretending that it was a wholly objective activity. Unlike the previous Government, I will not shelter behind officials. In the end, the decisions were taken by me, and I take responsibility for them.

These are new ideas that we are putting into practice. We want to learn as we go along. It is what works that counts, and it may be that many of the ideas developed in health action zones are eventually incorporated into health improvement programmes, which every health authority will be expected to deliver.

Yes, we are dedicated to bringing down the Berlin wall between the national health service and social services. The people working in both services did a brilliant job last winter in working together and making use of the extra £300 million that we found, but no, we do not think that the services should be managed by one and the same organisation.

Mr. Kevin Barron (Rother Valley): I welcome my right hon. Friend's statement. The need in the South Yorkshire coalfield is apparent to most people who have seen the devastation that has taken place over the past 15 years. The health action zone is most welcome, and we will be endeavouring to ensure that it works out for the people of South Yorkshire. Does my right hon. Friend agree that it will build on the partnerships that are already working in some parts of all three boroughs? I am thinking of the health and benefits bus which has been operating in Rotherham for many years and which has won national awards.

What discussions is my right hon. Friend having with other Government Departments about the action that they can take to assist in health action zones?

Mr. Dobson: I thank my hon. Friend for his welcome. The places chosen are ones where the relevant people were already demonstrating the capacity to work together on behalf of local people. We need to build on those partnerships and strengthen them, and I hope that we will be able to do that.

Of course, other Government Departments are also targeting their efforts. Many of the areas on which the Department for Education and Employment and the Department of the Environment, Transport and the Regions, for example, are targeting their efforts are the very places that have been chosen for health action zones or are broadly similar. That is because the need in those areas spreads across health, education, employment, housing and the environment. My right hon. Friend the Deputy Prime Minister will, in the fulness of time, be announcing the measures that we will be taking better to co-ordinate the various initiatives.

Mr. Graham Brady (Altrincham and Sale, West): I welcome steps to improve health in Manchester and Salford, provided that they are not to the detriment of people in Trafford. Can the Secretary of State guarantee that the health action zone will not be used as a vehicle to transfer funding from Trafford to Salford or Manchester, and will he further guarantee that there will be no reduction in beds at Trafford general hospital or Altrincham general hospital?

Mr. Dobson: Both Trafford council and those responsible for the provision of health services in Trafford were enthusiastic members of the group that put together the bid for health action zone status for Manchester, Salford and Trafford. It is a great step forward for that part of Greater Manchester that they are working together, instead of the fractious, damaging and wasteful relationships that prevailed in the past.

As the elected representatives and those working for the health service in Trafford are enthusiastic supporters of the proposition, I assume that it will not involve the transfers that the hon. Gentleman fears. We have to make sure that the various services provided in those two cities and a borough help one another and work together in partnership. Perhaps Manchester can provide some services that are not available in Trafford or Salford, or vice versa.

Mr. Dale Campbell-Savours (Workington): On behalf of my constituents and the people of north Cumbria, may I welcome my right hon. Friend's decision? I see it as a victory for all those who, ever since the Black report in the early 1980s, have argued right through that the only way to solve problems of deprivation in health care is to have an anti-poverty strategy directed towards those objectives. My right hon. Friend is the first Secretary of State for Health to deliver on precisely that agenda.

Mr. Dobson: I thank my hon. and good Friend for his kind words. I did not really need to read the Black report to understand what it was about, and the terrible wrong and injustice represented by the differing life chances between children born in Kentish Town or Cleator Moor compared with those living in Surrey or the most prosperous parts of Hampshire.

I wish people in those prosperous areas well, but I want children in every part of the country to have the same chance of a decent life expectation, a job, a healthy life, a successful marriage producing healthy children and breaking out of the terrible cycle of deprivation that has dragged down the lives of millions of people whom Labour Members have tried to represent. In my limited and humble way, so long as I stand at this Dispatch Box, I will remain committed to that, and my colleagues are behind me.

Mr. Peter Atkinson (Hexham): I welcome today's announcement, particularly that a large, sparsely populated rural area has been included in the Northumberland health action zone. It provides an opportunity to congratulate the staff of the Northumberland health authority, who have produced an imaginative scheme using new technology to help those who live many miles away from local hospitals. The Secretary of State could do one further thing for my constituents in Hexham: he could give the go-ahead for a new district general hospital, which was promised by the previous Government but delayed by the present one.

Mr. Dobson: I am grateful to the hon. Gentleman for paying tribute to the Northumberland health authority and others associated with the bid, and their intention to demonstrate that new technology does not represent a threat, but, properly deployed, can result in massive improvements in health care, particularly for those in isolated rural communities. In respect of the new hospital at Hexham, I do not make promises at the Dispatch Box

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that I cannot guarantee to deliver. I hope that I will not be accused of breaking a promise that was made not by me, but by the hon. Member's hon. Friends.

Mr. Snape: Will my right hon. Friend accept my thanks and congratulations on behalf of my constituents in the borough of Sandwell for his welcome announcement? Widespread concern has been expressed locally about the future of the health service in the borough, particularly the accident and emergency services in West Bromwich and surrounding areas. His announcement will go a long way to allaying those concerns.

Will my right hon. Friend join me in congratulating the officers and members of the local health authority and health trust on the way in which they put together their successful bid? Will he also accept the congratulations of my hon. Friend the Member for Warley (Mr. Spellar) and the right hon. Member for West Bromwich, West (Miss Boothroyd), whose duties prevent them from expressing their thanks publicly?

Mr. Dobson: I could do nothing else, for fear of my life. I join my hon. Friend in congratulating those who put together Sandwell's fine application. It reflected the needs of the area and showed the effort and commitment of the local authority, the health authority and the trust. It is a great credit to them all.

Mr. Nicholas Winterton (Macclesfield): The Secretary of State has made an exciting statement, but I am sure that he agrees that the proof of the pudding will be in the eating. I hope that all the areas that have been granted health action zone status take up the opportunity.

Does the right hon. Gentleman accept that even prosperous areas with low levels of unemployment, such as Macclesfield, have small pockets of extreme poverty and deprivation? He may be interested that the village of Poynton in the north of my constituency used to boast a number of coal mines, including the Nelson pit and the Anson pit. Particularly in the town of Macclesfield, there are some small pockets of extreme deprivation. Will there be an opportunity in future tranches for an area such as south Cheshire to gain health action zone status?

Mr. Dobson: I thank the hon. and generous Gentleman for his welcome for our proposals. He rightly says that the proof of the pudding is in the eating. I shall not claim credit until the proposals have worked. There are small pockets of deprivation in every part of the country. Their problems cannot be addressed fully by health action zone status. We are trying to ensure that the primary care system makes a positive contribution to the lives of people on small, rundown estates. Even in relatively prosperous villages, there are often people who are badly housed, badly paid, badly off and not very well.

Ms Rosie Winterton (Doncaster, Central): May I add my congratulations to my right hon. Friend on designating the South Yorkshire coalfields as a health action zone? Will he join me in paying tribute to the hard work of the local authorities and the health authorities in forming the new partnership, which will tackle not only the effects of industrial diseases, but the worrying issue of the number of under-age pregnancies? The area has one of the highest levels of under-age pregnancy in the country.

Mr. Dobson: The performance of officials and the elected and appointed members of health authorities and trusts in Barnsley, Doncaster and Rotherham was exemplary in putting together their successful bid. God knows, few parts of the country have been as ill served in the past two decades by central Government as the South Yorkshire coalfields. We owe it to people there to provide services in an attempt to make up for all the awful things that have happened over the past few years, and to bring back the prosperity that they used to enjoy. We should aim to go beyond that, and raise standards of living and health higher than they were even when the pits were working.

Mr. Gerry Sutcliffe (Bradford, South): I, too, welcome my right hon. Friend's statement and thank him on behalf of the people of Bradford for his kind words about Bradford's successful bid. Will not two key elements make health action zones successful: true partnership between local players and ownership in developing health platforms? I am sure that this will be superb news for all our districts.

Mr. Dobson: My hon. Friend missed out one person; in bringing people together to work positively for the health of the people of Bradford, nobody has played a bigger role than my hon. Friend himself. I congratulate him on that. It just shows what we can achieve when everybody is committed to working together to look after the interests of their town, village or great city, rather than working against one another, when things fall apart.

Mr. Nick Gibb (Bognor Regis and Littlehampton): How will setting up 11 health action zones help people in West Sussex health authority, which is facing a very serious financial crisis that is threatening both community hospitals in my constituency? Twelve beds are to be closed at Littlehampton hospital tomorrow and 12 beds in the accident and emergency unit are under threat at Bognor Regis War Memorial hospital. How will the Secretary of State's announcement help to save those beds?

Mr. Dobson: It will not; there is no point in pretending that it will. The area is not a health action zone, so the measures will not help. I hope that the additional funding that we have provided for the health service—the £1.2 billion announced in the Budget, the £300 million found for the winter and the extra £500 million to deal with waiting lists for the coming year—will make some contribution. I do not know offhand the details of the finances of West Sussex health authority, but I could probably wager a tenner that it inherited some deficits from the previous Government.

Ms Margaret Moran (Luton, South): Does my right hon. Friend accept my warmest congratulations on his great wisdom in selecting Luton as one of the health action zones? Is he aware that one of the key issues that the health action zone will need to tackle is the tragedy of high child mortality, which in Luton is 14 per cent. higher than the national average? Does he recognise that

that is but one example of health inequality, which deepened in Luton over the past 18 years and should be to the eternal shame of Conservative Members?

Mr. Dobson: I thank my hon. Friend for her kind words. I have been accused two weeks running of being wise, which may be dangerous: I may be praised in a leading article in *The Guardian* if I am not careful. Child mortality is probably the worst manifestation of inequality in health. It is a disgrace to those of us who have been fortunate enough to experience the pleasure and thrill of a healthy child coming into this world and growing up that society denies such opportunity to so many.

Mr. Andrew Lansley (South Cambridgeshire): Representing the healthiest constituency in England, I would be churlish to complain about initiatives intended to reduce health inequality. None the less, the Secretary of State should recognise that he talks of £5.3 million for a population of nearly 6 million, which is less than £1 per head, yet authorities often spend about £1,000 per head on health. Does he agree that every health authority should pursue initiatives such as those he is describing? Increasingly, health authorities should not have to jump through bureaucratic hoops to satisfy the Secretary of State. They should be given adequate funding and local freedom and responsibility to undertake initiatives that they judge are in their best interests, rather than undertaking simply what the Secretary of State judges ought to be in their interest.

Mr. Dobson: I certainly accept the hon. Gentleman's sensible point that the object must be to get every health authority to pursue such policies, targeted on improving health and taking down bureaucratic barriers that are preventing across-the-board efforts to improve health. That is our intention.

When we change the laws, as we will in the next Session, we shall place a duty on every health authority to draw up a health improvement programme for their area, in consultation with local people, reflecting local priorities. That is why we are not laying down national targets, as the previous Government did; we are allowing authorities to follow the four major targets that we have laid down and to identify how they will contribute towards them. They could also identify the particular problems that beset the people of their areas and come up with proposals for dealing with them.

At least on this occasion, we are broadly in agreement. I do not pretend that the £5.3 million that will be available to the health action zones in the forthcoming year will make a major contribution to health improvements this year; it is intended to facilitate some of the changes. However, £30 million extra will be available to health action zones in the following year and, because the Government will give them high priority for health spending, they will receive all sorts of other additional funds to help them deal with the problems facing their people, and to enable the dedicated staff in those parts of the country to do the job that they want to do.

Ms Joan Walley (Stoke-on-Trent, North): I welcome my right hon. Friend's statement, but may I also refer him to my Adjournment debate on health inequalities in north Staffordshire? If he could offer the people of north Staffordshire some hope in connection with the consideration of subsequent health action zones, we would feel that we stood to benefit from his statement today, as we are so acutely aware of the huge health inequalities in our area. We are already working in partnership, and we would really appreciate an opportunity to discuss with my right hon. Friend how we could ensure that a subsequent bid would be successful.

Mr. Dobson: I understand the disappointment that will be felt in north Staffordshire—especially by my hon. Friend, who has put enormous effort into trying to get everybody there working together to improve health in the area, and into trying to persuade me to give north Staffordshire health action zone status. It is no criticism of my hon. Friend that I could not afford to give that status.

The problem is that I could choose only 10 or 11 areas, and in terms of a combination of need with a demonstrated capacity to start addressing the problem, north Staffordshire was not in the first 11. However, it was not far down the list, and I repeat what I said in my statement—that the more the people in each locality can work together, the more they will bring immediate benefits for the health of the local population. They will also be able to produce a more convincing case for health action zone status by demonstrating that they are already doing what we want them to do.

Mr. Owen Paterson (North Shropshire): The aims are laudable, but we have heard little detail about how health action zones will work. Will the Minister please explain?

Mr. Dobson: I am sorry if my halting explanation in the statement seems to have passed the hon. Gentleman by. The idea is that in the health action zones all the organisations concerned—the health authorities, the trust or trusts, local authorities, voluntary organisations, community organisations, businesses and the various professions—should get together and start working together to draw up plans for targeted improvements in health and sensible changes in the way in which things are done—

Mr. Ian Bruce (South Dorset): They could have an aerobics class together.

Mr. Dobson: I do not know whether it would be anything to do with an aerobics class in South Dorset, but it would have needed only 77 people in the constituency—an aerobics class, perhaps—to vote the other way at the election for the hon. Gentleman to have been replaced by a Labour Member. Until now, we have managed to have a perfectly sensible discussion with people making sensible points. Such empty-headed comments as the hon. Gentleman's do no good, but they do show why, in as Tory an area as South Dorset, we got within 77 votes of winning the seat.

Mr. Lawrence Cunliffe (Leigh): May I convey my congratulations to my right hon. Friend, even though the Wigan, Leigh and Bolton health authority has not been included? There is some disappointment about that, but we have put down a marker for mark II of the grants. Wigan is a classic example of an area of mining obsolescence, and the same is true of textiles in the Bolton area. We have the worst dental health records in Wigan—it is top of the pops in that respect—and the incidence of

[Mr. Lawrence Cunliffe]

pneumoconiosis, emphysema, bronchitis and silicosis in our textile towns is very high. In setting any future criteria for health action zones, will my right hon. Friend ensure that favourable consideration is given to that part of the world?

Mr. Dobson: My hon. Friend has long been a powerful advocate of the interests of the people of Wigan and Bolton, and he continues today. I promise to look carefully at next year's applications, but I emphasise that anything he can do to get people to work together now will immediately benefit people, and will further the area's chances of being chosen next time.

Mr. Ronnie Campbell (Blyth Valley): I congratulate my right hon. Friend and his team on a very, very good statement. I look forward to improved health for the men and women who worked in shipbuilding, the mines and the steelworks in the north-east—particularly in my constituency of Blyth Valley—because the legacy of poor health is starting to show through on the older people who worked in those industries. I hope that the proposals will help young people also—particularly in terms of the drugs scene, which is very big in the area and has been a bit of a mess for a long time. The proposals must be a giant step for the Labour Government.

Mr. Dobson: I thank my hon. Friend for his kind words. It is a sobering thought that the heavy industries in his part of the world have closed down, but have not been replaced to anything like the extent necessary to provide employment and reasonable prospects, particularly for a lot of young men in the area. At the same time, the suppliers of drugs have moved in to fill the vacuum. The efforts being made by my right hon. Friend the President of the Council and the Government's drugs co-ordinator will help, and should be part of the consideration for future health action zones.

Mr. Stephen Hesford (Wirral, West): I congratulate my right hon. Friend and his team on what is essentially a public health approach to the matter. Does he accept that more than 1 million people on Merseyside will be disappointed that the area has not received health action zone status? My health authority, Wirral health authority, was one of the main players in the bid. Does he accept that progress was made across Merseyside to put the bid together?

I welcome the fact that my right hon. Friend courageously told the House that he took a personal approach in difficult circumstances in choosing the health action zones, as there were going to be only 10 or 11, and he will perhaps confirm that the Merseyside bid was very close. Can he assist areas such as Merseyside, which were disappointed on this occasion, by giving considered directions as to where they fell short?

Mr. Dobson: I can confirm that it is our intention—some of this may have been done already—that officials in my Department will be advising all the applicants on the strengths and weaknesses of their applications. I hope that that will lead to improvements. I tried my best not necessarily to make my judgment on the presentation of the individual application but on the substance behind it. We all know in various spheres that sometimes a flash application is not likely to be followed by flash performance.

Several hon. Members *rose—*

Madam Speaker: Order. We must move on.

Questions to Ministers

4.29 pm

Mr. Norman Baker (Lewes): On a point of order, Madam Speaker. I refer to a matter that arises from a written answer that was given to me, which appears in column *378* of yesterday's *Hansard*. It is a reply from the Prime Minister to a simple question, which was:

"who initiated the recent telephone conversation between him and the Italian Premier, Romano Prodi"—[*Official Report*, 30 March 1998; Vol. 309, c. *378*.]

concerning Mr. Rupert Murdoch? The Prime Minister refuses to answer that question in clear terms in his response.

The point of order for you, Madam Speaker, is whether it is in order for the Prime Minister to refuse to give a straight answer to my question when his spin doctors outside the House are allegedly giving straight answers to the question. Why is it not possible for an answer to be given that appears on the record in the House? Is it because the answer would be different from that given outside?

Madam Speaker: The hon. Gentleman is well aware that the Speaker is not responsible for answers given by Ministers.

Millennium Conformity

4.30 pm

Mr. David Atkinson (Bournemouth, East): I beg to move,

That leave be given to bring in a Bill to make provision with respect to the capability of computer systems and other goods and related services to deal with calendar dates after 31st December 1999; to require certain invoices to be paid promptly; to make 31st December 1999 a bank holiday; and for connected purposes.

The sinking of the Titanic was a disaster that was not foreseen. Indeed, it is not often that we can see a crisis coming with sufficient time to avoid it. This, however, has been the case with the crisis that now faces the United Kingdom and every country in which the daily lives of its citizens rely on the efficient functioning of computer systems. This crisis will arise in 640 days' time because most computer systems will not recognise the year 2000. Unless they have been retimed, reprogrammed or replaced, they will quite simply no longer perform as they have been programmed to do.

As the Prime Minister told a conference of business men yesterday, the resultant chaos and confusion will affect the work of Governments, the conduct of business and the welfare of entire societies, and it will be global. No advanced country can isolate itself unless effective action has been taken. Nevertheless, there is much that individual countries can and should be doing to protect their own public services and the private sector. It is this that the Bill is all about.

Until 27 November 1997, when the Chancellor of the Duchy of Lancaster made his statement about the millennium compliancy of computer systems in central Government, I had been the only Member to have raised the issue. The first time was in an oral question to the then Prime Minister in December 1995. I raised the issue again in an Adjournment debate in June 1996. Later that year the House allowed me to introduce my first Bill on the matter—the Companies (Millennium Computer Compliance) Bill—which had reached consideration on Report by the time of the general election last year. I reintroduced it to the present Parliament last July. It remains on the Order Paper for Second Reading, but I must reluctantly accept that time is running out for it to be effective.

Of course I regret that this Government, like the previous one, are failing to appreciate the simple solution to the unique issue which my Bill proposes, requiring, as it does, company directors to conduct an assessment of the ability of their computer systems to recognise the year 2000 and to report on the outcome of that assessment to their shareholders in the annual report. Instead, as the Prime Minister confirmed yesterday, the Government are relying on voluntary persuasion for it to be recognised that there is a need to be aware of the problem, and to take the necessary action in response.

Today, in the light of the evidence, I urge the House to accept that the situation is too serious to rely on voluntary persuasion, and that there is now no alternative but to require action to be taken by law if we are to avoid problems, many of which are not yet foreseen, which undoubtedly would put many businesses and many people at risk.

What is the evidence to support the need for my proposed legislation? Unfortunately, there does not exist in this or any other country any clear measure of progress on compliance and readiness in the private sector. There is no quarterly report, such as the Chancellor of the Duchy of Lancaster has introduced relating to the situation in central Government. Nor is there any clear measure to quantify progress in the provision of public services outside central Government, such as the national health service and local government. My Bill would address that.

All that exists today are various surveys, all of which come to much the same conclusion: that less than 10 per cent. of businesses have carried out a full system audit; that less than one fifth of business managers consider the problem to be critical; and that about half the businesses in the country have taken no action at all in response to the problem.

As the Confederation of British Industry told the Select Committee on Science and Technology, which reports on this issue next week:

"There remains a disturbingly large number who have not recognised that the millennium date change may have a drastic effect on their businesses."

Cap Gemini, which is Europe's largest computer services company, told us:

"one in six UK organisations will fail to meet the deadline, and therefore 38 per cent. of GDP will be at risk."

Yet these surveys almost certainly give a false, and probably over-optimistic, picture, because many companies will be reluctant to admit to being unaware; that they have yet to take action; that they are being advised by their lawyers not to say anything for fear of possible legal action, or of giving information away to their competitors.

The truth is that we have no means of knowing the state of millennium readiness of this country. As a result, companies will be—and are being—panicked into replacing whole systems unnecessarily and at enormous cost, and both private and public sectors will put into place contingency plans, which may not be necessary, to avoid the breakdown of services that is predicted.

My Bill can avoid this nightmare scenario. It would require any company or person who manufactures, produces or sells any computer system or provides any related service to ensure that these recognise 1 January 2000 and beyond, as defined by the British Standards Institute code of millennium conformity. They will be required to indicate conformity on their goods and services, and will be breaking the law if they say that they are compliant when they are not.

The legal requirement to label will be similar to the way in which drugs are required to be labelled and dated to protect the consumer. That is why, in my view, it is essential. Companies will be required to make a declaration of conformity. Indeed, every company will be required by the appropriate Secretary of State to provide such a written declaration no later than 1 October 1999. That will enable the Government to establish, as they cannot do at present, the country's state of readiness, and to respond accordingly.

As one of the major problems concerns embedded chips—for example, those in production lines, security systems and telephone exchanges—the Bill will require companies using such systems to label them accordingly.

I emphasise just how valuable the requirement to disclose will be to force those responsible to take the action that is not being taken. The Bill will also provide

[Mr. David Atkinson]

for all invoices for payment earlier than 1 December 1999 to be paid and cleared no later than 10 December 1999 to ensure cash flow, just in case it becomes impossible to do so after the new century has begun.

Finally, the Bill proposes that Friday 31 December 1999 should be designated a national bank holiday to allow key staff to come in and make final checks of the readiness of compliance, and of contingency plans, in time for midnight of the millennium.

I recognise that the Bill is regulatory, in obliging businesses and the providers of public services to satisfy statutory requirements, but, as I have argued, that is now necessary. It does not matter whether most of the public sector and most of the private sector invest in millennium compliance. As Cap Gemini warned the Select Committee, if even a tiny number of key organisations, such as utilities, banks or central Government Departments, miss the deadline, the knock-on effects will cause severe economic disruption. Only the Government can take responsibility for ensuring that that does not happen.

The Bill provides the Government with the means to avert that disruption. It complements what the Prime Minister announced yesterday, by making Britain one of the world's best-prepared countries. That is why I hope that the House will give me leave to introduce the Bill today.

Question put and agreed to.

Bill ordered to be brought in by Mr. David Atkinson, Mr. David Amess, Mr. Frank Cook, Mr. Tam Dalyell, Dr. Lynne Jones, Mr. Nigel Jones, Mr. Charles Kennedy, Mr. Robert Sheldon, Rev. Martin Smyth, Mr. Stephen Timms, Mr. John Townend and Mr. Dafydd Wigley.

MILLENNIUM CONFORMITY

Mr. David Atkinson accordingly presented a Bill to make provision with respect to the capability of computer systems and other goods and related services to deal with calendar dates after 31st December 1999; to require certain invoices to be paid promptly; to make 31st December 1999 a bank holiday; and for connected purposes: And the same was read the First time; and ordered to be read a Second time on Friday 24 April, and to be printed [Bill 165].

Mr. Tam Dalyell (Linlithgow): On a point of order, Mr. Deputy Speaker. As one of the Bill's sponsors, I say yet again that, under the procedures of the House, there is an argument for ten-minute Bills being taken a bit more seriously. If the Committee stage of the first Bill of the hon. Member for Bournemouth, East (Mr. Atkinson), the Companies (Millennium Computer Compliance) Bill, on which I served, had been taken as seriously as then Ministers said it would be, we might not have been in quite such a pickle as we are.

Mr. Deputy Speaker (Sir Alan Haselhurst): I hope that all matters before the House are taken seriously at all times. I repeat the advice that I gave the hon. Gentleman on an earlier occasion, that that matter might usefully be taken up with the Leader of the House, either in her capacity as such or as Chairman of the Modernisation Committee.

Orders of the Day

Scotland Bill

[8TH ALLOTTED DAY]

Considered in Committee [Progress, 30 March].

[SIR ALAN HASELHURST *in the Chair*]

Schedule 5

RESERVED MATTERS

4.40 pm

Mr. Donald Gorrie (Edinburgh, West): I beg to move amendment No. 495, in page 68, leave out lines 33 and 34.

The Chairman of Ways and Means (Sir Alan Haselhurst): With this, it will be convenient to discuss the following amendments: No. 496, in page 68, line 36, after 'crossings),', insert 'and'.

No. 497, in page 68, line 36, leave out

'and Part VI (speed limits)'.

Government amendment No. 533.

No. 480, in page 69, line 10, leave out from 'training)' to end of line 11.

No. 208, in page 69, line 14, leave out 'Provision and'.

No. 209, in page 69, line 18, leave out from beginning to first 'the' in line 21.

No. 210, in page 69, leave out lines 23 and 24.

No. 211, in page 69, line 25, leave out from 'section' to end of line 26 and insert

'136(1) of the Railways Act 1993 (competent authority in relation to the railways financial status regulations).'.

No. 498, in page 69, line 26, at end insert—

'The functions of the Director of Passenger Rail Franchising in relation to rail services wholly within Scotland.

The power to require Railtrack and the operators of franchised rail services within Scotland to report to the Parliament.'.

Government amendments Nos. 534 to 536.

No. 481, in page 70, line 2, leave out 'or finish or both' and insert 'and finish'.

Government amendments Nos. 537 to 544.

Mr. Gorrie: Amendment No. 495 relates to licensing public service vehicles, amendments Nos. 496 and 497 relate to speed limits and amendment No. 498 relates to passenger rail franchising.

The licensing of public service vehicles under the Public Passenger Vehicles Act 1981 and the Transport Act 1985 is a reserved item. The notes on clauses state that the licensing system is administered by the traffic commissioner for the Scottish traffic area constituted under the 1981 Act. If a Scottish traffic commissioner regulates buses in Scotland, I can see no argument for him or her not to be responsible to the Scottish Parliament. The issue concerns mainly licensing, the safety of buses and so on.

The Government's argument for reserving the power is that such issues must be common throughout the United Kingdom. However, with respect, the Government are falling into the trap, which they sometimes accuse the

Conservative party of falling into, of thinking that everything must be the same. The argument for a Scottish Parliament is that, where appropriate, the Scots should have the right to do things differently. If the Scottish Parliament wishes to have a different licensing system for rural buses, buses on small islands, or something of that sort, as long as it pays due heed to national and international safety standards, it should be allowed such control. For the Scottish Parliament not to have that control—the matter is already under the separate control of an official in Scotland—would be remarkably foolish.

Mr. Tam Dalyell (Linlithgow): Has the hon. Gentleman inquired into the costs of the break-up of the United Kingdom driving licence set-up? He will correct me if I am wrong, but I hear anecdotally that to remove responsibility from Swansea would be extremely costly.

Mr. Gorrie: The hon. Gentleman has not understood what I am getting at. If that is my fault, I apologise. I am dealing not with driver licensing but with the licensing of public service vehicles, such as buses, and the giving of safety certificates. As I said, that is already done by an official for Scotland, so no additional costs would be involved.

Amendment No. 496 relates to speed limits. The Scottish Parliament is responsible for road safety; the notes on clauses contain a series of points about exactly what it can do. But if the Scottish Parliament felt that to have a different system of speed limits was a major item in its road safety policy, it would cause extreme friction and unpleasantness if it were told that it could not have such a system; that it could have all sorts of humps and hollows, but could not limit speeds around, for example, schools or residential areas, to 20 mph or even less.

We accept the need for conformity in the layout of pedestrian crossings and traffic signs, because many drivers go round the United Kingdom and different signs would confuse them. However, if there was a clear sign limiting a driver's speed to 15 mph in a particular street, even the thickest driver would understand that. The Scottish Parliament should be allowed to give such powers to local authorities. Again, I see no reason for saying that the Scottish Parliament is responsible for road safety, but cannot take one of the key steps to achieve that.

Amendment No. 498 relates to rail franchising. It covers some of the same ground as a number of amendments relating to the control of railways, in the name of the hon. Member for Cunninghame, South (Mr. Donohoe). We have great sympathy with those amendments and, if the Government were minded to support that line of approach, we would be happy. However, the approach that we have gone for is that the functions of the Director of Passenger Rail Franchising in relation to rail services wholly within Scotland should not be reserved, and that the Scottish Parliament should have the power to require Railtrack and the operators of franchised rail services in Scotland to report to the Scottish Parliament.

There is a problem about United Kingdom rail services, so we are not suggesting a sort of unilateral declaration of independence for Scottish rail services, but there are many services within Scotland, and we do not see why the Scottish Parliament should not have much more direct control over them, through the Director of Passenger Rail Franchising, and by requiring Railtrack and the franchisee companies to report to the Scottish Parliament. To deny the Scottish Parliament a direct say in the conduct of internal Scottish railway services is an unhappy arrangement, which the Government should reconsider.

Mr. Desmond Swayne (New Forest, West): I rise to speak to amendments Nos. 480 and 481.

Amendment No. 480 is a probing amendment, the effect of which would be to reserve sections 157 to 159 of the Road Traffic Act 1988 to this Parliament. No political point is being made. All we want is that the Government explain the logic of this exception to the reserved power. As the Bill stands, it raises the possibility of differing payments for treatment of traffic casualties, depending whether they sustain their injuries in Scotland or in another part of the United Kingdom. What can be the rationale for opening up that possibility?

Amendment No. 481 removes the existing reservation and therefore devolves further power to the Scottish Parliament. The Bill reserves not just shipping services that start and finish outside Scotland, but services that connect Scotland with other countries or parts of the UK. The amendment would bring those connecting services back within the competence of the Scottish Parliament.

Yesterday, we heard some extraordinary speeches from Labour Members. Speaker after speaker was in favour of reservations and against the principle of devolution. The speeches were all the more remarkable, given the quarters from which they came—not least among those who spoke was the hon. Member for Glasgow, Maryhill (Mrs. Fyfe). They bore eloquent testimony to the disciplinary machine that the Labour party has become. Whenever something has been found to be controversial, embarrassing or sensitive, the Government have sought to reserve the power over it to this Parliament. We saw it yesterday, we see it now and we shall see it again later this afternoon.

The Government undoubtedly perceive that they will have more effective control over those issues in governing their supporters in this Parliament than through the tenuous grasp they will have on the Scottish Parliament, particularly on their own supporters. What can possibly be the logic of reserving financial assistance to shipping to this Parliament? Surely it is up to the new Parliament in Scotland to decide which passenger and freight shipping routes are worthy of financial assistance, whether to establish or maintain them. There is some logic in the notes on clauses, which say that it is to prevent differing approaches, which might distort the market for shipping services. That is enough to make a cat laugh. When were the Government ever concerned about market distortions? Their whole legislative programme is riddled with market distortion. Indeed, the Bill contains an enormous market distortion consequent on the threatening differential in income tax between Scotland and the rest of the UK.

It was not concern for the principles of the free market that led to that reservation; it was distrust. The Government will not entrust that aspect of policy to the new Parliament. That is all the more remarkable, given all the talk that we heard when the White Paper was published, attendant on the referendum, and on Second Reading, about new politics and inclusiveness. We now see that it was nothing but the grinding of air.

[Mr. Desmond Swayne]

Under the previous Administration, the then Secretary of State established a new ferry service between Scotland and Northern Ireland—between Ballycastle and Castleton.

Dr. Norman A. Godman (Greenock and Inverclyde): May I correct the hon. Gentleman? The service to which he refers is between Ballycastle and Campbeltown. May I also point out that the Conservative Government refused to allow Caledonian MacBrayne to run that service, which could have damaged the new infant service beyond repair?

Mr. Swayne: I thank the hon. Gentleman for his correction. That is what I thought I had said—I must have stumbled or mumbled. I shall deal with his substantive point in a moment.

It is monstrous and ridiculous that such a service should be placed outside the competence of the new Scottish Parliament. The Government are implying that the new Parliament is not sufficiently responsible and mature to establish its transport priorities and provide financial assistance from the funds available to it from the Consolidated Fund.

As the hon. Member for Greenock and Inverclyde (Dr. Godman) observed, a number of people in Scotland are unhappy about how the ferry service between Scotland and Northern Ireland was established. Amendment No. 481 provides him with an opportunity that he should seize.

Mr. Desmond Browne (Kilmarnock and Loudoun): Can the hon. Gentleman explain whether he is arguing for devolution of the power to control that ferry service to the new Northern Ireland assembly or Parliament, or to the Scottish Parliament, or whether the sensible course is, as it passes between two areas, to leave it as a UK ferry service?

Mr. Swayne: That service was set up by the Secretary of State for Scotland for the benefit of Scotland. That is the answer to the hon. Gentleman's question.

Dr. Godman: I am exceedingly grateful to the hon. Gentleman for showing his characteristic courtesy in giving way again.

That ferry service was set up to benefit Northern Ireland and a particular part of Scotland. May I point out that Caledonian MacBrayne suffered for 18 years the Conservative party's mismanagement at the Scottish Office? I hope that, without the hon. Gentleman's useless and irrelevant amendment, Caledonian MacBrayne will prosper vis-à-vis a Scottish Parliament.

Mr. Swayne: The hon. Gentleman should consider carefully the fact that amendment No. 481 places within the domain of the Scottish Parliament those issues about which he is concerned. As the Bill stands, those issues are beyond the competence of the Scottish Parliament, which is most unsatisfactory.

Mr. Brian H. Donohoe (Cunninghame, South): I welcome the opportunity to speak in this debate, particularly on the provision of railway services. I shall speak to amendments Nos. 208 to 211.

The purpose of the amendments is simple: to allow the Scottish Parliament to achieve an integrated transport strategy throughout Scotland. As hon. Members from Scotland know, that is even more important in Scotland than it is in other parts of the United Kingdom, because of the sparsity of the population and the longer distances that people have to travel. The amendments aim to achieve that by giving the Scottish Parliament powers over the provision of railway services that are similar to those that it will have over other forms of transport. That will be done by removing references to the provision of railway services from the list of reserved matters, but leaving the regulation of railway services as a reserved matter.

According to paragraph 3.2 of the White Paper "Scotland's Parliament", the reserved powers are to be only in areas where matters can be more effectively and beneficially handled on a UK basis. It is far from clear that that criterion has been met in this case. There is no need for a reservation, as the vast majority of rail traffic—some 95 per cent.—using the Scottish rail network is internal and thus needs to be considered not on a UK basis but in a Scottish context.

The Scottish and English networks connect at only two points, and the division of responsibilities for trunk roads between the Scottish Office and the Department of the Environment, Transport and the Regions is a suitable model for jurisdiction. There should be no significant problems in developing that model for rail if it can be used for roads. The last thing that we want for the railways is conflict, especially as we have just come through reorganisation, but the reservations in the Bill make it highly probable.

5 pm

The amendments would also allow the Scottish Parliament to consider private legislation relating to the building of new railway lines in Scotland. Under schedule 7, such plans would have to be considered in this House under the Private Legislation Procedure (Scotland) Act 1936, which is somewhat outdated for the job as it is more than 60 years old. Private legislation procedures in England and Wales have been updated by the Transport and Works Act 1992. It would be unreasonable to force the Scottish Parliament to come to this House to use pre-war procedures because it wants a railway line to be built in Scotland. I trust that my hon. Friend the Minister will take note of my remarks and agree with me.

The amendments to schedule 5 would remove ambiguity about local authority funding for railway services in Scotland under section 136 of the Railways Act 1993. The schedule, as drafted, requires such funding to be carried out under reserved powers, and such activities could not be integrated into the Scottish block as administered by the Scottish Parliament. That is a recipe for disaster, and I trust that my hon. Friend the Minister agrees.

The Bill threatens any Scottish Office efforts to grant assistance to projects that would shift freight from road to rail. That anomaly would be removed by the amendments. The Minister will be aware that the Select Committee on the Environment, Transport and Regional Affairs, of which I am a member, has recently concluded a major examination of railways and the effects of privatisation of British Rail, which was performed by the last

Tory Government. I shall not go into the details of that mistaken policy, but hon. Members will be aware of the unanimous Select Committee report on the matter.

Our examination of the new composition of the network found that the generally unsatisfactory relationship between rail passengers and rail companies was a major problem. The amendments would allow the Scottish Parliament to remedy that by appointing the members of the Rail Users Consultative Committee for Scotland, which is mere common sense. I hope that the Minister will allow it to happen.

The unanimous report of the Environment, Transport and Regional Affairs Transport Sub-Committee called for a strategic rail authority to be set up, which is further evidence of the need for the development of a unified and integrated transport policy. Anything else would be irrational, and it would be wrong to recognise the importance of the policy in the rest of the United Kingdom but to deny it in Scotland. Such a policy must be developed, especially given Scotland's many and varied needs for transport.

If the Minister cannot accept the amendments, I hope that he will accept the aims behind them and reassure hon. Members that the Scottish Parliament will be able to develop an integrated transport policy. I hope that the amendments, which would allow that to happen, will be accepted.

Mr. Alasdair Morgan (Galloway and Upper Nithsdale): I welcome amendment No. 495, which was moved by the hon. Member for Edinburgh, West (Mr. Gorrie). It would be bizarre if we could not trust the Scottish Parliament to administer matters such as public service vehicle operator licences and speed limits, which are of no interest to people outside Scotland.

I also welcome the amendments to which the hon. Member for Cunninghame, South (Mr. Donohoe) spoke, and hope that the Government support them. As the hon. Gentleman rightly said, ScotRail is a well-contained organisation that operates almost all the railways in Scotland, with the exception of the preserved lines. Almost all its services operate within Scotland, with the exception of the Caledonian sleepers, which some hon. Members travel on occasionally. It is logical to devolve such powers to the new Scottish Parliament.

The logic that argues for amendments Nos. 208 to 211 also argues for amendment No. 498, which would devolve rail franchising. I have some sympathy with the Conservative amendment on ferry traffic. Labour Members seemed to think it bizarre that a ferry travelling from Northern Ireland to Scotland should come under the aegis of two different authorities with control over ferry services. The most successful ferry services in the world, which sail from France to England, are in exactly the same position, although that has never impinged on their effectiveness.

The Government amendments would, if I understand them correctly, introduce a new reservation on hovercrafts and wrecks to the Parliament of the United Kingdom, which would take reserved powers a stage too far. The Government are devolving the power dealing with the noise of hovercrafts, but the noise of wrecks does not come into the matter. That is unnecessarily complex, and the Scottish Parliament and the Scottish people are able to look after those matters in Scotland.

Mr. Dalyell: As an unbeliever in the whole proposition for devolution, hon. Members may take it from me that, none the less, there was great sense in the convincing, powerful and welcome speech of my hon. Friend the Member for Cunninghame, South (Mr. Donohoe). How on earth can we expect Members of the Holyrood Parliament not to concern themselves with transport matters? Within seconds of his rising to speak, it was clear that the hon. Member for Edinburgh, West (Mr. Gorrie) would be completely dissatisfied with existing arrangements, and was truly and accurately reflecting the attitudes of every member of every party that will be represented in the Edinburgh Parliament.

My hon. Friend the Minister, energetic man that he is, will be the first to say, "If only we had more authority to do something about it ourselves," when there is trouble over slow trains and passengers being kept waiting. If we are to have the Edinburgh Parliament, it will be wholly unreal not to give it such powers.

The Minister for Home Affairs and Devolution, Scottish Office (Mr. Henry McLeish): I welcome the hon. Member for New Forest, West (Mr. Swayne) to the new peripatetic Front-Bench service that the Conservatives are now operating—it has some merits.

Mr. Michael Ancram (Devizes): Why is the Minister doing it all alone?

Mr. McLeish: It is the responsibility of high office. I am doing the job for the fun of it, as you, Mr. Lord, can well imagine. How enjoyable it is to face another six and a half hours with such delightful company.

Before speaking to the Opposition amendments, I shall speak briefly to the Government amendments. Amendment No. 533 is a drafting amendment to clarify the scope of the exception from the road transport reservation. It is consistent with the approach taken throughout schedule 5. Amendments Nos. 534 to 536 respectively add to the reservation the subject matter of the Hovercraft Act 1968, except for provisions dealing with noise pollution, section 2 of the Protection of Wrecks Act 1973 and the Dangerous Vessels Act 1985. The 1973 Act deals with the designation of protected areas around dangerous wrecks, and the 1985 Act deals with the powers of harbourmasters and the Secretary of State in relation to dangerous vessels.

The amendments fulfil the Government's commitment to ensure that matters related to marine safety are reserved.

Dr. Godman: Amendment No. 537 deletes the words "marine works" and inserts the word "boatslips". How does my hon. Friend define a "boatslip"? Does it refer to boatyards as well as to slipways used by fishermen in the maintenance of their craft and by small boat builders and fishing boat repairers?

Mr. McLeish: I shall deal with that matter shortly, if my hon. Friend can wait.

[Mr. McLeish]

Amendment No. 538 tidies up the qualifications to the exemption from reservation as a consequence of amendments Nos. 534 to 536 by making it clear that the Scottish Parliament does not have competence on matters of marine safety when legislating on ports and harbours.

Amendment No. 537 is a clarificatory amendment. It would remove the reference to marine works and substitute a reference to boatslips. That is because the statutory definition of "marine work" in section 57 of the Harbours Act 1964 is a harbour or boatslip used for certain purposes. As harbours form part of the exception, and to avoid confusion, we propose to add the reference to boatslips and to delete that to marine works. Amendment No. 539 is consequential on amendment No. 537.

It is proposed that the Scottish Parliament will have legislative competence on airport planning and environmental matters, including airport byelaws and traffic matters. The Bill already makes provision for that by excepting the subject matter of section 30 of the Civil Aviation Act 1982, which deals with the provision of aerodromes and facilities at aerodromes by local authorities. Amendment No. 540 would extend the exception to cover related powers under section 31 of the 1982 Act, which covers local authorities' powers to carry on a business ancillary to the running of an aerodrome.

Amendment No. 541 would delete from the exception from reservation the subject matter of sections 44 to 49 of the Civil Aviation Act 1982. Those sections make provision on safety at aerodromes and warnings about obstructions, and are properly part of the reserved matter of the regulation of aviation and air transport. The amendment would not affect the competence of the Scottish Parliament in respect of airport planning and environmental matters, including airport byelaws and traffic matters.

Mr. Gerald Howarth (Aldershot): Does that mean that the Scottish Parliament will have responsibility for approving licensed aerodromes, but will have to seek permission, under the Civil Aviation Act 1982, from the United Kingdom Parliament's devolved authorities in respect of obstructions? The Scottish Parliament will not have complete control over those matters, and will have to refer to the United Kingdom Parliament.

Mr. McLeish: The hon. Gentleman's analysis is correct. The main issue is that airport planning, environmental matters, air byelaws and traffic matters will be devolved responsibilities. His interpretation is correct in respect of obstructions.

Amendment No. 542 is a technical amendment to ensure consistency between the wording of the proposed exceptions from reservation. In line with the general devolution of airport planning and environmental matters, including airport byelaws and traffic matters, amendment No. 543 would extend the competence of the Scottish Parliament and Scottish Executive to the compulsory acquisition of land by an airport operator and the disposal of compulsorily acquired land.

Amendment No. 544 clarifies the reservation in schedule 5 about the setting of accessibility standards for public passenger transport for disabled persons. As the White Paper stated, technical specifications relating to the needs of disabled people in public passenger transport will be reserved to ensure uniformity across the United Kingdom.

However, other aspects of transport for the disabled, such as the orange badge scheme and concessionary fare schemes, are devolved. It is also intended that the Scottish Parliament could establish, if it wishes, a statutory body, like the Disabled Persons Transport Advisory Committee, to operate in devolved areas of transport for disabled persons. By substituting the words "technical specifications" for the word "standards", the amendment makes the distinction between reserved and devolved matters clear, and I commend it to the Committee.

I shall now deal with the Opposition amendments. The hon. Member for Edinburgh, West (Mr. Gorrie) set out his reasons for tabling amendment No. 495, which deals with the licensing of operators of public service vehicles in Scotland. I should like to set out my reasons for not accepting it. The Government have made it plain that certain matters would benefit from a consistent and integrated approach across Great Britain, and operator licensing for public service vehicles falls into that category.

It would clearly be impractical, confusing and inconvenient for operators potentially to be subject to different licensing standards in Scotland from those operating in the rest of the country. Therefore, I hope that the hon. Gentleman will withdraw the amendment.

Mr. Alasdair Morgan: Would the Minister care to speculate on how many operators of public transport services in England and Scotland are likely to be confused by the amendment?

5.15 pm

Mr. McLeish: I am disinclined to speculate on that, because I do not have the information readily available. I hope that the consistency, coherence and common sense of our approach will be evident to all hon. Members.

Mr. Dalyell: I interrupted the hon. Member for Edinburgh, West (Mr. Gorrie) to ask him the cost of his proposals. Do the Government have any easily available figures on the cost of disruption to and break-up of those technical organisations?

Mr. McLeish: No work has been done on that point, partly because we intend to reserve those matters. I hope that my hon. Friend will accept that simple explanation.

The Government do not accept amendments Nos. 496 and 497, which seek to devolve the provisions of part VI of the Road Traffic Regulation Act 1984 on general speed limits. A high degree of consistency between the general speed limits that apply in Scotland and those that apply in the rest of the United Kingdom is desirable in the interests of road safety and driver comprehension.

The Government cannot accept amendment No. 480, which deals with road traffic casualties. It seeks to reserve the provisions of sections 157 to 159 of the Road Traffic Act 1988, which deal with the recovery of payments for hospital treatment of road traffic casualties. Those provisions are not an integral part of GB roads legislation, as the powers in the Act to make charges are given specifically to Health Ministers. The whole subject of

health in Scotland is devolved to the Scottish Parliament. It would therefore be inappropriate for this area of recovery of payment for hospital treatment of road accident casualties alone to be reserved.

Mr. Swayne: Do the provisions of the Bill as they now stand mean that, if a pedestrian were knocked down at one end of the bridge over the Tweed at Coldstream, a differential payment may be made, but it would depend on the part of the bridge where he was knocked down? Will that be beneficial or confusing to the insurance industry?

Mr. McLeish: That is the current position. Our proposals are reasonable, because they are consistent with devolved power.

Mr. Ancram: The Minister should answer the question for once.

Mr. McLeish: The right hon. Gentleman is always carping from a sedentary position about not receiving answers. The trouble is that if I give Conservative Members an answer that they do not like or that they think is wrong, they say that I do not know the answer. Their attitude is scurrilous. I am a measured person, and I hope that, rather than make remarks from a sedentary position, the right hon. Gentleman will make his comments at the Dispatch Box so that everyone can hear them.

Amendments Nos. 208 to 211 deal with rail responsibilities. I shall give our reasons for not accepting them, although I acknowledge the important sentiment that lies behind them. I shall make clear what the Government propose in the Bill and in subsequent policy statements. I hope that that will provide the reassurance that hon. Members are seeking.

Amendment No. 208 seeks to exclude from the reservation legislative competence over the provision of railway services, and amendment No. 498 seeks to exclude from the reservation the functions of the Director of Passenger Rail Franchising in relation to rail services wholly within Scotland.

The Government have made it plain that we do not think that the privatised railway that we inherited from the previous Administration is structured or run in a way sufficiently responsive, or accountable, to the public interest. We shall be addressing that matter in the transport White Paper, which the Deputy Prime Minister will be bringing to the House very soon, and in the legislation that will be necessary to introduce the new arrangements for rail.

The Government remain committed to maintaining a national rail network, run in the public interest under the auspices of a new rail authority. At present, three different franchise operators run rail services in Scotland, and all three run cross-border services. If the amendment were approved, it is conceivable that the national network and services which cross the England-Scotland border could be put in jeopardy by a Scottish Parliament overturning the framework that governs the operation of railway passenger and goods services on a GB basis. That is not a sensible way of running a national railway. We regard it as essential for the overall regulatory regime to be a reserved matter. The Government are nevertheless committed to delivering a policy that gives appropriate oversight of Scottish passenger rail services to the Scottish Executive. We propose to do that in the following ways, through provisions in the Bill and the policies and legislation that we shall subsequently introduce.

In regard to passenger rail services that both start and end in Scotland—virtually all the current ScotRail franchise—Scottish Ministers will have sole responsibility for issuing objectives, instructions and guidance to the new rail authority that it is proposed should be established under forthcoming railways legislation. That responsibility will be exercised within the overall Great Britain strategic policy framework for railways, and will allow Scottish Ministers to instruct the rail authority on matters such as service levels and fares policies, within relevant contractual constraints.

Mr. Alasdair Morgan: Will the Minister clarify the position relating to ScotRail services that pass through my constituency and terminate at Carlisle?

Mr. McLeish: Those matters will be dealt with in due course. I shall be dealing with a fair amount of rail policy this afternoon.

Mr. Dalyell: Does my hon. Friend honestly think that, when in three years' time he stands at the Dispatch Box at Holyrood rather than Westminster—as he doubtless will—he will be able to persuade his newly elected Scottish colleagues to maintain that position?

Mr. McLeish: I think the answer is yes. I am about to give details of a fairly comprehensive policy in which the Scottish Executive will be involved, which will, I think, go some way towards not only reassuring hon. Members but dealing with my hon. Friend's point.

Financial responsibility for those passenger rail services will be transferred to the Scottish Executive. In the current year, public expenditure on the ScotRail franchise amounts to some £280 million. If the Scottish Executive wishes to procure more rail services, it will be able to do so, but it will of course have to find the additional resources.

The cost of cross-border sleeper services is met from the ScotRail budget. Those services are a particularly important and sensitive issue for Scottish travellers. The Government propose that Scottish Ministers should ultimately be able to issue objectives, instructions and guidance in respect of sleeper services, subject to the rail authority's being satisfied that, in its opinion, they do not have an adverse impact on its non-Scottish budget or on the operation of passenger or freight services generally. In respect of other cross-border services, we propose that Scottish Ministers will be able to issue non-binding guidance. That applies to Virgin and to the Great North Eastern Railway.

We think that, when we are making proposals to achieve true integration of transport in Scotland, it makes obvious sense—within the new GB rail regulatory framework—to give the Scottish Parliament legislative competence over both the bus and the rail responsibilities of the Strathclyde passenger transport authority and executive, and those of any similar body that the Scottish Parliament may establish in due course. We shall consider how best to do that in the context of, and consistent with, the new legislative framework.

[Mr. McLeish]

Amendment No. 211, tabled by my hon. Friend the Member for Cunninghame, South (Mr. Donohoe), seeks to ensure that the continued reservation of section 136 of the Railways Act 1993 deals only with legislative competence as to who may be a competent authority in relation to EC regulations about the financial status of railway undertakings. The Government intend the Scottish Parliament to have competence over the provision of grants for railway services, excluding the carriage of freight. We accept that the current drafting of the reservation of section 136 may be wider than was intended; we undertake to consider that and, if necessary, table an appropriate amendment later.

Mr. Dalyell: In preparation for the supplementary to my Question 33 to the Secretary of State for the Environment, Transport and the Regions this afternoon—which dealt with investment in the west coast main line—I spoke to Mr. Lew Adams of ASLEF, who told me that a vast amount of investment was needed for, in particular, the Scottish section of the line. Under the new set-up, who will be responsible for that investment? Will it come from the Scottish Parliament's budget?

Mr. McLeish: No. The reconstruction of the west coast main line will be a matter for my colleagues at Westminster, and for the new rail authority. Obviously, it will have significant implications for Scotland, and that will be one of the issues involved in dealing with ScotRail. It is mostly self-contained in Scotland, but we need to involve ourselves with other services that operate across the border.

Hon. Members, including my hon. Friend the Member for Cunninghame, South, have pointed out that, under the Bill's current provisions, the promoter of a new railway in Scotland would have to come to the Westminster Parliament for any necessary powers to proceed with construction. That would be done under existing private legislation procedures. I appreciate that there is some dissatisfaction with the private legislation procedure that is available to Scottish promoters, but the procedure is not the issue. As it stands, the Bill reserves the provision of railway services to Westminster. The Government, however, are prepared to reconsider the point in the context of the new regulatory arrangements that we shall propose for railways, with a view to ensuring that promoters of new railways, stations and maintenance depots in Scotland will be able to seek any necessary powers for proceeding with construction from the Scottish Parliament.

The detailed provisions required will need to be considered alongside the new rail legislation. On the presumption that a change to schedule 5 of the Bill will be needed, that will be secured either through the procedure set out in clause 29 or through new legislation.

Amendment No. 210 would have the effect of devolving legislative competence in respect of the carriage of goods, including grants for freight facilities and track access. It would thus be open to the Scottish Parliament to enact legislation on the carriage of goods on the Scottish rail network, and to introduce new freight grant schemes. We believe that such an arrangement would run counter to our policy of maintaining a national rail network, and could lead to confusion among applicants for grants, with different criteria being used to assess applications north and south of the border. The Bill already provides for the devolution of grant-making powers for passenger services and for executive devolution of responsibility—within the GB policy framework, of course—for the administration of freight facilities grants and track access grants.

The Rail Users Consultative Committee for Scotland and the Central Rail Users Consultative Committee play a significant role in representing the perspective of users of the privatised railway. Provision will be made for Scottish Ministers to appoint the chairman of the Rail Users Consultative Committee for Scotland. Provision will also be made for the annual reports of both committees to be laid before the Scottish Parliament.

Amendment No. 498 proposes that the Scottish Parliament may require Railtrack and the operators of franchised rail services in Scotland to report to it. As hon. Members will know, Railtrack and the train operating companies are fully privatised. No such powers are currently available to this Parliament, and the question of devolution therefore does not arise.

I hope that that full explanation of the Government's intentions in regard to rail matters will reassure hon. Members that we are committed to securing a significant, central and responsible role in respect of rail services in Scotland, and that they will not press their amendments.

Mrs. Ray Michie (Argyll and Bute): Is the Minister going to deal with amendment No. 481? If so, may I ask him about it then?

Mr. McLeish: No doubt the hon. Lady is becoming slightly impatient, but I am about to deal with the amendment.

The Government do not accept amendment No. 481, which seeks to reserve the matter of financial assistance to shipping services that both start and finish outside Scotland. The Bill currently reserves assistance for shipping services that start or finish, or both, outside Scotland, and provides that financial assistance for shipping services operating wholly within Scotland will be a devolved matter.

The Government agree that shipping services between Scotland and other countries are of economic significance to Scotland. However, the intention of the Bill is to give the Scottish Parliament appropriate powers to maintain and develop the internal shipping services that it considers necessary for the maintenance and improvement of economic and social conditions in Scotland, particularly in island and remote highland communities. The amendment would give the Scottish Parliament and Executive competence over financial assistance for existing or new external shipping services.

Mrs. Michie: Which shipping services that start or finish, or both, outside Scotland currently receive financial assistance? Will the Minister confirm that the Scottish Parliament will have nothing to do with the Campbeltown to Ballycastle ferry service? After all, that service was set up jointly by the Scottish and the Northern Ireland Offices. The South Antrim Steam Packet Company has gone off with the Caledonian MacBrayne Claymore boat, and has to lease it back to Caledonian

MacBrayne during the winter. Surely to goodness the Scottish Office or the Scottish Parliament will still have something to do with that service.

Mr. McLeish: I can reassure the hon. Lady that we are concerned about the development that she has mentioned. We are looking at it closely. After the service was established, boats were taken out of commission in a pick-and-choose way to service other parts of the United Kingdom, which does not make for consistency or coherence. Unfortunately, a private initiative is involved, but the Government are watching the situation carefully. Our main concern is to represent the interests of the people of Scotland. I shall write to the hon. Lady about the up-to-date position. In terms of her first question, I do not think that she would expect me to know where all services start and finish. However, as a matter of courtesy, I shall be happy to provide information on that.

Mr. Swayne: Is the fact that the Minister is looking closely at the matter not in itself an argument for devolving it to the Scottish Parliament?

Mr. McLeish: No, it is more a case of ensuring that, when a service route is set up, it should be proceeded with. The service that the hon. Member for Argyll and Bute (Mrs. Michie) mentioned was not a good one in that the operators were allowed to take out ferries when they wished. In a sense, that service was provided because of the lack of any other. It could have been a good idea at the time, but the Government must carefully watch what is being done. I reassure the hon. Gentleman that we are worried about that issue and I hope that we shall not see a repeat of the problem.

5.30 pm

Mr. Alasdair Morgan: I seek clarification. There is a proposal, which is at an early stage, to operate a hovercraft service from Kirkcudbright to the Isle of Man. Is the Minister saying that the Scottish Parliament would have no locus in the setting up of that service?

Mr. McLeish: I think that that is the case, but I am not aware of the details of the proposal. I should be grateful to the hon. Gentleman if he would furnish those, as that would enable me to respond in the context of what I have said.

The Government consider that services between Scotland and other parts of the United Kingdom are best dealt with on a UK-wide basis as they are as much the concern of the other parts of the UK that are connected to Scotland by them as they are of Scotland. Further, the devolution of international shipping services to or from Scotland would be inconsistent with the general reservation of international matters, including trade. For those reasons, I hope that the amendment will not be pressed.

Dr. Godman: I support amendments Nos. 537 to 544, but I have a couple of observations and I should like to ask some questions. In his lively speech, which was his maiden speech from the exalted position of the Opposition Front Bench, the hon. Member for New Forest, West (Mr. Swayne) spoke several times about Caledonian MacBrayne. I remind the Minister that he has promised to meet me, Mr. James McKnight, Mr. Steve Todd and Councillor Harry Mulholland, the leader of Inverclyde council, to discuss Caledonian MacBrayne in relation to the Deloitte and Touche report.

On page 70, schedule 5 contains the heading "Exceptions from reservation". The amendments propose some changes. I refer the Minister to the part under the heading which states:

"Regulation of works which may obstruct or endanger navigation."

That makes good sense, especially in terms of harbours and the coastline, but I should like to see it extended to include fishing operations. I am thinking of our inshore fishermen and especially those who use static gear and whose livelihoods may be affected by work of one kind or another such as, for example, the laying of gas pipelines and other such works that have to start on shore. If the livelihood of a static gear fisherman is threatened, could he or she—I appreciate that most of them are men—appeal to the Scottish Parliament, and would it be able to help?

Perhaps the Minister will say that static gear fishermen and other inshore fishermen are protected by other legislation. If that is the case, well and good, but works of the type that I have mentioned, such as the laying of pipelines or the installation of offshore ribs, could displace our fishermen. Therefore, it is right to have an exemption to cover obstruction or the endangering of navigation, but it needs to go further in the interests of our fishermen. Perhaps the Minister can confirm that such fishermen are protected by extant legislation, or he will say that he will look again at the issue of regulating construction work in the interests of our fishermen.

Mr. Gerald Howarth: I have a couple of questions about sections 41 to 50 of the Civil Aviation Act 1982. I am glad that the Government have tabled amendment No. 541, which limits the number of clauses from that Act to be devolved. I am slightly concerned about the detail of how the Act will work in terms of devolving power. Section 41 of the 1982 Act will be devolved to the Scottish Parliament and, under that section, the Secretary of State has power to acquire and manage land for civil aviation purposes.

Section 41(3) states:

"nothing in this subsection shall be taken to affect the operation of section 5 of the Defence of the Realm (Acquisition of Land) Act 1916 (which confers on a person from whom land was acquired under that Act a right of pre-emption in the case of the subsequent sale of the land) as respects any land acquired under that Act."

In the event of land being required for aviation purposes pursuant to a decision of the Scottish Parliament becoming redundant for those purposes, would the Scottish Parliament be able to overrule the provisions of the 1916 Act and refuse the person from whom the land was acquired the right to its return, as would apply in the rest of the United Kingdom? It is a small point of detail, but it could affect the rights of people in Scotland and may end up in a constitutional argument between the Edinburgh and Westminster Parliaments about whether the Scottish Parliament would have the right to refuse to return to a citizen land that was acquired under its powers of compulsory purchase. Such a right would not prevail in England and Wales.

Mr. McLeish: I shall deal first with the questions about the Civil Aviation Act. Plainly, I am not able now to give

[Mr. McLeish]

details about that, but I promise to investigate the matter and to write to the hon. Member for Aldershot (Mr. Howarth) on his detailed point. I give the same undertaking to my hon. Friend the Member for Greenock and Inverclyde (Dr. Godman) in the context of protection for fishermen and fishing. I shall write to my hon. Friend about that, but on the Caledonian MacBrayne issue as it affects his area, I can confirm that we have agreed to have a meeting. I look forward to that being established at the earliest possible date. We are about to have the report on the ferries that we want to discuss and, obviously, such a meeting would be opportune.

Mr. Ancram: In the light of the number of letters that the Minister proposes to send to hon. Members, could he assure the Committee that he will make those available in the Library for the rest of us?

Mr. McLeish: We are nearing the end of the Committee stage but, out of courtesy, that will be done in all cases. Copies will be placed in the Library and sent to the leaders of the political parties.

Mr. Gorrie: My hon. Friends and I will have to look carefully at the Minister's written words. We still think that the distinction between those aspects of transport that will be regulated in Scotland and those that will be regulated in Westminster is not as clear as it should be. We reserve the right to raise them in a different way.

The answer to amendment No. 495, which is about the licensing of buses, seemed particularly unsatisfactory. Just because a few buses go across the border is not a reason for the Scottish Parliament not to have the right to regulate the 90-odd per cent. of buses that run purely within Scotland. That seems to be a weak argument. The Scottish Parliament may wish to adopt different public transport policies, which would involve different licensing. So long as they were safe and met international standards, the Parliament should be allowed to do that. However, we wish to concentrate on specific transport issues at a later stage and, for that reason, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Amendments made: No. 533, in page 69, line 10, at beginning insert 'The subject-matter of'.

No. 534, in page 69, line 34, at end insert—

'(aa) the Hovercraft Act 1968, except so far as relating to the regulation of noise and vibration caused by hovercraft,'.

No. 535, in page 69, line 35, at end insert—

'(bb) section 2 of the Protection of Wrecks Act 1973 (prohibition on approaching dangerous wrecks),'.

No. 536, in page 69, line 36, at end insert—

'(cc) the Dangerous Vessels Act 1985,'.

No. 537, in page 70, line 5, leave out 'marine works' and insert 'boatslips'.

No. 538, in page 70, line 6, leave out 'in (d) above' and insert

'by virtue of paragraph (bb), (cc), (d) or (f)'.

No. 539, in page 70, leave out lines 14 to 16.

No. 540, in page 70, line 34, at end insert—

'( ) section 31 (power to carry on ancillary business in connection with local authority aerodromes),'.

No. 541, in page 70, line 39, after '41 to', insert '43 and'.

No. 542, in page 70, line 40, after 'is', insert 'to be or was'.

No. 543, in page 70, line 44, at end insert—

'The subject-matter of section 59 (acquisition of land and rights over land) and section 60 (disposal of compulsorily acquired land) of the Airports Act 1986 where land is to be or was acquired for the purpose of airport development or expansion.'.

No. 544, in page 71, line 4, leave out 'Standards' and insert 'Technical specifications'.—*[Mr. Kevin Hughes.]*

Mr. Oliver Heald (North-East Hertfordshire): I beg to move amendment No. 406, in page 71, line 15, leave out from beginning to end of line 7 on page 72.

The Second Deputy Chairman of Ways and Means (Mr. Michael Lord): With this, it will be convenient to discuss the following Amendments: No. 268, in page 71, leave out lines 17 to 23 and insert—

'The specific subject matter of any United Kingdom legislation which provides for assistance for social security purposes to or in respect of individuals by way of benefits and the circumstances directly arising from such legislation in which a person is liable to maintain himself or another.'.

No. 499, in page 71, line 29, leave out from 'Fund' to 'recovery' in line 30.

No. 270, in page 71, line 29, leave out 'administration and'.

Government amendment No. 545.

No. 271, in page 71, line 31, leave out from 'damages' to end of line 34.

Government amendment No. 546.

No. 269, in page 71, line 36, at beginning insert—

'The administration of schemes providing assistance for social security purposes to or in respect of individuals by way of benefits.'.

Government amendment No. 547.

No. 500, in page 71, line 39, after 'need),' insert '25'.

Government amendment No. 548.

No. 482, in page 71, line 42, at end insert—

'Non-contributory benefits'.

Government amendments Nos. 549 and 550.

Mr. Heald: You will remember, Mr. Lord, that last night when you were in the Chair, there was a good deal of criticism from certain hon. Members—the hon. Members for Eastwood (Mr. Murphy) and for Dumfries (Mr. Brown), for example—about the fact that Opposition amendments proposed that law and order issues should be devolved to the Scottish Parliament. What was said at that time was, "What about the social issues—the issues of social justice?" With amendment No. 406, we have the opportunity to devolve social security schemes to the Scottish Parliament. The hon. Member for Dundee, East (Mr. McAllion) shakes his head, but this is something with which he might, on mature reflection, agree.

Mr. John McAllion (Dundee, East): I am not mature.

Mr. Heald: Who am I to disagree with the hon. Gentleman?

My first point is that the purpose of a social security system must be to meet people's individual needs and circumstances at the most appropriate level and as close as possible to the individual. That allows for the effective targeting of benefits in the context in which the individual lives. Similarly, in a democracy, if the Scottish Parliament is to deal with domestic Scottish matters, what could be more important than helping people in need and providing them with security?

International trends in recent years show that there is international recognition now that what works best is vigorous case management in the welfare sector and a customised approach. Since last July, America has gone from a federal system of welfare to a state-based system, where payments are made by block grant to the state and considerable discretion is given to meet local needs.

The effect has been to encourage further devolution down the chain to political units below state level, such as the counties. If it is possible for the United States to do that, it is something that we should consider. In addition, American states are able to enhance the benefits that they give to individuals from state taxes and to launch new schemes within certain parameters of the legislation.

Mr. Frank Roy (Motherwell and Wishaw): Does the hon. Gentleman agree that there is still a federal system of social security in the United States?

5.45 pm

Mr. Heald: As the hon. Gentleman knows, the devolved schemes that I have described come under the temporary assistance to needy families scheme. Of course, some schemes are not devolved, but those that are deal with issues such as income support and the key issues for families, and I believe that it is right that we should examine them in the context of a Scottish Parliament.

In the UK, the trend has been to try to devolve such issues to local level. That is best seen in relation to care in the community, where the approach has been to make money that was previously delivered through the income support system to pay nursing and care home fees a local government responsibility. Of course, there are criticisms of the system—no one can deny that—but I do not know many people who seriously argue that we should go back to the old system.

Dr. Godman: The hon. Gentleman talks about local need. I am listening carefully to him, but am I right in thinking that his amendment would sweep away parts of the Social Work (Scotland) Act 1968? I remind him that section 10 of the Act allows social work departments to give financial assistance to people in extreme need. Let me give him an example from my constituency, where a woman in need and her three children were provided with some financial assistance by way of section 10 of the very Act that he would sweep away.

Mr. Heald: The hon. Gentleman will be relieved to hear that I do not believe that he is correct. Amendment No. 406 suggests that none of the social security schemes should be reserved, which means that the administration of those particular benefits would be a matter for the Scottish Parliament. As he will see, all of them would then come within the compass of the Scottish Parliament. One of the regrettable things about one of the Government amendments is that it takes out community care direct payments—one of the small number of social security-style benefits that the Scottish Parliament was going to be able to deal with—so that the Parliament will have even less to administer.

Mr. Dalyell: May I ask the hon. Gentleman the same question, or the same type of question, as I asked the hon. Member for Edinburgh, West (Mr. Gorrie), although I do not expect the Opposition Front-Bench spokesman to be able to answer it offhand? What are the costs of unbundling the social security system of the United Kingdom? The Under-Secretary of State for Social Security, my hon. Friend the Member for Manchester, Withington (Mr. Bradley), is here and we welcome his presence. It may be that he will whisper in the ear of my hon. Friend the Minister of State. What are the costs of disentangling—dewiring—the Blackpool centre or the Newcastle centre? It is an enormously complicated operation, I suspect.

Mr. Heald: The hon. Member for Linlithgow (Mr. Dalyell) asks a question to which I confess I do not know the answer—*[Interruption.]* The Under-Secretary of State for Social Security laughs, but we have come across situations where he had no better idea than I did.

Mrs. Maria Fyfe (Glasgow, Maryhill): Will the hon. Gentleman give way?

Mr. Heald: Let me finish, if I may.

The hon. Member for Linlithgow must recognise that the system that the Bill puts in place involves the Scottish Parliament incurring costs in respect of social security. Every time the tax-varying power is used, the net incomes of numerous people in Scotland who claim benefits will be reduced, which will mean that extra social security payments will have to be made.

In the Bill's explanatory and financial memorandum, the figure is put at about £5 million a year, if the power is used. For personal pensions, the cost would be about £4 million. The set-up costs that are set out in the Bill amount to a further significant figure, so the hon. Member for Linlithgow is right that costs are involved in changing the relationship between Scotland and the rest of the UK in respect of social security. However, there is also a prize to be won. Is not the ability to deliver benefits at local level such a valuable one that it overrides some of the short-term costs that will arise in reprogramming computers and so on? I do not believe that it would be an impossible task. One has only to consider the working families tax credit, which involves substantial changes to the benefits system, or some of the other changes that have been introduced over the years. They have all been done at a cost, but not at disproportionate cost. It is for the Government, rather than the Opposition, to say what the costs will be. I look forward to hearing from the Minister a detailed account of the costs involved.

Another issue concerns expectations. Many people in Scotland believe, as a result of what was said in the referendum campaign and before, that Scottish representatives in the Parliament will be able to have a serious effect on the lives of individuals in need. If all the most important areas of policy are left at Westminster, people's hopes are bound to be cast down. I ask the Minister to take that into account when considering whether the social security system should be devolved.

[Mr. Heald]

Why should the system not be devolved? The Minister may say that it cannot be done—that it is too difficult to separate the structures. I believe that, if it can be done in the United States, which has a far more complicated structure than we do, it can be done here. The Minister may say that it will create different systems on either side of the border. However, he is prepared to have different systems on either side of the border to deal with a whole range of matters, including health, education and law and order, so that argument will not wash. The Minister may say that it cannot be done because it is too difficult to settle the finance. Since part of the finance has already been separated through the tax-raising power and since certain separate arrangements have already been made for social security, that argument does not wash either.

I believe that the Government have decided not to devolve social security, not for any of the reasons I have given, but because they do not trust a Scottish Parliament to make the decisions on welfare that they believe should be made here at Westminster.

Mr. Browne: We have already had a contribution from the Opposition Front Bench from an hon. Member who did not know that there was a separate legal system in Scotland. Does the hon. Gentleman not accept that on the examples he has given to illustrate the difference—health, education and criminal justice—we already have distinctly different procedures in Scotland?

Mr. Heald: Obviously, the hon. Gentleman was not listening. He cannot expect me to read out every single power that is being devolved to the Scottish Parliament.

Mr. Browne *rose—*

Mr. Heald: I will not give way to the hon. Gentleman again.

I want to explain why the Government have decided that they do not trust the Scottish Parliament on welfare. I think that it is because they believe that there is a strong demand in Scotland for a welfare agenda that is different from their own. We can look at what happened recently over single parent benefit. The hon. Member for Edinburgh, North and Leith (Mr. Chisholm) stood up for what he believed was the proper approach on that issue. I do not agree with him, but he did take a stand.

We can look at who led the way in Scotland in strongly opposing any undermining of disability benefits. There is a list of Labour Members that would be recognisable to anyone in the House: it includes the hon. Members for Falkirk, West (Mr. Canavan), for Midlothian (Mr. Clarke), for Glasgow, Pollok (Mr. Davidson), for Glasgow, Maryhill (Mrs. Fyfe) and for Greenock and Inverclyde (Dr. Godman).

Dr. Godman: The hon. Gentleman mispronounced Greenock.

Mr. Heald: I do not think that that is the hon. Gentleman's best point.

Those hon. Members are known in the House as people who stand for a different view on welfare benefits from that expressed from the Government Front Bench. That also applies to the way in which the benefit appeals system works. The hon. Member for Maryhill has taken a stand on that and has put forward her view about how the independent tribunal service should be changed.

It would be worse still for the Government if the opinion polls are right and a Scottish National party-Liberal Democrat Administration were formed with the Secretary of State as the Leader of the Opposition in a Scottish Parliament. Who supported my hon. Friend the Member for Ribble Valley (Mr. Evans) on the wind chill factor legislation? Who supported him on the cold weather payments? The list includes SNP Members such as the hon. Members for Perth (Ms Cunningham), for Moray (Mrs. Ewing)—*[Interruption.]* I thought I pronounced Moray correctly. The Minister and his hon. Friends will not avoid the argument by criticising my pronunciation.

On important issues such as the wind chill factor and cold weather payments, the hon. Members for Moray and for Argyll and Bute (Mrs. Michie) and the hon. and learned Members for North-East Fife (Mr. Campbell) and for Orkney and Shetland (Mr. Wallace) are leading campaigners, with my hon. Friend the Member for Ribble Valley, for a totally different view. When the Government were in opposition, almost every one of the Scottish Members backed that proposition on the wind chill factor. The Government fear that there would be trouble at home. They believe that all the Scottish Members who have genuine beliefs would stand up to the manufactured product on the Government Front Bench.

Mrs. Fyfe: Will the hon. Gentleman give way?

Mr. Alex Salmond (Banff and Buchan): Will the hon. Gentleman give way?

Mr. Heald: The hon. Gentleman is second in line.

Mrs. Fyfe: We are all glad to hear the hon. Gentleman display his familiarity with Scotland in his pronunciation of our place names. I must point out to him that, when I complain about the length of time that people have to wait for benefit issues to be resolved by an independent tribunal, I am calling for reform for the whole of the United Kingdom, not just Scotland.

Mr. Heald: That is the case now, but is the hon. Lady saying that the Scottish Parliament should not be able to regularise the matter for Scotland? I doubt whether she is, given her credentials on devolution.

Mr. Salmond: Can the second in line have a chance now?

Mr. Heald: Yes.

Mr. Salmond: The hon. Gentleman said that when Labour Members were in opposition, they were enthusiastic about the proposition on the wind chill factor. Can the hon. Gentleman remind us of the previous Government's position?

Mr. Heald: The hon. Gentleman will recall that in the debate on this issue, the then Government made it clear that the matter should be fully reviewed by the experts,

and it was. What is more, the present Government did not follow the advice. There is no reason for Opposition Front Benchers to take any criticism on that. As we are currently standing shoulder to shoulder with the hon. Member for Banff and Buchan (Mr. Salmond) perhaps he should support us. *[Interruption.]* This is one of the few issues where that occurs.

As with so much of the Bill and the general approach to devolution, the Government duck difficult questions and embarrassing issues. They try to sweep them under the carpet. It is no good looking at the opinion polls in Scotland and despairing, as the Government must, because people in Scotland are no doubt saying that, when it comes to a serious issue, Henry is hiding from it, Calum is concealing himself from it and Donald is ducking it.

Mr. McAllion: The longer the hon. Member for North-East Hertfordshire (Mr. Heald) spoke, the more he was being deserted by his hon. Friends. He is now left with the hon. Member for Epping Forest (Mrs. Laing), who will sit through just about anything to prove her loyalty to the party.

Mr. Heald: Does the hon. Gentleman not think that perhaps the argument is over?

Mr. McAllion: I did not understand the question, never mind wanting to provide an answer. *[Interruption.]*

The Second Deputy Chairman: Order. It is important that hon. Members returning to the Chamber are conscious of who is on their feet. They should not walk through their line of vision.

Mr. McAllion: As I said, Mr. Lord, I was worried about speaking to this group of amendments after hearing the hon. Member for New Forest, West (Mr. Swayne), an Opposition Front-Bench spokesman, speak to the previous group of amendments. He said that he was dismayed by the number of home rule Members who were speaking in favour of reserving matters to the Westminster Parliament, rather than of sending them to the Scottish Parliament, and commented on what fun it was to watch us all running in fear of the "smack of discipline". I suspect that Tory Members are much more adept at taking the smack of discipline than are Labour Members.

I am delighted to discover that I am able to oppose a Tory amendment—amendment No. 406, which would devolve responsibility for social security to the Scottish Parliament. I have never believed that social security issues should be devolved to a Scottish Parliament for several reasons, one of which is very principled—the limits of poverty cannot be defined by geographical boundaries. Poverty is a class—not a nationalist—issue. I am as concerned about the poor in the centre of London, in Birmingham, in the midlands and in the north of England as I am about the poor in Scotland. It is certainly a matter of principle that, regardless of where one lives in the United Kingdom, one should have access to exactly the same benefits as everyone else in this Kingdom.

6 pm

There are also practical reasons why a big problem would be caused by establishing different benefit levels in different parts of the United Kingdom, and they cannot merely be shrugged off, as the hon. Member for North-East Hertfordshire tried to do in his short speech. Let us think about it. If there is a higher—or lower—benefit level in Scotland, what will people on benefit do? They will go to the part of the country where they think they will receive the most housing benefit, council tax benefit, income support and jobseeker's allowance.

Ultimately, we might have to patrol the borders—just as they do in America, which has patrols on its border with Mexico. The Americans turn back the Mexican poor. They will not give them access to the United States. People who envisage aping such a system and say that they are trying to help the poor will only hurt the poor. They will only make our country like America, which is the last thing that I want to do.

Mr. Salmond: The hon. Gentleman must be aware that substantially better social security benefits are available in other European countries. People here would be entitled to those benefits if they chose to move. Why has there not been a mass exodus to, for example, the south of France, to take advantage of them?

Mr. McAllion: If the hon. Gentleman ever speaks to anyone on benefit in Whitfield, he may come to understand why there has not been a mass exodus to the south of France. It is not really a practical proposition. However, it is practical for people from Dundee to move south. Time and again, I deal with such people in my constituency. Poor people regularly move across the border separating Scotland and England, but they almost never move to France, Germany or Italy. Perhaps the situation is different in Banff and Buchan—it may well be.

Mr. Salmond: Perhaps the hon. Gentleman would like to tell us about the movement of poor people between Spain and France. Does he have any knowledge of that movement? Does he think that the substantial differences in social security between those two countries is a significant factor in that movement?

Mr. McAllion: I have some knowledge of the differences between Spain and France, but I live in Scotland, which shares a border with England. I am speaking about Scotland and England, not Spain and France. If the hon. Gentleman walks out on to the streets outside, he will find poor Scots from every city in Scotland. They come to London looking for help and for benefit. He is trying to minimise a very serious problem. It would be absolute nonsense to establish a different social security system in Scotland from that which pertains in the other parts of this island. If he does not know that, he should immediately come to his senses.

Mr. Heald: Does the hon. Gentleman realise that some aspects of social security policy, such as

> "National Assistance . . . charges for local authority accommodation . . . social welfare services . . . payments towards maintenance of children . . . promotion of welfare of children in need",

will be matters for the Scottish Parliament? The same is not true of some of the major and important schemes, such as income support and family credit. How can it be right that, when the first real sniff of responsibility in social security is offered by the Opposition, the hon. Gentleman rejects it out of hand?

Mr. McAllion: The hon. Gentleman is mistaken in confusing the type of payments that should be made

[Mr. McAllion]

through local authority social work departments with the type of payments that are made through the social security system, which is run at a United Kingdom level. He does not live in Scotland. If he did live in Scotland and understood the social security system, he would not make such inane interventions. The two systems cannot be compared.

Mrs. Eleanor Laing (Epping Forest) *rose—*

Mr. Heald: Will the hon. Gentleman give way?

Mr. McAllion: I shall give way to the hon. Lady, who used to live in Scotland, because we know that she read the *Herald*.

Mrs. Laing: Did the hon. Gentleman really mean what he said a moment ago—that Scots come south to London looking for benefit? I thought that we came south to London looking for work.

Mr. McAllion: The hon. Member for Epping Forest forgets that we live in a capitalist system, and that those people, after they get here, do not find work. They are thrown on to benefit, and into bed-and-breakfast accommodation and all kinds of horrors—which not only poor Scots in London but poor Londoners have to face.

A capitalist system is a wonderful thing if one gets to the top, with a good job and a nice house. However, for the poor and those without power, wealth or resources—from the other end of the telescope, which has been mentioned earlier in the debate—the system is not so marvellous. If the hon. Member for Epping Forest saw the capitalist system through their eyes, she might understand that we need a socialist system in the United Kingdom—all of the United Kingdom.

Mr. Swayne: Does the hon. Gentleman accept that the regrettable problem to which he referred—the number of Scots in London who are on benefit but came looking for work—exists under the current unified social security system? Therefore, there is potential—if the Scottish Parliament has control over its own system—to improve the situation.

Mr. McAllion: The problem with the current social security system is not that it is unified across the United Kingdom but that it is under-resourced. The solution to the problem is not to break up the United Kingdom social security system. I passionately believe that people—from whatever part of this island they come—have the same rights to the same social security benefits. I hold to that basic principle, which is why I shall gladly oppose amendment No. 406.

I should like to raise several issues with my hon. Friend the Minister. We have been told that funding and administration of housing benefit and council tax benefit should be a reserved matter. The Bill states that

"administration and funding of housing benefit and council tax benefit by local authorities"

are illustrations of reservation. Why will Government amendment No. 545 remove the phrase "by local authorities"? I hope that that does not mean that the Government plan on taking responsibility for administration of housing benefit from local authorities and on establishing a new system in Scotland to administer housing benefit. I should like an answer to that question.

The housing benefit level is very closely linked to rent levels in the rented sector. As my hon. Friend knows, the rented sector in Scotland is dominated by local authorities—which are by far the largest element in the rented sector. The voluntary and private sectors are minuscule compared with the Scottish council sector. He knows also that funding to maintain low rents—such as housing support grants and rate fund contributions—was gradually withdrawn by successive Tory Governments. Consequently, rents went ever upwards, and housing benefit levels went up with them. The last figure that I saw, which is out of date, was that housing benefit in Scotland is costing about £900 million annually.

The only sure way of reducing that housing benefit level is to reduce the rent levels that must be paid by those on low incomes. Rent level reductions can be achieved only by co-operation between the Scottish Parliament and local authorities. It will be for the Scottish Parliament to find funding to allow local authorities to reduce rents, and thereby to reduce the housing benefit bill.

What worries me is that the Scottish Parliament, if it spends some of its scarce resources on bringing down rent levels, will not gain the benefits of those reductions. The benefits will accrue to the Westminster Parliament, which will have a much-reduced housing benefit bill. I should like to know how those benefits can accrue to the Scottish Parliament, rather than being transferred to the Westminster Parliament.

Mr. Salmond: Does the hon. Gentleman accept the extension of that point? Under the Government's proposals, it would be a temptation—although not in any administration in which I was involved—to increase rents, to increase the flow of housing benefit.

Mr. McAllion: It is not only a temptation—it happens in the real world. Every hon. Member representing a constituency in Scotland is aware that councils starved of cash simply raise rents. They know that 60 per cent. to 70 per cent. of their tenants receive housing benefit and that someone else will pay the bill. We have to break out of that trap. I am trying to get the Government so say how they intend to fund the method by which we bring down rents in Scotland, and I hope that the actions of the Scottish Parliament in doing that will be rewarded by the savings in housing benefit being transferred back to it.

While I am talking about housing, may I ask my hon. Friend to give some thought to the stock transfer process, and especially the stock of Scottish Homes, which is being transferred into the voluntary sector? While we had Scottish Homes, the old Scottish Special Housing Association, housing benefit for its tenants was administered by Scottish Homes itself.

Of course, now that Scottish Homes has ceased to be a landlord and its tenants are being transferred into the voluntary sector, the claims for housing benefit are placed on the local authority in the appropriate area. However, local authorities have not been recompensed for the additional burden that they have had to take on as a result of voluntary stock transfers. I should be interested to know what the Government intend to do about that.

I deal now with the other payments made by social work departments, in respect of social security in particular. I am very conscious of the work of welfare rights officers who do a tremendous amount of good across Scotland, helping people with their benefit claims. They are funded solely through social work departments and the local authorities themselves, even though they are an integral part of the social security system in Scotland. It is unfair that local authorities are not recompensed for the fact that they employ welfare rights officers to help the smooth operation of the benefit system. Have the Government any plans to tackle that problem?

Finally, I draw attention to the operation of the social security system and the fact that, for example, the jobseeker's allowance regime and the benefit integrity project are forcing people off benefit. This sometimes has the effect of forcing people into abject poverty and out of the social security system. People in such circumstances often turn to the local authority for assistance, and it is the social work department that has to pick up the bill.

My hon. Friend the Member for Greenock and Inverclyde (Dr. Godman) spoke about a family in his constituency who had to get section 10 payments under the Social Work (Scotland) Act 1968 because the system failed them. It is unfair to expect the Scottish Parliament and local authorities to provide a safety net for people who have been swept out of the social security system by changes implemented at Westminster.

The hon. Member for North-East Hertfordshire said that there was a strong demand in Scotland for a different approach to social security. I deny that in the sense that it is not only in Scotland that such a demand exists. He also mentioned the cuts to the single parent benefit. Forty-seven Labour Members voted against those cuts, and only a minority came from Scotland—the vast majority came from England.

The hon. Member for North-East Hertfordshire also mentioned the reduction in disability benefits and the fact that many Scottish Members of Parliament opposed it. However, many English Members did the same—has the hon. Gentleman never heard of the Campaign group of socialist Members of Parliament which has been united in opposition to such cuts? Most of the group's members come from English constituencies. There is no geographical difference in the approach to social security; there is a class difference, but not a geographical one.

I seem to remember that the hon. Member for Ribble Valley (Mr. Evans) was a parliamentary private secretary under the previous Government who opposed the taking into account of the wind chill factor in cold weather payments. He had the chance to do something, but now, in opposition, has the nerve to lecture the incoming Government, despite the shortcomings of the Tories when they were in power.

Mr. John Swinney (North Tayside): I am grateful for the opportunity to take part in this debate. The best that could be said about the main Tory amendment is that it is a probing amendment, although how far it probed, I am not terribly sure, because many of the details necessary to enable us to come to a considered judgment about it were sadly lacking in what we heard.

6.15 pm

I hope that the hon. Member for Dundee, East (Mr. McAllion) will take heart from the proposals that I intend to make in speaking to amendments Nos. 268 to 271. Their purpose is to provide the Scottish Parliament with additional powers to develop welfare initiatives and to enable it to have a role in the administration of social security. Their origin lies primarily in the thinking of the Scottish Constitutional Convention which, in 1990, called for the administration of social security to be a devolved function. In 1995, it softened that commitment somewhat and asserted that

"Scotland's Parliament will co-operate with the Scottish offices of the Department of Social Security"—

Mr. James Wallace (Orkney and Shetland): Why was not the hon. Gentleman in there supporting us?

Mr. Swinney: I remind the hon. and learned Gentleman that I have come to the rescue of the proposals that he submitted and supported at that time. The convention's documents from those periods supported the notion that the administration of social security should be a devolved function, and I am glad to have the opportunity to remind Labour and Liberal Democrat Members of previous commitments.

Those commitments, which recognised the distinctive interest of Scotland in the provision of welfare support, were important in setting out the role of the Scottish Parliament in deciding how best to administer social security issues from a Scottish perspective.

Amendments Nos. 268 to 271 would give the Parliament the ability to supplement social security provision from Westminster. They would not reduce any benefit level produced by the United Kingdom social security system, but the Scottish Parliament could, for example, provide a Christmas bonus for pensioners or deliver cold weather payments, although we hope that it would do so when the weather was cold, rather than in the spring.

The amendments would also give the Parliament a say in the administration of social security issues, and we have heard examples of the important effect that that could have. In rural areas such as the constituency that I represent, claimants of benefits have grave difficulties in getting to the premises of the Employment Service because of transport problems. I am sure that in tackling such issues, a Scottish Parliament could make a material difference to the way in which benefits are administered. The Parliament could undertake initiatives—

Mr. Heald *rose—*

Mr. Swinney: I am short of time, and the hon. Gentleman spoke for far too long and made a rather irrelevant speech, so I will not take interventions from him.

The Parliament could undertake initiatives to ensure that a higher proportion of elderly or disabled people took up the full benefits to which they were entitled. The hon. Member for Dundee, East also referred to the benefit integrity project. Hon. Members of all parties recognise that there are grave concerns about this project and how it is going about its business. I like to think that a Scottish Parliament could insist that before any decision was made

[Mr. Swinney]

to reduce the benefit of an individual, the claimant could be the subject of a medical examination before a form adjudicator simply scrubbed out his benefit. The Government have made some important concessions—*[Interruption.]* The hon. Member for Motherwell and Wishaw (Mr. Roy) says that that is already happening. A couple of weeks ago, I met a lady whose benefits were cut in October, before the revised benefit integrity project rules came into play. She has lost some benefit, but the Government are not planning to reconsider her case—that is the reality of what is happening.

I should like a Scottish Parliament to exercise a judgment and insist that before decisions are taken on the administration of social security, the necessary safeguards and quality judgments are made in every respect. A strict code of conduct for adjudication officers would guarantee that individuals were treated properly and fairly.

All of the initiatives to which I have referred would be possible only if the Parliament had powers to decide how to deploy its resources. That choice should be open to the Parliament, and it is a choice that this House should give it.

I am about to conclude my remarks in order to give the Minister the opportunity to sum up in his usual fashion. There is enormous concern about welfare issues. Last Thursday, we saw the first dipping of the Government's toe in the water of welfare reform, but the Green Paper did not tackle much of the unease in our community. When the Scottish Labour party conference is delivering some fairly stiff judgments on the Government's record on welfare, a role for the Scottish Parliament in the administration of social security benefits is fundamental.

I have consulted many voluntary sector organisations in Scotland, including the Poverty Alliance, the Scottish Old Age Pensions Association, the Scottish Out of School Network, Care in the Community, the Scottish Support for Learning Association, the Scottish Ethnic Minorities Unit, Age Concern Scotland and the Rural Forum. All of them have given a positive welcome to the amendments to which I am speaking.

The consensus in Scotland is that we want to improve welfare benefits and the administration of the welfare system. We demand a civilised welfare system, and I hope that the Government will endorse our modest proposals to ensure that that is the case.

Mr. McLeish: In the two minutes I have available, I shall speak to amendments Nos. 545 to 550. Their purpose is essentially to clarify certain parts of section 1 of head 6. I hope that the Committee will agree that they are helpful.

I am not persuaded by any of arguments from the nationalists or the Conservatives. The Government remain responsible for the national social security benefits system. They should be responsible and accountable for the delivery of benefits as well as for the benefits themselves. Neither should it be possible for the Scottish Parliament to set up an alternative or additional social security system for inventing new schemes. That would be prohibitive in terms of cost and would undermine the United Kingdom approach to social security matters.

I understand that the nationalists have a separatist agenda; they want every responsibility at Westminster to be transferred to Scotland. However, once again the performance of the Conservatives was quite remarkable. They are being quite irresponsible in suggesting changes without considering the costs. They do not want the social security system to be devolved to Scotland. Once again they are mischief making and, while they embrace the concept, they are still a long way from embracing any sensible detail about a way forward.

Mr. Heald: All I would say in reply—

It being one hour and forty minutes after the commencement of proceedings in Committee, THE CHAIRMAN, *pursuant to the Order [13 January] and the Resolution [30 March], put the Questions necessary for the disposal of the business to be concluded at that hour.*

Amendment negatived.

Amendments made: No. 545, in page 71, line 30, leave out 'by local authorities'.

No. 546, in page 71, line 31, after 'damages', insert

'deductions from benefits for the purpose of meeting an individual's debts'.

No. 547, in page 71, line 38, after 'services)', insert

'section 2 of the Chronically Sick and Disabled Persons Act 1970 (provision of welfare services)'.

No. 548, in page 71, line 41, leave out from '1995' to end of line 42.

No. 549, in page 72, line 6, leave out from 'taxes' to end of line 7.

No. 550, in page 72, line 15, leave out 'are enactments' and insert 'is'.—*[Mr. McLeish.]*

Mr. Dalyell: On a point of order, Mr. Lord. A number of us would have liked to have contributed to the previous debate, but were clamped down by time.

The Second Deputy Chairman: I am sure that, by now, the hon. Gentleman is well aware of how the Committee is being operated. It is up to hon. Members to study carefully the time allowed and to allocate their speaking time accordingly.

Mr. Wallace: I beg to move amendment No. 412, in page 73, line 38, at end add—

'Laws of procedure and evidence in disciplinary hearings.'.

The Second Deputy Chairman: With this, it will be convenient to discuss amendment No. 501, in page 73, line 42, leave out 'the Dentists Act 1984'.

Mr. Wallace: Perhaps we shall be able to make up some time as the points that I wish to make in support of the amendments are very brief.

Although regulation of the health professions would remain a reserved matter, under amendment No. 412, the laws of procedure and evidence in disciplinary hearings would be a matter for the Scottish Parliament.

The reason for the amendment rests in a case decided by the Judicial Committee of the Privy Council that was reported in 1993. I should add that the Privy Council committee included two Scottish Law Lords. A Glasgow general practitioner was charged with professional misconduct. Notwithstanding that the case was heard in Scotland and that all the events relating to it had taken place in Scotland, the Judicial Committee of the

Privy Council held that Scots law was irrelevant to the evidence and procedure to be applied, and that the law of England had to apply to such disciplinary hearings.

It seems perverse that the law of England should prevail in a United Kingdom body. As the Treaty of Union acknowledged, the laws of Scotland and England have equal status. If, as was decided in the case to which I referred, the law of England should apply, despite the evidence, despite the fact that all the events took place in Scotland and despite the fact that the hearing sat in Scotland, that seems a perverse outcome. It is not unreasonable that the Scottish Parliament should have at least the opportunity to regulate that.

Amendment No. 501 would remove the Dentists Act 1984 from the interpretation of the health professions. As things stand, the General Dental Council would be subject to Westminster and not to the Scottish Parliament. When my hon. Friend the Member for Tweeddale, Ettrick and Lauderdale (Mr. Moore) and I drew that point to the attention of representatives of the British Dental Association earlier this year, they said, "How interesting—no one ever asked us whether we wanted London to continue determining these matters. In fact, we see many advantages of Edinburgh doing so." At the very least, the Government owe us an explanation about what consultation took place with the British Dental Association in Scotland and other organisations. Has it just been assumed that everyone wanted the continuation of rule from England?

Mr. McLeish: Amendment No. 412 seeks to except from the reservation of the regulation of the health professions the laws of procedure and evidence in disciplinary hearings of those professions, although, as drafted, it relates only to dentists' disciplinary hearings. Let me explain why that would not be desirable.

The medical professional bodies have welcomed the reservation of the regulation of the health professions as a necessary way in which to maintain the current high standards in those professions. As part of their regulatory activities, the health professional bodies make their own rules relating to procedure and evidence at professional disciplinary hearings.

Rules for medical disciplinary hearings are, except for nurses, approved by the Privy Council on a GB basis. In the case of the Nurses, Midwives and Health Visitors Act 1997, it is proposed that the function of the Lord Advocate of approving separate rules for Scotland should be transferred to Scottish Ministers in the executive devolution order in order to maintain the current position. As a consequence, I am not persuaded by the hon. and learned Gentleman's argument that there is a need to change current practice by excepting such matters from the reservation.

The effect of amendment No. 501 would be to make dentists the only group of health care professionals whose qualifications, registration and standards of professional competence and conduct would be a matter for the Scottish Parliament. I cannot see that there is any argument for singling out dentists from this group.

In some parts of Scotland, however, we have inherited difficulties of access to national health service dentistry and we are committed to tackling those, improving standards of oral health and restoring patient choice. Such matters do not fall within the scope of the Dentists Act. In view of my comments I hope that the hon. and learned Gentleman will withdraw the amendment.

Mr. Wallace: Before the Minister sits down, will he tell us first the policy consideration whereby the Government think it a good idea that when disciplinary events relate to Scotland and are dealt with in Scotland, the law of evidence and procedure should be English law? Secondly, what consultation was there with Scottish members of the British Dental Association before the Government decided not to devolve that particular responsibility?

Mr. McLeish: The first point relates to the workability of the procedures. There seems to be a general consensus that the procedures are working well and should continue. It is not the purpose of the Bill to disrupt legislation and regulations that are working. I shall certainly inquire into the hon. and learned Gentleman's second point about representations and write to him.

Mr. Wallace: I shall not press the amendment to a Division, but I do not accept the policy explanation provided by the Minister. Scots law and English law should be regarded as having equal status and there seems no earthly reason why English law should be allowed to prevail.

Dr. Godman: On the equality of status, does the European Court of Justice grant equality of status to the two legal systems?

Mr. Wallace: I have always assumed that it does. I see no reason to presume otherwise.

The Minister's reply was disappointing. Perhaps he could have shown more imagination, but I am grateful to him for promising to let me know what consultation took place with the various professions in Scotland, particularly the dental profession, before the list was drawn up.

Amendment negatived.

Mr. McLeish: I beg to move amendment No. 551, in page 74, line 17, leave out 'and'.

The Second Deputy Chairman: With this, it will be convenient to discuss the following amendments: Government amendment No. 552.

No. 483, in page 74, line 20, at end insert

'and the subject matter of the National Minimum Wage Act 1998'.

Government amendments Nos. 553 and 554.

Mr. McLeish: Amendments Nos. 551 and 552 will insert an express reference to the subject matter of the National Minimum Wage Bill into the reservation of employment rights and duties and industrial relations. This is intended to put beyond doubt the fact that the matters covered by the Bill, once it is enacted—in particular, the setting of the national minimum wage—will be reserved. I trust that the House will agree that this technical amendment is desirable.

[Mr. McLeish]

Amendments Nos. 553 and 554 are technical amendments to the section of the employment head that deals with job search and support. We are concerned here with the interface between the activities of the Employment Service, which are reserved, and the activities of Scottish Ministers, Scottish Enterprise, Highlands and Islands Enterprise and the Scottish local enterprise companies, which are to be devolved. As it stands, the provision does not deal with that interface in a satisfactory way.

Amendment No. 553 would alter the wording of the reservation to ensure that it catches all the responsibilities of my right hon. Friend the Secretary of State for Education and Employment in relation to the assistance to disabled persons to find or train for work under the Disabled Persons Employment Act 1944, and those under the Employment and Training Act 1973 in relation to assisting people generally to obtain and retain work, or to obtain employees. It goes on to except from the reservation those aspects of the 1973 Act that relate to training for employment, reflecting the fact that the Enterprise Network in Scotland has major responsibilities in that area. Amendment No. 554 simply deletes that part of the exception that is redundant because of amendment No. 553.

Although most training for employment in Scotland is carried out through the Enterprise Network, the activities of the Employment Service on training for employment in Scotland will also need to remain under the authority of the Secretary of State. I shall table an amendment to clause 52 on Report to provide that the powers under section 2 of the 1973 Act on training for employment can be exercised concurrently in Scotland by the Secretary of State for Education and Employment. That is the right way in which to deal with that genuine problem of overlap.

6.30 pm

We are reviewing the provision further to establish whether any other adjustments are required to deal with other aspects of the work of Scottish Enterprise and Highlands and Islands Enterprise that overlap with the work of the Employment Service. We shall table any further amendments on Report.

The amendments clarify which responsibilities of the Employment Service and the Enterprise Network in Scotland are devolved so that both bodies can continue to work effectively in Scotland after devolution. On that basis, I commend the amendments to the Committee.

Mrs. Laing: I shall speak to amendment No. 483, which would except from reservation the subject matter of what will become the National Minimum Wage Act 1998. The amendment would give the Scottish Parliament the power to determine whether there should be a minimum wage in Scotland and the level at which it should be set. I have listened to the Minister's arguments, but I do not understand why he opposes the amendment. Like many of the Conservative amendments, it would add clarity and consistency to the Bill.

It is consistent that the amendment would give the Scottish Parliament the power to decide issues that are particular to Scotland. Local wage rates are particular to the part of the country that they affect, because economic circumstances vary throughout the country, as do the cost of living, house prices and the availability of jobs in certain industries. It should be possible to vary the minimum wage to take those factors into account.

Mr. Alasdair Morgan: Would the hon. Lady care to speculate on whether a minimum wage set by the Scottish Parliament would be higher or lower than that set by the United Kingdom Parliament?

Mrs. Laing: It is not for me to speculate. If the Government gave us any idea of the likely rate of the minimum wage, perhaps we could have such a discussion, although this would not be the place for it. If the Government continue to hide their intentions from Parliament and the people, we cannot discuss the issue further.

It would be consistent to give the Scottish Parliament power over minimum wage legislation for Scotland. The Government have already accepted that differential minimum wage rates may apply to the armed forces and those under 25. Why should they not apply in Scotland if the Scottish Parliament—elected by the Scottish people—wants that? It is not only inconsistent but blatantly unfair for the Government to say that the Scottish people can have higher taxes imposed on them than the rest of the country, but they cannot vary the rate of their minimum wage to take those higher taxes into account.

Mr. McAllion: The hon. Lady has misunderstood the proposals on taxation in Scotland. The Scottish people would have to vote for higher taxes; they would not be imposed.

Mrs. Laing: The hon. Gentleman has not understood that, by voting yes, yes in the referendum last September, the Scottish people have already voted for higher taxes—perhaps not in principle, but in practice. It does not matter how much Labour Members disagree with that; it is true. Let us wait and see, and come back to the issue in a few years. There will be higher taxes in Scotland. The Conservatives do not want extra tartan taxes imposed. We also do not think that a minimum wage is necessary.

Mr. Russell Brown (Dumfries): Perhaps the hon. Lady should speak to other Conservative Members about the issue. We have been through the arguments. The national minimum wage will apply nationally, as the title says. It will be a national minimum wage for all—Scotland, England, Wales and Northern Ireland.

Mrs. Laing: I take the hon. Gentleman's point, but if Scotland is a nation, it should have its own national minimum wage.

Mr. Swayne: Is my hon. Friend aware that negotiations have already taken place with the Convention of Scottish Local Authorities about a minimum wage?

Mrs. Laing: I am indeed. As usual, my hon. Friend pre-empts me. I was just coming to that. We do not want extra tartan taxes and we do not think that a minimum wage is necessary. However, tartan taxes are even more unfair if there is no tartan minimum wage to help pay for them.

There is no practical reason why the Scottish Parliament should not have power over the minimum wage, nor is there any reason in principle.

Dr. Godman *rose—*

Mrs. Laing: I shall not give way to the hon. Gentleman, because I am taking too much time. However, I should like to point out to him that, although I have always pronounced his constituency "Greenock", many of my friends from Kilmacolm, like my hon. Friends here, would say "Grinnock". I am sure that he understands that.

The principle of a minimum wage in Scotland has already been conceded. We must assume that the Government have a political reason for opposing our amendment. Labour Members are ever mindful of the wishes of the Scottish Trades Union Congress. They talk about a national minimum wage and a national this, that and the next thing for the UK, but the STUC is specifically Scottish. It is not surprising that Labour Members are always mindful of the wishes of the STUC, because many of them are sponsored by its unions. We all know that the STUC wants a higher level of minimum wage than that which the Government are likely to set. As hon. Friend the Member for New Forest, West (Mr. Swayne) reminded me earlier, COSLA has already done a deal for a minimum wage of £4 an hour for local authority employees. The Government clearly want to keep responsibility for minimum wage legislation at Westminster because they do not trust the Scottish Parliament.

As we examine this Bill clause by clause, I begin to realise that some of our criticisms of the Government's inconsistency have been a little unjust. Even those who really believe in devolution must have realised that there is a warped logic and consistency in the apparently arbitrary choice of which matters are reserved and which are devolved. Responsibility for any controversial issues that could be embarrassing or cause internal strife in the Labour party—or worse, strife between the Labour party and its paymasters—will be kept at Westminster. [*Laughter.*] I do not know why the hon. Member for Kilmarnock and Loudoun (Mr. Browne) finds that so funny. It is certainly true; why else are Labour Members opposing the amendment? It is clear that the Government are afraid to leave to an Edinburgh Parliament any decision that might give the Labour party political trouble. I do not call that the responsible action of a responsible Government.

The Government must be beginning to wonder why they introduced the Bill. They promised devolution before the election because they thought that it would win them votes from SNP supporters. Ironically, they did not even need the SNP's votes. The idea of Scottish home rule seemed good when it was pie in the sky, but now that the Government are forced to consider the detail of how it will work in practice, they are backing off at every turn. They are afraid to devolve sensitive issues to the Scottish Parliament because they do not trust the Scottish Parliament; they do not trust potential Members of the Scottish Parliament; they do not trust the Scottish people who will elect them. If the Government trust the Scots, they should accept the amendment and let the Scottish people and their elected representatives decide whether they want a minimum wage and at what level it should be set.

Mr. Browne: I congratulate the hon. Member for Epping Forest (Mrs. Laing) on what I think was her maiden speech from the Dispatch Box, although it is a pity that it was the same as speeches her hon. Friends have already made. It certainly makes a change from blaming everything on the Minister without Portfolio, my hon. Friend the Member for Hartlepool (Mr. Mandelson), to hear them trotting out that Labour Members do not trust the Scottish Parliament.

Dr. Liam Fox (Woodspring): That is to come.

Mr. Browne: Ah, that is to come.

I want to lay out some reasons why a national minimum wage ought not to be devolved. I speak in favour of the Government amendments and oppose amendment No. 483, and I have three reasons for doing so. First, amendment No. 483 is an attempt—and not too subtle at that—to introduce by the back door regional variations in the national minimum wage. The Tories lost that argument at every stage of debate on the National Minimum Wage Bill.

Incidentally, it was a welcome departure to hear a nationalist voice in the debate on the minimum wage. The absence of SNP Members from debates in which Labour Members and Liberal Democrats were delivering a national minimum wage was noted.

Mr. Alasdair Morgan: I trust that the hon. Gentleman is going on to explain that 50 per cent. of Labour representation were not present for the final vote in the all-night sitting on the National Minimum Wage Bill.

Mr. Browne: I was not intending to go into detail about who voted. I was merely pointing out the absence of a party that paints itself in a particular way to the electorate of Scotland. I have also noticed that its Members are absent except on the few occasions when they oppose what the Government are doing. Such occasions are so remarkably rare that one wonders why they are needed in Parliament at all.

I am opposed to regional variations in the national minimum wage because, after 18 years of Tory government, the level and intensity of low pay is the same across every United Kingdom region. Contrary to what the hon. Member for Epping Forest said, there is no difference across the UK in the level and intensity of poverty arising from low wages. The percentage of workers affected may vary slightly from one region to another, but not greatly. The 1997 labour force survey shows, for example, that 9 per cent. of workers in the south-east of England are paid less than £3.20 an hour. In the east midlands, the figure is 10 per cent., in Strathclyde it is also 10 per cent., and in the rest of Scotland it is 9 per cent.

The other measure of the level of intensity of low pay is the number of families receiving family credit. Figures published by the Department of Social Security in the family credit statistics quarterly inquiry of August 1997 support the view that workers' experiences of low pay are common throughout the UK. If there are variations, the evidence tends to suggest that they occur within and not between regions. For example, in my constituency, some workers in the town of Kilmarnock may earn slightly more doing the same jobs as workers from outlying

[Mr. Browne]

villages. Geographical boundaries are totally arbitrary as economic measures; low pay affects workers in England, Scotland, Wales and Northern Ireland in equal measure.

Mrs. Laing: Although the hon. Gentleman's statistics are interesting, does he accept that house prices, rents and travel costs vary throughout the country?

6.45 pm

Mr. Browne: I accept that other economic measures may vary, but the level and intensity of low pay, which is what the national minimum wage is intended to attack, is the same throughout the country.

The second reason why I oppose regional variation of low pay or a Scottish national minimum wage is that a UK national minimum wage with a single rate is simple and uncomplicated, and workers will more easily identify with it and more easily recognise their legal right. Enforcement will therefore be more straightforward, administration will be less bureaucratic, and the same job with the same employer will not attract different rates in different parts of the UK.

The third reason why I oppose the Opposition's amendment—the real reason why it has been tabled—is that it is designed to delay the implementation of the national minimum wage in Scotland. The Government acted quickly to ensure the quick and effective implementation of the national minimum wage. Within 90 days of the election, the Low Pay Commission was set up to decide the right rate. It was instructed to take account of regional differences, and its members have journeyed across Britain to listen to evidence in order to ensure that that was so. They visited Scotland in October to take evidence. I hope that the commission will report soon and that we shall be able to get on with delivering the legislation.

The Opposition amendment asks the people of Scotland to wait for the national minimum wage. It would delay implementation until the Scottish Parliament was up and running, while workers in the rest of Britain would see an end to poverty pay. I know that people in my constituency are in need of a national minimum wage now, and I refuse to ask them to wait. I refuse to let my constituency and other areas of Scotland become the sweatshop of Britain until the Scottish Parliament is ready to legislate for a Scottish minimum wage. If hon. Members believe in the value of appropriate pay, they should support the national minimum wage and not seek either to ignore it, as the SNP did, or delay it, as the Tory Opposition choose to do by tabling this back-door measure.

Mr. Dominic Grieve (Beaconsfield): I speak in support of amendment No. 483.

When we began discussing the principle of the Scotland Bill, the Secretary of State pointed out—indeed, he was commended for doing so—that the Government's approach would not be to devolve powers to Scotland but to give powers to it and merely reserve certain powers in Westminster. It was not a question of identifying the powers that should go; it was a question of identifying the powers that should remain. That was what distinguished the Bill from the previous attempt at a devolution Bill in the 1970s.

Although Conservatives oppose the principle of the Bill, we have attempted to table constructive amendments where there is intellectual inconsistency. *[Interruption.]* The hon. Member for Moray (Mrs. Ewing) laughs, but I seem to remember receiving some slight commendation from the leader of her party, the hon. Member for Banff and Buchan (Mr. Salmond), on the question of the relationship between the First Minister and the sovereign in a debate in which it was clear that Labour Members wholly misunderstood the principles of establishing separate sovereignty for the Scottish Parliament.

Mr. Salmond: The hon. Gentleman is right, but what puzzles us is his party's Jekyll and Hyde attitude to the Bill. Half the Tory amendments are attempts to take things away from the Scottish Parliament, while the other half are attempts to add to its powers. The Tory party should come clean and tell us whether it is trying to enhance the powers of the Scottish Parliament or to diminish them—or does it vary from day to day, speaker to speaker and amendment to amendment?

Mr. Grieve: That can be easily answered. First, we have attempted—I accept that, in the process, we have used probing amendments—to draw the Minister and the Secretary of State out as to the rationale behind their decisions.

Mr. Ancram: Unsuccessfully.

Mr. Grieve: Yes, pretty unsuccessfully, most of the time, even when their approach has been irrational.

Secondly, we have genuinely tried to improve the Bill. The fact that the hon. Member for Banff and Buchan (Mr. Salmond) may disagree with some of our improvements is neither here nor there: they were genuine attempts to make the Bill more workable.

The question about schedule 5 is: what is the rationale behind the reservations? The Government presented the national minimum wage to the House as a matter of social justice that would not impinge on economic policy. It is difficult to see why there should not be the opportunity to set a separate national minimum wage for Scotland. There is no economic rationale behind the Government's position, because the original legislation was not presented on such a basis; it was presented as a social matter.

Social policy is an area in which many matters are to be devolved, so the question is simple: what is the justification for retaining power over the national minimum wage here? The hon. Member for Kilmarnock and Loudoun (Mr. Browne) made several valid points on policy issues and preference, but when they are married up with the way in which the Bill has been presented and the purpose behind it, his arguments do not add up or make sense.

The Bill has been presented to the House as an issue of principle, and if the principle is to give the Scottish Parliament power over all such matters as need not essentially be reserved to the House of Commons, the national minimum wage does not meet that test.

Mr. McAllion: Is the hon. Gentleman not making a false distinction between social and economic issues? Does he not agree that we cannot have social justice unless we first have economic justice?

Mr. Grieve: That is an argument either for total independence or for having no devolution of any social legislation at all.

I do not wish to take up more of the time of the Committee, so I simply ask the Minister to justify the policy, because the Bill seems wholly illogical. I agree with my hon. Friend the Member for Epping Forest (Mrs. Laing) that the reserved areas are simply those matters over which the Government fear the Scottish Parliament and the embarrassment that it could cause. That is not a proper basis for devolution.

Mr. Dalyell: Parliamentary banter apart, this is a delicate situation. None the less, my right hon. and hon. Friends may have an easy ride—if the minimum wage is set at a level agreeable not only to the Scottish Trades Union Congress but to the individual trade unions.

My hon. Friend the Minister and I know that there are different views on the subject in the trade union movement. What will happen if the minimum wage is set rather lower than the expectations of many of the trade unions in Scotland? I ask a factual question: what has the STUC said to the Government on the subject? If I may personalise the question for a moment, what has Mr. Bill Spiers, in particular, said to the Government?

Mr. McAllion: That is unfair; he is trying to become the general secretary.

Mr. Dalyell: My hon. Friend says that that is an unfair question, but he will not deny that it is a highly relevant question.

Reference was made earlier to the tight disciplinary machinery on the Government side of the House. I believe that my hon. Friend the Member for Dundee, East (Mr. McAllion) and I were the only Labour Members present at the time, so the remark was not very apt. Those of us with different points of view are certainly entitled to ask what precisely has been said to Ministers on this delicate issue.

Furthermore, what have the local authorities said on the subject? Many councillors who are well known to the Minister and to others of my hon. Friends feel embarrassed about what they may be forced to do about employment levels. Leaving the banter aside, this is a deadly serious subject, and I ask for a factual explanation of what exactly the trade union movement—not only the STUC but its constituent trade unions—has said.

Mr. Alasdair Morgan: There may be various arguments as to why, after devolution, powers over the minimum wage should be reserved, but we all know why the Opposition tabled the amendment.

I shall refute one of the arguments used by the hon. Member for Kilmarnock and Loudoun (Mr. Browne)—an argument that has been used not only in this debate but in others both today and previously. He said that the change proposed would be too complex and difficult for people in Scotland—and presumably therefore for people in England, too—to understand. That is lowering the argument to a ridiculous extent. I feel sure that the people of Scotland, and those in the rest of the United Kingdom, can cope with such differences.

Indeed, there is an example in the Bill, which specifically exempts from the reservations under employment the Agricultural Wages (Scotland) Act 1949. We are therefore to assume that agricultural workers in England and Scotland can happily cope with the idea of different wage rates in different parts of the United Kingdom, whereas other workers cannot do the same with the minimum wage. That gives the lie to that argument against having differences between different parts of the United Kingdom.

Dr. Godman: The hon. Member for Galloway and Upper Nithsdale (Mr. Morgan) made a crack earlier about some of us having been absent for a vote on the national minimum wage. I think that I was one of the absentees, so may I explain that at about that time I was in Washington discussing the Northern Ireland peace process with certain Congressmen who are fervent supporters of Sinn Fein? I was trying to persuade them of the need to support the view of the British and Irish Governments on the peace process.

As for agricultural workers in Scotland, the national minimum wage would be the base rate upon which they would negotiate with their employers.

I shall explain why I sought to intervene on the hon. Member for Epping Forest (Mrs. Laing); I acknowledge that she may not have had enough time to allow me to do so. I wanted to ask her whether, if we are fortunate enough in the next few weeks to debate the setting up of a Northern Ireland assembly—and God knows, we may not be so fortunate—she will argue for giving such an assembly the power to determine a national minimum wage for the six counties.

I also ask the Opposition whether they would want a Northern Ireland assembly to preside over its own social security system. Both the national minimum wage and the social security system should be uniform throughout the United Kingdom.

Mr. Heald: Will the hon. Gentleman give way?

Dr. Godman: The hon. Gentleman must sit down for a moment, but I promise to give way to him later.

Such systems must be uniform throughout the whole of this multinational state. As my hon. Friend the Member for Dundee, East (Mr. McAllion) said, a uniform social security system is in the interests of those who, through no fault of their own, have to seek sustenance from the state. In the context of the national minimum wage, we must remember that there is migration from one nation to another within the so-called United Kingdom, and that those on low wages are often forced to migrate from one poorly paid job to another. The minimum wage must therefore be on a level.

To my hon. and very good Friend the Member for Linlithgow (Mr. Dalyell)—I would also like to remind the hon. Member for Epping Forest of this—I say that, although there may be disagreements between the Government and the STUC and the TUC about the level of the minimum wage, the STUC and the TUC are at one in their determination that there should be a uniform national minimum wage throughout the United Kingdom. That is what my hon. Friend must remember.

I agree with the STUC on the level of the national minimum wage, and hence I disagree with my Front-Bench colleagues. The national minimum wage should be £4 an hour. I would like it to be £4.50 an hour, but that is being a little idealistic. If there are variations in the setting of a minimum wage, some employers will be unscrupulous enough to exploit those differences. They may set up satellites in the regions of England, Scotland or Wales and

[Dr. Godman]

pay lousy wages and impose lousy terms and conditions of employment on employees. In an age when the trade unions, sadly, are somewhat weak, we must give statutory protection across this multinational state.

Mr. Heald: Does the hon. Gentleman agree that the social security system in Northern Ireland, to which he referred, is administered separately?

7 pm

Dr. Godman: It is, but it is identical to the system established by the Department of Social Security here in England. There is no variation whatever in the range of social security payments. I challenge the hon. Gentleman to provide an example of any social welfare payment where there is a difference.

Mr. Eric Clarke (Midlothian): Is my hon. Friend aware that regional wages in Scotland are set by employers—for example, Dumfries and Galloway has the lowest average wages?

Dr. Godman: My hon. Friend is absolutely right, but then he speaks with vast experience as an accomplished negotiator on behalf of the Scottish National Union of Mineworkers, and as a one-time member, I believe, of the STUC. Some of the wages paid in the constituency of the hon. Member for Galloway and Upper Nithsdale are scandalously low—the lowest in Scotland. However, we all have lousy, unscrupulous employers in our constituencies.

Not long ago, an employer in the electronics industry in my constituency threatened his non-unionised work force with the sack if they had the temerity to speak to the local trades council or the local Member of Parliament about their lousy, rotten terms and conditions of employment. Where that employer and others like him are concerned, I look forward to the establishment of a national minimum wage and the enhancement of trade union recognition.

Rights were destroyed by that odd-job lot, the Conservative party, when it was in power. We need good, solid trade unions in our democracy, and we need a uniform social security system. We need also a uniform national minimum wage in our multinational state.

Mr. McAllion: There is something bizarre about the Conservative Opposition tabling an amendment which suggests that the national minimum wage should be devolved to the Scottish Parliament, since they opposed both the minimum wage and the Scottish Parliament. That has to be put on record. Nobody has been convinced by any of the Opposition arguments.

The hon. Member for Epping Forest (Mrs. Laing) argued that the national minimum wage should vary across the country because housing costs and local taxes vary across the country. What she misunderstands is that the national minimum wage is not the recommended wage for all employers across the country—it is the absolute minimum wage for all employers across the country. With a strong and effective trade union movement, the problems she described can be dealt with by workers in any part of the country. The Tory party has never understood the working class, and I doubt if it ever will.

The hon. Member for Epping Forest argued that there was no practical or principled reason why the national minimum wage should not be varied in different parts of the country. I remind her that, in the early days of the labour movement, wages and conditions for miners—my hon. Friend the Member for Midlothian (Mr. Clarke), a former miner, can confirm this—used to be set from pit to pit. It was the work of the NUM which helped to impose a national minimum wage and working conditions for miners. That is why the Labour Government, like the miners, will deliver a minimum wage for the working people of this country.

Mr. McLeish: I welcome the hon. Member for Epping Forest (Mrs. Laing) to the Front Bench. Whether it is a fleeting visit will be decided by the powers that be on the Opposition Front Bench.

To be harsh for a moment, the behaviour of the official Opposition is, quite frankly, irresponsible. The Conservative Opposition are playing politics with one of the most important manifesto commitments we have made—to improve the social and economic well-being of millions of workers in this country. It makes no sense for the Conservative Opposition to pick and choose the points on which they want to be politically expedient. We saw this last night in terms of guns; we have seen it today in terms of welfare, and now the minimum wage. It is clear that the national minimum wage should be just that—a single national minimum wage. That is essential to maintain the level playing field for business in the UK—one of our key objectives in framing the Bill.

A single national minimum wage applying across the UK will ensure clarity, simplicity and ease of enforcement. It makes no difference where one lives or works in the UK—low pay is low pay. Putting a floor under pay to avoid unacceptably low levels is what the national minimum wage is about. That has not been recognised by the Conservative Opposition. I would like the hon. Member for Epping Forest to identify where her suggestion has come from. What discussions has she had with the trade unions or the business community?

A decision has been taken by my right hon. and hon. Friends in government to promote a national minimum wage. That is an important priority, which is not helped by the Conservatives attempting to reduce the matter to a political knockabout at the expense of the provisions of the Bill. It is for this reason that the Bill reserves, among other things, employment rights and duties, and industrial relations.

We are seeking a coherent set of policies which are consistent in economic terms throughout the country. Given the claims by the Opposition that they want to protect business interests in Scotland, I hope that they recognise that this is best achieved by the subject matter of the National Minimum Wage Bill being a reserved matter. *[Interruption.]* Once again, the right hon. Member for Devizes (Mr. Ancram) makes flippant remarks from a sedentary position on a serious issue.

Mr. Ancram: Will the Minister give way?

Mr. McLeish: I am glad that the right hon. Gentleman is doing the honourable thing by coming to the Dispatch Box instead of mumbling from the Front Bench, as he normally does.

Mr. Ancram: I just hope that, on this occasion, the Minister might answer the question put to him by the

hon. Member for Linlithgow (Mr. Dalyell) about the representations the Minister has received from the STUC, and, in particular, from Bill Spiers.

Mr. McLeish: If the right hon. Gentleman had been listening, he would have heard my hon. Friend the Member for Linlithgow (Mr. Dalyell) talking about much wider issues in relation to the trade union movement in Scotland. My hon. Friend acknowledges that this is an important issue, but the substance of the minimum wage is not a matter for debate this evening. We are talking about where the legislative competence will lie in relation to the minimum wage's legislation, level and implementation.

We take this matter seriously. If there is a vote, I ask my hon. Friends to vote against the Opposition amendment. Millions of workers are looking for leadership. They will get none from the Conservatives, but they will get it from the Government.

Amendment agreed to.

Amendments made: No. 552, in page 74, line 18, at end insert

'and

( ) the National Minimum Wage Act 1998.'.

No. 553, in page 74, leave out lines 34 to 36 and insert—

'The subject-matter of—

( ) the Disabled Persons (Employment) Act 1944, and

( ) the Employment and Training Act 1973, except so far as relating to training for employment'.

No. 554, in page 74, leave out lines 38 and 39.— *[Mr. McFall.]*

Dr. Fox: I beg to move amendment No. 4, in page 75, leave out lines 2 to 4.

The First Deputy Chairman of Ways and Means (Mr. Michael J. Martin): With this, it will be convenient to discuss the following amendments: No. 5, in page 75, leave out lines 5 to 7.

No. 6, in page 75, leave out lines 8 to 13.

Dr. Fox: In any Bill dealing with devolved and reserved powers there will be accusations of inconsistency and situations in which the general case could be made either way. However, the example before us is one of cynical manipulation, not of inconsistency. Abortion is a sensitive subject, but it is hardly a nationalist totem. The debate is not about abortion policy itself, but is about who should have legislative responsibility.

We cannot determine, should there be devolution to the Scottish Parliament, whether there will be a tightening or loosening of policy. That is not really the point. Hon. Members will have their personal views on the subject. I make no secret of my view: I would very much wish to see a substantial tightening of abortion policy, but that is not the point at issue. We are discussing who should have legislative responsibility.

In the run-up to the debate, it was clear and interesting that the amendment had attracted a wide range of political support, not least of which was a statement made today, which I am sure hon. Members will have received, from the Catholic bishops of Scotland, who say:

"It is with some concern that we note the reservation of certain powers to the Westminster Parliament, which, in keeping with the principle of subsidiarity, could be decided here in Scotland. Representatives from all the main political parties have pointed to the anomaly which transfers criminal justice and health legislation from London to Edinburgh, yet excludes abortion from the competence of the new Parliament.

This position is rendered even less comprehensible when it is noted that the new Scottish Parliament will have powers to legislate on such issues as euthanasia and capital punishment. We express our support for the parliamentarians on all sides of the House of Commons who have brought forward amendments to the Scotland Bill to allow our new Parliament full and proper control over an issue which Scots have a right to decide for themselves.

To those who talk of a cross-border 'traffic' in abortion, let it be noted that such 'traffic' already exists throughout Europe wherever neighbouring countries have different laws in any area, be it taxation, health or marriage."

That view has come from other political parties. I note the support of the Liberal Democrats and the Scottish nationalists. The Liberal Democrats tabled amendments similar to those that are before the Committee.

Dr. Godman: The hon. Gentleman talked about "traffic" throughout Europe. I hope that he will confirm that we have that traffic now within the United Kingdom, between Northern Ireland and England, Scotland and Wales.

Dr. Fox: I shall refer to Northern Ireland, if the hon. Gentleman will bear with me for a few moments.

It is worth considering precisely the point that the hon. Gentleman has raised, because it has been raised recently, by the Under-Secretary of State for Northern Ireland, and in an exchange during Prime Minister's questions. On 29 January, the Under-Secretary said in response to a question:

"As I have said, we have no agenda to extend the Abortion Act 1967 to Northern Ireland."

The Committee will understand that the Act does not apply to Northern Ireland. The Minister continued:

"If there is to be change, the preferable way for it to happen is in a devolved administration in Northern Ireland or, alternatively, by way of a private Member's Bill from a Northern Ireland Member."—[*Official Report, Northern Ireland Grand Committee*, 29 January 1998; c. 2.]

As the Committee will probably be aware, I took the opportunity to ask the Prime Minister a question about these matters during Prime Minister's Question Time three weeks ago. I asked the right hon. Gentleman why there was a difference between Scotland and Northern Ireland on this issue, and why Northern Ireland should have power to make changes—the preferable way would be through a devolved assembly—but not Scotland. Why is the situation so different? The Prime Minister replied:

"Scotland and Northern Ireland need not necessarily be treated in the same way across the various programmes for devolution. One of the points of devolution is that what happens in Northern Ireland or in Scotland is a matter of debate and can be decided in different ways."—[*Official Report*, 4 March 1998; Vol. 307, c. 1056.]

The Prime Minister would do well to ask the Secretary of State for Scotland what the Government's position actually is before he is so rash as to answer a genuine question at Prime Minister's Question Time. However,

[Dr. Fox]

the Government have an explanation of why we are treated to such an interpretation. The notes on clauses tell us that certain areas raise "major ethical issues" or

"require expertise to be pooled"

on a United Kingdom basis before regulations can be made where there should be reservation.

Let us consider those two reasons. The first rests on "major ethical issues". Such issues are not to be determined by the Scottish Parliament, according to the notes on clauses, when it comes to this part of the Bill. That is presumably because the Scottish Parliament is incapable of deciding on major ethical issues, if we are to believe what we read. Yet the death penalty—a major ethical issue—can be decided in the Scottish Parliament. Euthanasia is another major ethical issue. It, too, can be decided in the Scottish Parliament. Bizarrely, human transplantation can also be decided in the Scottish Parliament but not xenotransplantation, which is transplantation from animals to humans.

7.15 pm

I do not know where the line is being drawn. What is a major ethical issue to the Government and what is not? I look forward to the Secretary of State defining exactly what the Government regard as a major ethical issue.

The second part of the Government's explanation is matters

"which require expertise to be pooled at a United Kingdom level"

before we can make regulations. That seems to be nonsensical. There is no direct link between expertise and regulation. Regulation is how politicians respond to a perceived problem, albeit in the light of access to relevant expertise. The Scottish Parliament could have full access to United Kingdom expertise on any of the issues that we are considering, simply by calling the appropriate witnesses to it. It may well make the same regulations on the same advice, but it may not. To pretend that there is inextricable linkage is to make it nonsensical to have politicians. Why not elevate scientists to the status of gods and do exactly what they tell us?

The reservation has the stamp of the Prime Minister upon it. The Prime Minister, having had one or two nasty brushes that his spin doctors had difficulty dealing with on the abortion issue, does not want the issue to be in the hands of the part of the party where he has least control. Anyone who witnessed the Scottish Labour party conference will understand what that means. The Prime Minister does not want troublemakers for him on this issue. That is the only reason why power is being reserved. The reservation smacks not of principle but of political manipulation, cynicism and cowardice.

Mr. Roy: I shall speak against the amendment. I have a deep belief in the sanctity of life and therefore believe passionately in the right of life of the unborn child. That belief applies to the unborn child throughout the United Kingdom and not only in the towns and cities of Scotland.

Abortion and its human consequences are not just matters of health to me and to the many whom I represent. Abortion is an ethical issue that is above the clinical terms that are used to end the life of any unborn child. It is an ethical issue that should be above political point scoring. My constituents know and understand my pro-life stance. In all conscience, I cannot support an amendment that pigeon-holes abortion and the right to life as purely health matters. Similarly, I cannot support an amendment that could lead to cross-border traffic in human sadness. The thought of seriously troubled women—*[Interruption.]*

The First Deputy Chairman: Order. Hon. Members should not enter into loud conversations in the Chamber. Indeed, there should be no conversations when an hon. Member is addressing the Committee.

Mr. Roy: Thank you, Mr. Martin.

The thought of seriously troubled women booking into hotels, whether in Scotland or England, before an early-morning appointment at a termination clinic appals me. A more liberated pro-abortion area, whether it be in England or Scotland, would result in pitiful cross-border traffic of women who were desperately unhappy and desperately troubled.

I ask Opposition Members not to treat abortion and its sad consequences as a political football. I ask them also to think and to separate out the tragic consequences of someone deeply troubled thinking about terminating the life of an unborn child. Let us deal with the problem of unwanted pregnancies as a real, human problem, one that is beyond the realms of a Scottish-English border. Women throughout the United Kingdom should be treated equally in a sympathetic manner.

I ask hon. Members to reject this sad amendment.

Mr. Wallace: I should like to make it clear to the hon. Member for Motherwell and Wishaw (Mr. Roy) that I do not consider this a trivial issue or in any way a political football. It is a serious issue that the Committee should address. In no way would I trivialise the remarks that the hon. Gentleman has just made. Although I would not sign up to the pro-life camp, I believe that abortion should be very limited indeed in its extent, but this is not a debate on the merits or demerits of abortion. The question is whether the Scottish Parliament should deal with these serious and important issues rather than the Westminster Parliament.

Dr. Godman: I agree with my hon. Friend the Member for Motherwell and Wishaw (Mr. Roy) that this is a serious issue, and I regret the presentation made by the hon. Member for Woodspring (Dr. Fox), the Conservative party spokesman. In his speech, he made this a party political matter.

Mr. Wallace: It is for people to argue their case as they see fit. I hope that in my remarks I shall not make it a partisan matter, as I know that strong views are held across the Chamber.

Why is abortion a reserved matter? The health issue has been devolved to the Scottish Parliament. I accept that this is not purely a health issue. The Abortion Act 1967 was to address matters with regard to criminal law, and criminal law is substantially a devolved matter for the Scottish Parliament. If the two areas that relate to abortion—health and criminal law—are devolved, logic would suggest that the law of abortion should not be a reserved matter.

What is the justification for abortion being a reserved matter? It cannot be because it is a moral or ethical issue, because the Scottish Parliament must be capable of

grappling with moral and ethical issues as well as with social, economic, transport, health and education issues. We are in free vote territory, and people would expect that in the Scottish Parliament there would be free votes on matters of conscience, as happens in the House. Indeed, as the hon. Member for Woodspring (Dr. Fox) said, euthanasia and capital punishment will be matters for the Scottish Parliament. They are treated seriously by hon. Members on both sides of the House, and are ethical issues.

Surely the Government are not saying that the Scottish Parliament will not be competent to deal with an issue such as this. The theme that we ran during the referendum campaign, which the Government have mentioned when replying to debates in Committee, was, "Surely we can trust the Scottish Parliament." Indeed we can, and we can trust the parliamentarians who will be returned, and the people of Scotland who will return them. We can trust them to treat these issues with the seriousness that they deserve and to come to the right judgment based on a range of factors, one of which must be cross-border traffic. It is an important issue, and it would be for the Scottish Parliament to take it into account before it made any change—if it was ever minded to do so—to the current abortion law.

Mr. McAllion: Does the hon. and learned Gentleman accept that cross-border traffic already exists? There are cities in England, such as Liverpool, where it is difficult to get an abortion. People from Liverpool can come to Dundee for an abortion. Indeed, many people from Glasgow can come to Dundee to seek an abortion, and they book into hotels in the way described by my hon. Friend the Member for Motherwell and Wishaw (Mr. Roy). The cross-border traffic argument has nothing to do with whether the Scottish Parliament should have responsibility for this area.

Mr. Wallace: The hon. Gentleman raises a practical point. I am trying to anticipate what the arguments might be for not allowing abortion to be transferred to the Scottish Parliament. Those who argue for abortion to be reserved have said that there might be the problem of cross-border traffic.

What about Northern Ireland? The hon. Member for Motherwell and Wishaw talked about the whole of the United Kingdom, but Northern Ireland has a different abortion law from the rest of the United Kingdom. The 1967 Act did not apply in Northern Ireland because abortion was devolved to the Stormont Parliament. Back in the 1920s, it was thought fit by those who framed the legislation to give the Stormont Parliament powers, so that abortion could be properly devolved to the Northern Ireland Parliament. We argue that a similar arrangement should be made for the Scottish Parliament in the 1990s.

It is important to underline the fact that for a long time, the law on abortion has differed between Scotland and England. The notes on clauses say:

> "The 1967 Act introduces in effect a similar regime for the whole of Great Britain."

I do not accept that that is necessarily the case.

I am grateful for the insight of Sandy McCall Smith in his contributions in the "Encyclopaedia of Laws of Scotland", and of Kenneth Norrie, who was a lecturer in law at the university of Aberdeen. Kenneth Norrie wrote an article in the *Criminal Law Review* in 1985, headed "Abortion in Great Britain: One Act, Two Laws". Before 1967, under Scots criminal law, based on common law, it was a crime to carry out an improper act calculated to destroy the foetus. It was clear from practice that the need to terminate a pregnancy in the interest of maternal health was not considered a criminal act under the law of Scotland. Admittedly, the law was not terribly clear. What was clear was that there were no Crown prosecutions when those terminations occurred. A study carried out in 1963—four years before the Act that was taken through the House by Lord Steel of Aikwood, as he is now—showed that 2 per cent. of women in a Scottish city had abortions performed under the health service.

The 1967 Act did not interfere with the common law, and merely set out circumstances in which an abortion could lawfully be carried out. That meant that there were still differences between Scotland and England. It was still legally possible in Scotland, under common law, for a single medical opinion to permit an abortion to go ahead.

Until the Human Fertilisation and Embryology Act 1990 tidied up many of those things and gave clear dates beyond which abortions could not take place, the position in Scotland was different from England. In England and Wales, the relevant provisions of the Infant Life (Preservation) Act 1929, which was specifically continued by the Abortion Act 1967, made it a crime to abort a foetus that was capable of being born alive. Although it was never judicially determined in any firm way, the presumption was 28 weeks in England and Wales. However, in Scotland, where the 1929 Act did not apply, and had never applied, abortions could be legally carried out up to full term. Therefore, there have been quite significant anomalies between Scots law and English law for many years.

Mr. Dalyell: Was the study to which the hon. and learned Gentleman referred the Aberdeen study?

Mr. Wallace: The information that I have, which comes from the "Encyclopaedia of Laws of Scotland" does not state which city, but from subsequent reports I am almost certain that it would have been the Aberdeen study.

Mr. Dalyell: This is a matter of some consequence, because I was the parliamentary private secretary at the time to the Secretary of State for Social Services. The problem was very much to do with Professor Baird. The study was atypical not only of other Scottish cities but of the UK as a whole. What is the hon. and learned Gentleman trying to deduce from it?

Mr. Wallace: The point that I was trying to make was that, before the 1967 Act, the law in Scotland was materially different from that in England, to the extent that in one Scottish city a significant number of women—I think it was 2 per cent.—had abortions under the health service. Although abortions should never have happened in those circumstances in England, the law of Scotland allowed them to be carried out.

The point that I am making is that the laws of Scotland and England have not always been parallel on this issue, and the Scottish Parliament might decide in future that it wants to do something different, perhaps reflecting the

[Mr. Wallace]

views of our constituents in Scotland—it may be different on a particular issue and especially on an ethical issue, because the laws have different characteristics.

Finally, the law in England is uncertain whether post-coital contraception is legal, but it is clear in Scotland, where the law requires proof of pregnancy, that it is not an illegal act. Therefore, even in a continuing matter of some legal debate, the law in Scotland is clear while in England it is not.

The Government must explain why abortion should be a reserved matter. So far, we have had no explanation either in general debate or in the notes on clauses. The argument is not made out and I hope that the Government will be prepared to change their mind on it. If they do so, I am sure that the people of Scotland and those who represent them in the Scottish Parliament will treat the issue with the seriousness that it deserves, but come to their own decision after careful consideration of all the factors.

7.30 pm

Mrs. Fyfe: It will be no secret to most hon. Members that I view this subject from the perspective of the need to defend choice. I am glad that hon. Members take the issues seriously. So far, those who have spoken can never be in the position of a woman faced with a pregnancy that she does not want and regards as a disaster. However, whether or not we have been in such a position, we can try to use our imagination to realise the difficulties that such a woman might confront if she happens to live in one part or another of the United Kingdom where an abortion is difficult to obtain. My hon. Friend the Member for Dundee, East (Mr. McAllion) is right that even within Scotland a woman can be forced to travel from her home town to somewhere with more liberal attitudes.

I would fight to the end to prevent anyone from having an abortion against her will, as happens in some parts of the world, but I would also defend to the end a woman's right to have an abortion and to have it as easily in one part of the United Kingdom as another. We do not want to make it more difficult by having different rules in one part of the United Kingdom. We should be working towards a universal system whereby a woman can have an abortion with the least difficulty, wherever she happens to live.

Reference has been made to Northern Ireland. I wonder whether any hon. Member is defending what happens in Northern Ireland. It is impossible to know how many hundreds of thousands of women are forced to make the journey to mainland Britain, concealing the fact that they are pregnant because of difficulties with their families, communities and jobs. The woman may have to make excuses for being away, and she will be alone, friendless and frightened in the alien environment of a clinic. Is that what hon. Members wish to defend?

Dr. Fox: The hon. Lady asks who would defend the status quo in Northern Ireland. The answer to that is that the Government, whom she supports, defend that position. They have no plans to change that. As I said, the Under-Secretary of State for Northern Ireland said that the appropriate place for such a change to be made would be in a devolved assembly. Why the difference between Northern Ireland and Scotland?

Mrs. Fyfe: I am coming to the point about Northern Ireland.

The law should be uniform. I understand that Northern Ireland is coming from a position where there is no right to abortion. That is not because all Northern Ireland agrees that there should be no such right. Women who have to travel to mainland Britain think that they should have the right to obtain an abortion on their doorstep without the trauma of going to Liverpool or somewhere else in Britain.

Ms Sandra Osborne (Ayr): My hon. Friend might appreciate some useful information in relation to the number of women from Northern Ireland and the Republic of Ireland who have abortions in England. In 1996, 1,573 women from Northern Ireland and 4,894 from the Republic of Ireland had such abortions.

Mrs. Fyfe: I thank my hon. Friend for those figures. I think that she will agree that that must be the minimum—

Dr. Godman: A conservative figure.

Mrs. Fyfe: A conservative estimate. Such women had to face extra difficulties when they were already in a position that none of us would want to face.

It is not the case that all people in Northern Ireland do not want the right to abortion, but it is the case that all political leaders in Northern Ireland do not want it. They have that in common if nothing else.

Dr. Lewis Moonie (Kirkcaldy): And they are all men.

Mrs. Fyfe: And they are all men. It has been years since there was a woman Member of Parliament for any part of Northern Ireland. Fortunately, the voice of the Northern Ireland Women's Coalition is being heard these days. I look forward to a more genuine opening up of the debate in Northern Ireland on the issue. Attitudes in the Republic have liberalised immensely in recent years. People have begun to realise that if a member of a particular Church or religious persuasion thinks that abortion is wrong, they are free never to have one, but they do not have the right to impose their views on people who disagree with them.

I do not know what reasons Ministers will give for abortion being a reserved power. If they say that there should not be cross-border traffic, I most certainly agree. The House has debated the subject in the past, and it has agreed with a woman's right to choice. Hon. Members have defended a woman's right to choose, and I hope that tonight the Committee will not start to wreck that, by agreeing with the nonsense proposed by the hon. Member for Woodspring (Dr. Fox).

Mr. John Hayes (South Holland and The Deepings): If the hon. Lady is so confident of her, in my view, rather unpalatable anti-life views, why is she not prepared to argue with those in Scotland in the devolved Scottish Parliament, which can then make a decision? It might well

be that if that power were devolved to the Scottish Parliament, it would take a more liberal view. Why is she not confident that she can win the argument in Scotland with a devolved Scottish Parliament?

Mrs. Fyfe: Those who defend choice are talking about some kind of quality of life. They recognise that women face real difficulties, which Conservative Members ignore in this debate. They treat the matter as a political football, simply to gain brownie points in some quarters. That is what this is all about. The sooner they stop wasting time on things that they are not serious about and get back to real issues, the better.

Mr. Salmond: I do not doubt for a second the sincerity of the hon. Member for Glasgow, Maryhill (Mrs. Fyfe) on this matter, but she is wrong to argue the case in terms of her position on abortion one way or the other. We have heard two speeches from Labour Members from diametrically opposed positions on the moral question of abortion and two speeches thus far from Opposition Members, and I assume that among Opposition Members, too, there are diametrically opposed views on the matter.

The hon. Member for Maryhill makes the strong point that the issue is best considered by women, and the chances are that in a Scottish Parliament, whatever else we may say about it, there will be substantially more women than there are here, despite the improvement. If that is the issue, I do not think that the hon. Lady's argument falls.

Mr. Ernie Ross (Dundee, West): That is not because of anything that the Opposition parties did to ensure selection of candidates.

Mr. Salmond: I shall not respond to the hon. Gentleman. He is completely incapable of looking at any argument and coming to a serious conclusion. On this issue, above all, we should try to argue as a matter of principle and find a way through.

There is no uniformity throughout the United Kingdom. The reason is well known: it was considered injudicious not to have abortion legislation devolved to Northern Ireland because, at various times, it was thought that the position in Northern Ireland, across its political representation, was different from that on the mainland of Great Britain. If that was the case, that devolution took place with the expectation that a different position might have arisen in Northern Ireland compared with Great Britain.

In the case of the Scottish Parliament, it is impossible for any hon. Member to anticipate what the Scottish Parliament would do on the matter of abortion. There is nothing in the voting record of Scottish Members in this House on these matters, certainly during the past 20 years, that could lead hon. Members, whether it be the hon. Member for Maryhill or the hon. Member for Woodspring (Dr. Fox), to believe that the law would be liberalised or tightened.

The hon. and learned Member for Orkney and Shetland (Mr. Wallace) is absolutely correct: there has been no consistent abortion legislation within Great Britain. The relevant primary legislation in the 1920s was substantially different, as were the administration and interpretation of those Acts.

Ms Osborne: Does the hon. Gentleman agree that the 1967 Act is of major significance today in respect of the availability of abortions, and that any different legislation, whether in Scotland or in England, would inevitably lead to cross-border traffic, which would be greatly detrimental to the women concerned? This issue should be discussed on the basis not of personal pro or anti-abortion views but of how it will affect women.

Mr. Salmond: I agree that that is the best way to approach it. However, if the hon. Lady reads the speech of the hon. and learned Member for Orkney and Shetland, she will see that that point was substantially dealt with. Even after the 1967 Act, the legislation was administered differently north and south of the border, and in various areas in Scotland and south of the border, because of the legal basis.

Mr. Frank Doran (Aberdeen, Central): Will the hon. Gentleman give way?

Mr. Salmond: No, I wish to be brief. I would normally give way to the hon. Gentleman, but other hon. Members want to speak and time is severely limited. I do not wish to crowd anyone out of the debate.

I agree with one point made by the Government: I regret that this matter has not come forward as a cross-party amendment. The conduct of this debate would have been far better had the amendment been sponsored by hon. Members from every political party, because I am sure that they share the point of view expressed in the amendment. I made it clear to the hon. and learned Member for Orkney and Shetland that I would support the Liberal Democrat amendment that was tabled at an early stage on this matter.

I support absolutely the points made by the hon. and learned Member for Orkney and Shetland. However, I wish to add one further point that has not been mentioned, as some of the newer Members of the House might care to think about this. During the 11 years in which I have been a Member of the House, abortion has been raised as a serious debating issue three times. I am open to correction on that, but I remember them pretty well. The first time was through a private Member's Bill, which was knocked out not because the argument was lost but because of lack of time. The second time, the issue was allocated sufficient time, but in the late 1980s there was such a mass of confusion on the amendments that, even after a decision had been made, most hon. Members were not aware what it was or how it would be interpreted. The third time, the issue was latched on to another piece of legislation—no doubt on a similar ethical subject—and was not even treated as an issue in its own right.

Whatever the moral arguments and the efforts that hon. Members on both sides of the Chamber put into these debates in trying to settle the position with their consciences, the issue would be treated in a better fashion by the Scottish Parliament than it has been in the past 11 years by the House. It is a question not of whether people were satisfied with the outcome but of whether people were satisfied that their position had been exercised in a debate that matched the importance of the issue. Whatever else we may say, none of us can put our hand on our heart and say that the House has dealt properly with one of the supreme moral and social issues of our time.

[Mr. Salmond]

I believe that a Scottish Parliament could deal with this matter better. I am not convinced that the legislation would be substantially changed. I am certain that, among other factors, a Scottish Parliament would bear in mind the experience of the legislation in England and Wales—it would be sensible and important to do so—but I am convinced that the Scottish Parliament is entitled to express what it believes is the conscience and view of the Scottish people on this supremely important topic.

7.45 pm

Mr. Ian Davidson (Glasgow, Pollok): Part of this debate has shown the House of Commons at its best—it has been tackling a difficult issue in a responsible and almost non-partisan way. That is why the breathtaking cynicism with which the Conservative party has proposed the amendment has been made even worse. Its motivation is clearly an attempt to stir up religious feeling for party advantage.

Mrs. Laing: Will the hon. Gentleman give way?

Mr. Davidson: Let me finish my case, and then the hon. Lady can respond.

I took the bother to check what the Glasgow *Herald* said when this subject was first raised. The hon. Member for Woodspring (Dr. Fox) must have been quite pleased with the heading of the article: "Tories put abortion on the agenda—Fox bids to exploit religious divisions". The caption under the picture was

"Liam Fox: attempt to embarrass Labour".

We all know the different agendas that are operating here. It is a question of what one says and how one tries to spin it. Although ostensibly it was a real issue about devolving power, in the mischievous way in which the Tories have operated on several occasions throughout the Bill's passage, it was simply an attempt to stir up religious feeling. How do I know that? The *Herald*'s reporter had obviously had the benefit of an off-the-record briefing—some of it was clearly on the record—from the former Minister. The *Herald* said:

"The Tories yesterday played the religion card in the devolution debate, when they unexpectedly called for abortion law to be handed down to the Scottish Parliament. The move was justified in terms of logic, but behind the scenes it was being openly admitted that this was an issue in the debate which could potentially embarrass those in the Labour Party, particularly in the West of Scotland, who are Catholic . . . Speaking after he dropped his bombshell Dr. Fox said: 'The reason that the Labour Party are having this as a reserved power is that it causes them internal division. It has nothing to do with the principle of devolution, but all to do with internal party convenience. We will put down an amendment and then we will see what the Government does with its majority.'"

The article goes on:

"Dr. Fox's comments show that they believe that Labour, particularly in West Central Scotland, could be placed in a quandary if issues such as abortion are brought to the forefront of the debate."

Many decent people who take different views on that matter deserve better, from a party that was the Government and that claims to be the leading Opposition party in Scotland and elsewhere in this country, than crude manipulation of strong religious feelings.

Dr. Fox *rose—*

Mr. Davidson: I am happy to give way to the hon. Gentleman so that he can withdraw those remarks.

Dr. Fox: I absolutely refute the allegation that we are attempting to stir up religious feelings. We have raised this issue in a non-partisan way. I made my view on abortion—I said that I wanted the law tightened up—clear at the outset, lest I be accused of personal interest in this matter. I am appalled at how the hon. Gentleman has dragged the level of the debate down and at the fact that he has based his argument on the spin that the Glasgow *Herald* put on the matter. Although I do not withdraw a word of what was quoted, I utterly reject the spin that the hon. Gentleman and the *Herald* put on it.

Mr. Davidson: The *Herald* reporter said:

"The move was justified in terms of logic, but behind the scenes it was being openly admitted that this was an issue in the debate which could potentially embarrass those in the Labour Party, particularly in the West of Scotland, who are Catholic."

I suggest that the hon. Gentleman takes the matter to the Press Council so that it can pursue it with the *Herald*, because I have seen no retraction sought from or given by the Glasgow *Herald*. We are left with the strong feeling that this is a deliberate attempt to pander to the worst feelings that the Conservatives can find in the west of Scotland.

I am happy to say that I believe that my party will not be divided on this matter. *[Interruption.]*

The First Deputy Chairman: Order. Far too many hon. Members are speaking. The only person who should be speaking is the hon. Gentleman who is addressing the Committee.

Mr. Davidson: Thank you, Mr. Martin.

I understand why the Conservative party wants to shout me down—I have revealed the dishonesty of its approach to this matter, which goes beyond the manipulation that we have seen on other issues. That is part of the backwards and forwards of politics, but the crude attempt to manipulate religious feeling deserves to be flushed into the open and condemned.

The Labour party is strongly behind what the Government are doing and will unanimously support them. We shall not be drawn into pandering to the worst in politics, which we have seen from the Conservatives.

Mrs. Laing: I thank the hon. Gentleman for giving way and hope that he agrees that Conservative Members are not being cynical about this sensitive and emotional issue. I agree with every word of the hon. Member for Glasgow,

Maryhill (Mrs. Fyfe), who spoke well and sensitively. We are discussing not the ethical side of abortion, but whether Labour Members—

The First Deputy Chairman: Order. We cannot have a speech; this is an intervention. The hon. Lady has taken long enough.

Mr. Davidson: I understand that the accusation will arouse strong feelings among those who were not party to the plot, but I remind hon. Members that

"behind the scenes it was being openly admitted that this was an issue".

The briefing clearly took place; the headline "Fox bids to exploit religious divisions" shows that there was clear and cynical manipulation, which should be condemned.

Mr. Menzies Campbell (North-East Fife): The issue involves a matter of principle. We should not allow the exchanges that have just taken place to deflect us from serious consideration of whether a Scottish Parliament established by this House of Commons should have legislative competence to deal with a matter of such sensitivity, which raises ethical, religious and health issues.

I have been a Member of Parliament since 1987, and the ethical element of abortion has given me more difficulty than any issue that has been put before me by my constituents, with the possible exception of capital punishment. The approaches of Members of Parliament to those two issues have much in common, because they involve significant issues of belief rather than political policy. If the Scottish Parliament is competent to determine whether capital punishment, which involves important ethical, religious and legal complications, may be available, what distinction in principle denies it the same legislative competence over abortion?

Hon. Members who talked about the problem of cross-border traffic should consider that a murder committed on one side of the River Tweed might result in the death by hanging of the person convicted of it if the Scottish Parliament decided that there should be capital punishment for the crime of murder, whereas a murder committed on the other side of the Tweed might not have the same result. There is always such conflict when two legal jurisdictions share a border.

If the Scottish Parliament is competent to deal with capital punishment, why is it thought to be incompetent to deal with abortion? The law in Scotland was different from the law of England for a long time, although I think that it is closer to it now. Mr. Alex Bourne, a well-known London gynaecologist, was prosecuted in 1938, but no similar prosecutions took place in Scotland. As the hon. Member for Linlithgow (Mr. Dalyell) said, cities such as Aberdeen had almost a tradition, if that description does not demean the subject, of performing therapeutic abortions, but hon. Members will have difficulty finding regular instances of prosecution in Scotland over allegations that the crime of abortion had been committed.

The hon. Member for Glasgow, Maryhill (Mrs. Fyfe), whose views I respect and, indeed, share substantially, made the Northern Ireland case, but her remarks were an argument not for denying a Scottish Parliament legislative competence, but for changing the law in Northern Ireland. I shall campaign with her as long and as hard as she likes to change the law in Northern Ireland, because it should be changed.

Mr. Ernie Ross: Will the hon. and learned Gentleman give way?

Mr. Campbell: No. I want to conclude my remarks, because the Minister has yet to reply.

The Scottish Parliament is perhaps better equipped to deal with such matters than this House. The hon. Member for Banff and Buchan (Mr. Salmond) said that we have dealt with abortion three times in the past 10 years—by no means satisfactorily. No hon. Member left the debates satisfied that the issue had been properly determined.

I understand that there is already a substantial body of opinion that the Scottish Parliament should take evidence before legislating. If ever an issue cried out for evidence to be taken before legislation is considered, it is surely an issue of such complication.

Not only should abortion be part of the legislative competence of the Scottish Parliament as a matter of principle, but the proposed workings of the Scottish Parliament make it much more likely that there would be an outcome more satisfactory than any in this House since I was elected in 1987.

Mrs. Rosemary McKenna (Cumbernauld and Kilsyth): Many hon. Members have different views from each other, and it is important to state that this is not a party matter. I should like to put on record my strong views against the taking of life in any form. I lobbied the House during the passage of the Abortion Bill, but I respect the views of others as I expect others to respect mine. I would not condemn any woman who had been forced to seek an abortion, and I applaud the work of those who support women who choose to have their child and who require such support. I should like the debate in the House of Commons on this issue to take place at such a level.

The debate is not about a change in the law. As the hon. and learned Member for North-East Fife (Mr. Campbell) said, such a debate should be informed, and should not take place in the sort of atmosphere that has been created in the Committee tonight. I should like to take the debate back to the issue of where decisions should be made, which is appropriate; it should not be turned into a party matter or involve abortion law. We must get back on track.

Without commenting on whether abortion law in Scotland would be more rigid or more relaxed, it is important for me to state that I am deeply concerned that there would be cross-border traffic between Scotland and England, which I never want to happen and would certainly abhor. There is cross-border traffic in other parts of Europe and in other parts of this country, but that is no reason to introduce such bad practice into the difference between England and Scotland.

The way in which the debate has been conducted has demeaned the House. The issue should be debated not during a discussion about the Scottish Parliament, but in a proper and informed manner. I regret very much that the amendment was tabled.

The Secretary of State for Scotland (Mr. Donald Dewar): I have appreciated for many years the fact that

[Mr. Donald Dewar]

abortion is a major ethical problem for the individual consciences of Members of this House or of any other legislature that may be asked to consider it. If anyone doubted that—I think that few could—the strength of feeling that has been evident during the past hour or so would certainly remind us that there is no doubt about the importance of the issue.

I agree entirely with the hon. Member for Banff and Buchan (Mr. Salmond) and a number of other hon. Members that no assumption should be made about what outcome a shift in jurisdiction to a Scottish Parliament might produce—it is impossible to read. I debate with the hon. Gentleman often, and on this occasion I agree with him. The differences might not be dramatic, but none of us knows that, and we must conduct the debate on the assumption that differences may emerge, perhaps not at one moment, but over time. There could be a divergence, and, in the special circumstances of this issue and this question, we must consider whether that is, on the whole, to be desired, or whether it would produce problems.

We are considering legislative responsibility and where it should lie, not our personal views on abortion. I am one of the few hon. Members in the Chamber—my hon. Friend the Member for Linlithgow (Mr. Dalyell) is another—who can remember proceedings on the 1967 legislation. At the time, I was Member of Parliament for South Aberdeen. Even in Scotland, there are differences: as Member of Parliament for South Aberdeen I perhaps had an easier billet during the passage of the 1967 Act than Members of Parliament for other parts of Scotland. I appreciated the difficulties and the differences.

The hon. and learned Member for Orkney and Shetland (Mr. Wallace) is right to say that there were differences on various points in the common law and in the criminal law that lie alongside the statute. One of his closest political associates and friends was the promoter of the 1967 legislation. A decision was taken by the promoter, and ultimately by the House of Commons, that it was right to have a common statutory framework within which to consider the possibility of a termination. The time scales and the circumstances and conditions that had to be met before a termination could be carried out were put on a United Kingdom basis. That was a considered judgment. It does not mean that we cannot change the position now if we want, but the arguments that were put in 1967 had some force.

8 pm

I make that point without any feeling of crushing certainty. No one has bothered to refer to it, but at one stage in my parliamentary career 20 years ago I argued this case from another point of view. I realise that this is a matter of judgment and that we must consider the balance of the argument. The Government have come to the view that the decision taken in 1967 was right. The fact that, even now, there are differences in social approach and medical practice in different parts of the county is not a justification for having different criteria and different tests within the legislative framework.

The 1996 statistics showed that in England 28 per cent. of terminations were in the private sector and purchased, whereas in Scotland the figure was 1 per cent. I strongly defend and welcome that difference between Scotland and England. The views and work of Professor Baird in Aberdeen in the 1950s and 1960s have also been mentioned.

We should not easily countenance the prospect of different medical and social tests and a different statutory framework. On balance, I have concluded that it would be better to have one statutory framework. The Bill is based on a division of responsibility. Hon. Members have proposed amendments and have argued that there should be a change of mind on an individual matter. People are entitled to do that again on the abortion issue. We consider each case on its merits, and I take the view that on this matter it is better to have a national framework and a common approach.

It is perfectly proper for hon. Members to say, "What about Northern Ireland?" I do not want to plunge into the sad history of events in Northern Ireland, but it is clear that we have made a distinction between Northern Ireland and the rest of the United Kingdom for a multiplicity of pressing political and other reasons. There is no case for saying that, because Northern Ireland is different, we should countenance the possibility of differences between the law on abortion in England and Scotland.

I rely on the point made by my hon. Friend the Member for Ayr (Ms Osborne). There is considerable traffic out of the Irish Republic and out of Northern Ireland into the rest of the United Kingdom. In 1995, 1,548 came from Northern Ireland and 4,531 from the Irish Republic. That shows a steady pattern, and not a sudden variation at this later stage. We must consider the possibility of a significant variation in the law on abortion when making a judgment about where the jurisdiction should lie, because there would be a danger of significant cross-border traffic, which would not be sensible or satisfying.

Dr. Fox: That is the root of the problem. Why does the Secretary of State find it unacceptable to have a variation in the criteria for abortion within Great Britain, but acceptable to devolve the power to determine the position on euthanasia in Scotland? What is the difference in principle between the two issues?

Mr. Dewar: It is not a matter of principle, and it is not a matter that I was asked to address. Let me explain what I mean by that. It was suggested to me that I had no confidence in the competence of Members of the Scottish Parliament to make these decisions. I have every confidence in their competence: the question is whether they should have the competence. That is an important distinction. In the practical world of medicine and in the social world in which we live, there would be a strong likelihood of cross-border traffic, and we should not contemplate that.

Mr. Salmond: Why should there be a difference between Northern Ireland, where people expect that difference to be acted on, and Scotland, where a substantial difference from the current position would not be expected, as the Secretary of State has conceded? I have heard the Secretary of State argue many cases, and I think that I know which are his and which are not. Did the initiative to take abortion out of the competence of the Scottish Parliament come from him and his Scottish Office Ministers?

Mr. Dewar: I do not suppose that I will be able to convince the hon. Gentleman. There was considerable

debate with colleagues in the Scottish Office, and we came to the decision that I am now defending. I ask him to accept that.

The law in Northern Ireland is very different, because it is a special case. Abortions are illegal except when necessary to save the life of the mother, or when continuation of the pregnancy would involve risk of serious injury to her physical or mental health. My hon. Friend the Member for Glasgow, Maryhill (Mrs. Fyfe) said bluntly that she believes that that is not the right approach. That is a matter of dispute and debate, and there will be many different opinions in the House. The special social and political situation in Northern Ireland is not a reason for contemplating further differences in the United Kingdom in this sensitive area. That is the basis of my case.

There will be Scottish representation at Westminster, and Scottish Members will have a free vote on any private Member's Bill. They will have their say, and their argument will no doubt be put fairly. There will be a provision for consultation between the Scottish Executive and the British Government. It will always be a free vote, but consultation will have a place and will be of some value.

Mr. Wallace: The Secretary of State has placed much emphasis on the undesirability of cross-border traffic. We are all agreed that, if abortion were to be a devolved matter, we do not know whether it would lead to a relaxation or a tightening of the law, so we do not know which way the cross-border traffic would flow. Does he accept that that important factor, along with others, would be taken into consideration by Scottish parliamentarians? They should at least be given the opportunity to do that.

Mr. Dewar: Yes, I agree that that factor should be taken into account, and I am sure that it would be. I have listened to the speeches of Conservative Members for eight long days. We have often been told that we must assume that certain possibilities might occur. If we are asked to change the jurisdiction, we must make such assumptions and reach a conclusion accordingly. I have reached a balanced conclusion, and I shall hold to it.

The argument falls in favour of the position that we established in 1967, and which we have maintained ever since. Throughout the United Kingdom, common criteria and common conditions must be met before a termination can take place. I am genuinely sorry that the hon. Member for Woodspring (Dr. Fox), who feels strongly about this matter, took it upon himself to say during his speech—so there was no ambiguity—that the attitude of the Government was conditioned by cowardice. That was an unfortunate thing to say. The fact that the hon. Gentleman disagrees with me, and I with him, does not mean that I would ever accuse him of cowardice. I regard him as a somewhat impetuous figure, but certainly not as a coward.

If that had not been the case, it might have occurred to the hon. Gentleman that the easy option was to go in the other direction. I do not suppose that he will stand up and tell me that, and I am not inviting him to do so; but, if we had gone in the other direction, we would have been under attack from the Liberal Democrats, the nationalists and the Tories. We took a principled stand, however. We argued it out. We considered that, in all the circumstances, my argument was right, and I invite the Committee to stand by me now.

Dr. Fox: The Secretary of State's performance was one of the least effective defences that he has given in our debates on the Bill. We have asked for detailed reasons for the reservation; we have asked whether it involves a different ethical issue from those involving, for instance, euthanasia, but we have been given no answer. We have asked how Scotland differs from Northern Ireland in this respect, but again we have been given no answer.

It being three hours and thirty minutes after the commencement of proceedings in Committee, THE CHAIRMAN, *pursuant to the Order [13 January] and the Resolution [30 March], put the Questions necessary for the disposal of the business to be concluded at that hour.*

Question put, That the amendment be made:—

The Committee divided: Ayes 160, Noes 278.

Division No. 235] **[8.10 pm**

AYES

Ainsworth, Peter *(E Surrey)*
Allan, Richard
Amess, David
Ancram, Rt Hon Michael
Arbuthnot, James
Atkinson, David *(Bour'mth E)*
Atkinson, Peter *(Hexham)*
Baker, Norman
Baldry, Tony
Ballard, Mrs Jackie
Beith, Rt Hon A J
Beresford, Sir Paul
Body, Sir Richard
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Brady, Graham
Brand, Dr Peter
Brazier, Julian
Breed, Colin
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Bruce, Malcolm *(Gordon)*
Burnett, John
Burns, Simon
Butterfill, John
Campbell, Menzies *(NE Fife)*
Canavan, Dennis
Cash, William
Chidgey, David
Chope, Christopher
Clappison, James
Clark, Rt Hon Alan *(Kensington)*
Clark, Dr.Michael *(Rayleigh)*
Clarke, Rt Hon Kenneth *(Rushcliffe)*
Collins, Tim
Colvin, Michael
Cormack, Sir Patrick
Cotter, Brian
Cunningham, Ms Roseanna *(Perth)*
Curry, Rt Hon David
Davis, Cynog
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice)*
Day, Stephen
Duncan, Alan
Duncan Smith, Iain
Evans, Nigel
Ewing, Mrs Margaret
Faber, David
Fabricant, Michael
Fallon, Michael
Fearn, Ronnie
Flight, Howard
Forth, Rt Hon Eric
Foster, Don *(Bath)*
Fowler, Rt Hon Sir Norman
Fox, Dr Liam
Fraser, Christopher
Gale, Roger
Garnier, Edward
George, Andrew *(St Ives)*
Gibb, Nick
Gill, Christopher
Gillan, Mrs Cheryl
Goodlad, Rt Hon Sir Alastair
Gorman, Mrs Teresa
Gorrie, Donald
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Gummer, Rt Hon John
Hamilton, Rt Hon Sir Archie
Harris, Dr Evan
Harvey, Nick
Hawkins, Nick
Hayes, John
Heseltine, Rt Hon Michael
Hogg, Rt Hon Douglas
Horam, John
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Jack, Rt Hon Michael
Jenkin, Bernard
Johnson Smith, Rt Hon Sir Geoffrey
Jones, Nigel *(Cheltenham)*
Keetch, Paul
Kennedy, Charles *(Ross Skye)*
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Kirkbride, Miss Julie
Kirkwood, Archy
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lilley, Rt Hon Peter
Livsey, Richard
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Luff, Peter
Lyell, Rt Hon Sir Nicholas
McAvoy, Thomas
McFall, John
MacGregor, Rt Hon John
MacKay, Andrew
Maclean, Rt Hon David

McLoughlin, Patrick
McNamara, Kevin
May, Mrs Theresa
Michie, Mrs Ray *(Argyll & Bute)*
Moore, Michael
Morgan, Alasdair *(Galloway)*
Moss, Malcolm
Norman, Archie
Oaten, Mark
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Randall, John
Redwood, Rt Hon John
Rendel, David
Roe, Mrs Marion *(Broxbourne)*
Rowe, Andrew *(Faversham)*
Ruffley, David
St Aubyn, Nick
Salmond, Alex
Sanders, Adrian
Shephard, Rt Hon Mrs Gillian
Simpson, Keith *(Mid-Norfolk)*
Smith, Sir Robert *(W Ab'd'ns)*
Spicer, Sir Michael
Spring, Richard
Stunell, Andrew
Swayne, Desmond
Swinney, John
Syms, Robert
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Taylor, Matthew *(Truro)*
Taylor, Sir Teddy
Trend, Michael
Tyler, Paul
Tyrie, Andrew
Viggers, Peter
Wallace, James
Walter, Robert
Wardle, Charles
Wells, Bowen
Welsh, Andrew
Whitney, Sir Raymond
Widdecombe, Rt Hon Miss Ann
Wigley, Rt Hon Dafydd
Willis, Phil
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Ayes:
Mr. Oliver Heald and
Mr. Nigel Waterson.

NOES

Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Anderson, Janet *(Rossendale)*
Ashton, Joe
Atherton, Ms Candy
Atkins, Charlotte
Banks, Tony
Barnes, Harry
Bayley, Hugh
Beard, Nigel
Begg, Miss Anne
Bell, Stuart *(Middlesbrough)*
Benn, Rt Hon Tony
Bennett, Andrew F
Benton, Joe
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Boateng, Paul
Bradley, Keith *(Withington)*
Bradshaw, Ben
Brinton, Mrs Helen
Brown, Rt Hon Nick *(Newcastle E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Buck, Ms Karen
Byers, Stephen
Cabom, Richard
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Campbell-Savours, Dale
Cann, Jamie
Casale, Roger
Caton, Martin
Chapman, Ben *(Wirral S)*
Chisholm, Malcolm
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Cleiland, David
Clwyd, Ann
Coaker, Vernon
Coleman, Iain
Colman, Tony
Connarty, Michael
Cook, Frank *(Stockton N)*
Cooper, Yvette
Corbyn, Jeremy
Corston, Ms Jean
Cousins, Jim
Cranston, Ross
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cummings, John
Cunliffe, Lawrence
Dalyell, Tam
Darling, Rt Hon Alistair
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Davies, Rt Hon Ron *(Caerphilly)*
Davis, Terry *(B'ham Hodge H)*
Dawson, Hilton
Dean, Mrs Janet
Dewar, Rt Hon Donald
Dismore, Andrew
Donohoe, Brian H
Doran, Frank
Drew, David
Drown, Ms Julia
Dunwoody, Mrs Gwyneth
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Etherington, Bill
Fatchett, Derek
Field, Rt Hon Frank
Fitzpatrick, Jim
Fitzsimons, Lorna
Flint, Caroline
Flynn, Paul
Forsythe, Clifford
Foster, Rt Hon Derek
Foster, Michael Jabez *(Hastings)*
Foulkes, George
Fyfe, Maria
Galbraith, Sam
Galloway, George
Gardiner, Barry
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Gilroy, Mrs Linda
Goggins, Paul
Golding, Mrs Llin
Gordon, Mrs Eileen
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Grogan, John
Gunnell, John
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Harris, Dr Evan
Healey, John
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Hill, Keith
Hodge, Ms Margaret
Hoey, Kate
Home Robertson, John
Hood, Jimmy
Hoon, Geoffrey
Hope, Phil
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hughes, Kevin *(Doncaster N)*
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Jon Owen *(Cardiff C)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Jowell, Ms Tessa
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Kelly, Ms Ruth
Khabra, Piara S
Kidney, David
Killoyle, Peter
King, Ms Oona *(Bethnal Green)*
Kingham, Ms Tess
Kumar, Dr Ashok
Ladyman, Dr Stephen
Lawrence, Ms Jackie
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Terry *(Worsley)*
Linton, Martin
Love, Andrew
McAllion, John
McCabe, Steve
McCafferty, Ms Chris
McDonagh, Siobhain
Macdonald, Calum
McDonnell, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
McLeish, Henry
McNamara, Kevin
Mactaggart, Fiona
McWalter, Tony
Mallaber, Judy
Marsden, Gordon *(Blackpool S)*
Marshall, David *(Shettleston)*
Marshall, Jim *(Leicester S)*
Martlew, Eric
Meale, Alan
Michael, Alun
Michie, Bill *(Sheff'd Heeley)*
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morgan, Ms Julie *(Cardiff N)*
Morgan, Rhodri *(Cardiff W)*
Morley, Elliot
Morris, Ms Estelle *(B'ham Yardley)*
Morris, Rt Hon John *(Aberavon)*
Mudie, George
Murphy, Denis *(Wansbeck)*
Norris, Dan
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
Osborne, Ms Sandra
Palmer, Dr Nick
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pike, Peter L
Pond, Chris
Pope, Greg
Pound, Stephen
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quin, Ms Joyce
Radice, Giles
Rapson, Syd
Reed, Andrew *(Loughborough)*
Roche, Mrs Barbara
Rogers, Allan
Ross, Ernie *(Dundee W)*
Roy, Frank
Ruane, Chris
Ruddock, Ms Joan
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Salter, Martin
Sarwar, Mohammad
Sawford, Phil
Shaw, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Southworth, Ms Helen
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stewart, David *(Inverness E)*

Stinchcombe, Paul
Stoate, Dr Howard
Strang, Rt Hon Dr Gavin
Straw, Rt Hon Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Todd, Mark
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverhton SE)*
Turner, Dr Desmond *(Kemptown)*
Twigg, Derek *(Halton)*
Vis, Dr Rudi
Walley, Ms Joan
Ward, Ms Claire
Watts, David
White, Brian
Whitehead, Dr Alan
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Woolas, Phil
Worthington, Tony
Wray, James
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Noes:
Mr. Jim Dowd and Jane Kennedy.

Question accordingly negatived.

Amendments made: No. 555, in page 75, line 17, after '1968', insert

', the Marketing Authorisations for Veterinary Medicinal Products Regulations 1994'.

No. 556, in page 75, line 21, leave out 'medicines' and insert

'medical supplies or medicinal products which (in either case) are'.

No. 557, in page 75, line 23, at end insert—

'Interpretation

"Medical supplies" has the same meaning as in section 49(3) of the National Health Service (Scotland) Act 1978.

"Medicinal products" has the same meaning as in section 130(1) of the Medicines Act 1968.'.—*[Mr. McFall.]*

Mr. Gorrie: I beg to move amendment No. 19, in page 76, leave out lines 14 to 20.

The issue is straightforward, so I can deal with it rapidly. The amendment would give the Scottish Parliament the power to determine the remuneration of judges of the Court of Session, sheriffs, members of the Lands Tribunal for Scotland and the chairman of the Scottish Land Court.

We think that the proposal to reserve this matter is the result of judicial trade unionism. *[Interruption.]* There are nods in knowing quarters. Scottish judges are anxious to ensure that their pay is related to the pay of English judges and presumably they are afraid that, at some time in the future, the Scottish Parliament might reduce their wages. That Parliament will have to pay for the judges, and it is reasonable for it to determine their remuneration. If it is unfair, I am sure that the judges have ways of getting back at the Parliament. I see no reason why the Scottish Parliament should not control this matter. The issue is simple and straightforward, however, and, having succeeded with hypnotism, I hope that we can succeed on judges' pay.

Mr. McLeish: Unfortunately, I am unable to accede to the hon. Gentleman's request. The determination of judicial salaries is a reserved matter because the Government consider it right for there to be comparability of salaries for the judiciary throughout the United Kingdom. The review body on senior salaries will continue to report to the United Kingdom Prime Minister on matters relating to judicial salaries and to other pay groups in the public service. The review body's independence and integrity is well established and it should be allowed to continue its work. I invite the hon. Gentleman to withdraw the amendment.

Mr. Gorrie: I am disappointed, but we are more interested in voting on one or two later issues. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Ms Roseanna Cunningham (Perth): I beg to move amendment No. 347, in page 76, leave out lines 21 to 39.

The First Deputy Chairman With this, it will be convenient to discuss the following: Amendment No. 94, in page 76, line 28, at end insert—

'Imposing a duty on the Parliament to adhere to equal opportunities principles in its policies and procedures,'.

Government amendment No. 558.

Amendment No. 348, in page 76, line 32, leave out

'need to meet the equal opportunity requirements'

and insert

'principle that there should be equality of opportunity for all people.'.

Amendment No. 349, in page 76, line 35, after 'sex', insert ', sexual orientation'.

Amendment No. 350, in page 76, line 35, after 'sex', insert ', gender identity'.

Government amendment No. 559.

New clause 7—*Equal opportunities in conduct of business*—

'.—The Parliament shall make appropriate arrangements with a view to securing that its business is conducted with due regard to the principle that there should be equality of opportunity for all people.'.

New clause 8—*Principle of equality of opportunity*—

'.—(1) The Parliament shall make appropriate arrangements with a view to securing that its functions are exercised with due regard to the principle that there should be equality of opportunity for all people.

(2) After each financial year of the Parliament the Parliament shall publish a report containing—

(a) a statement of the arrangements made in pursuance of subsection (1) which had effect during the financial year in question and

(b) an assessment of how effective those arrangements were in promoting equality of opportunity.'.

Ms Cunningham: Amendment No. 347 and amendments Nos. 348 to 350 are tabled in my name and in the names of my hon. Friends. The hon. and learned Member for Orkney and Shetland (Mr. Wallace) and the hon. Member for Edinburgh, North and Leith (Mr. Chisholm) are also included. That means that the amendments are cross-party amendments, and I hope that the Government will consider carefully what I have to say.

I welcome Government amendment No. 558 because it goes some way towards what is intended in amendment No. 348, by amplifying the exceptions to the reserved powers. Although it does not go as far as I would wish, it empowers the Scottish Parliament to encourage—although not regulate—equal opportunities in our country. Government amendment No. 559 covers the subject matter of our amendment No. 349 by specifically

[Ms Cunningham]

including sexual orientation within the definition of areas of equal opportunity, the observance of which the Scottish Parliament will be empowered to encourage. It also specifies age, language and social origin, which are equally welcome. I appreciate that the Government have come some way towards what I should like to see.

Scotland's gay community will welcome the Government's flexibility. The recognition of the specific discrimination that is faced by gay men and gay women in Scotland is heartening not just for them but for people throughout the United Kingdom. Equal opportunity and anti-discrimination regulations are a fast developing area. There is likely to be increasing pressure to improve legislation in that area and to widen its remit. Unfortunately, it seems that the Scottish Parliament will be unable to respond to those pressures to improve regulations against discrimination.

Amendment No. 347 is clearly substantive because it would result in the devolution to the Scottish Parliament of all equal opportunities legislation. The power would enable the elected representatives of Scotland's people to take the initiative in promoting equality in our country. It could mean more sensitive race relations legislation for Scotland and the stronger promotion of the rights of women and minority groups in our society.

I think that most people accept that although at one level problems of discrimination are the same for people throughout the world, particular circumstances in different countries make the needs of legislation different. The amendment would allow the Scottish Parliament to take steps forward. Indeed, the European convention on human rights would allow us only to take steps forward. I envisage a Scottish Parliament that would perhaps be more ground breaking than Westminster has been in the past. I hope that we can look forward to that, and I certainly do not think that any minority group in Scotland should feel threatened by the powers that would rest in the hands of Members of the Scottish Parliament. As the legislation stands, that Parliament will have the power only to encourage the observance of the existing equal opportunities legislation and can only impose duties on public bodies to observe that legislation It is not clear what sanctions there would be if those duties were, in any way, not carried out.

Mrs. McKenna: Does the hon. Lady agree that the way to change people's opinions is to win hearts and minds on this issue? Much of the work by Labour local authorities since 1984 has been about that: persuading people and creating the right climate. That is what brought about a cultural shift in attitude in Scotland. Will not the rights given to the Parliament do more than legislation?

Ms Cunningham: I certainly agree that one has to change the hearts and minds of people; I do not think that any of us would disagree with that. We will not effect the substantial and long-term change which, I presume, most of us would like without real social change within the population, but we need the legislative back-up to reinforce that—otherwise we would not have existing anti-discrimination legislation. One tends to go with the other. Legislation without the changes in society will perhaps be difficult to enforce, but simply changing social thinking without legislation is not enough either.

I agree with the hon. Lady at one level, but we can take it further forward by legislation and I would have hoped that we could have done so in the Parliament. I would certainly have wished to have been able to argue for that in the Parliament. Specific issues with which we have to deal in Scotland would be helped by our being able to address them in a specifically Scottish context.

8.30 pm

Amendment No. 348 would move the situation forward at least some way. The Parliament would at least be given the power to promote equality of opportunity in Scotland's public bodies by imposing certain duties on those bodies to secure equal opportunities. The amendment has been prompted by a question mark over the relative powers given to the Scottish Parliament and the Welsh assembly, and the belief among several commentators that Scotland will have weaker powers to promote equal opportunities than Wales.

Mr. Dalyell: This is not a hostile intervention, but my hon. Friend the Member for Kilmarnock and Loudoun (Mr. Browne) and I are a bit curious to know what examples the hon. Lady has in mind. It would clarify her argument. She said that there were things that could be done better. There may be, but what examples does she have in mind?

Ms Cunningham: The composition of racial minorities in Scotland is different from that in England. *[Interruption.]* Hon. Members buzz about on the Back Benches, but there has been much controversy over attitudes towards English people in Scotland. There is little point in trying in Westminster to deal with the problems that arise in Scotland because it will not be seen to be something that can properly be dealt with in Westminster. A Scottish Parliament would be better placed to tackle the issue.

Mr. Salmond: Am I right in remembering that my hon. Friend is the only hon. Member who has taken legal action against an anti-English group in Scotland?

Ms Cunningham: I cannot speak for anyone else, but it is true that I did so. Each country has different demographics and Scotland has different demographics from other parts of the UK. Let us accept that fact and, in doing so, go on to try to deal with it in the way that seems best for that country. We are not going to get that opportunity, which is sad.

I should like to deal with the relative difference between what is being proposed for Scotland and what appears to have been proposed for Wales. The commentators who have examined the matter may have got it wrong, but a different wording is used and I should like to hear the Minister's response on the issue.

On the face of it, it looks as if the Scottish Parliament will have weaker powers than the Welsh assembly. A duty has been imposed on the Welsh assembly to ensure that its functions—

Mr. Browne: Will the hon. Lady give way?

Ms Cunningham: Will the hon. Gentleman let me finish this point because it concerns the purpose of the amendment?

The Government of Wales Bill says that functions should be exercised with due regard to the

"principle that there should be equality of opportunity for all people."

Most commentators regard the equal opportunities requirements that are defined in the Scotland Bill as weaker than the

"equality of opportunity for all people"

requirement in the Government of Wales Bill.

I should like to hear the Minister's response to that. It may be difficult for him because he, like me, may not be familiar with the exact wording of the Government of Wales Bill, but our amendment would include in the Scotland Bill the same wording as appears in the Government of Wales Bill. It is perceived that that would give the Scottish Parliament a much wider remit. Present equal opportunity requirements cover only race, gender and, to some extent, disability, whereas

"equality of opportunity for all people"

would cover a much wider range—for example, sexual orientation and gender politics, so I am keen for the Minister to indicate some of the thinking behind the relative powers granted to Scotland and Wales.

Amendments Nos. 349 and 350 simply amend by addition the existing exceptions. I have largely dealt with amendment No. 349, but I press the Minister on amendment No. 350, which would include gender identity within the equal opportunity definitions.

Mr. Browne: I am obliged to the hon. Lady for giving way; I realise that time is short. Early in her speech, she referred to the European convention on human rights—a reference that has been troubling me ever since. Has she taken into account the effect of the incorporation of the convention into UK law and the requirement that that will make of the Scottish Parliament to legislate in a manner that is consistent with the convention?

Ms Cunningham: The hon. Gentleman cannot have been listening to what I said. I said that incorporating the convention would allow us to take steps forward. We could improve on that. We could do better than is suggested by that. We will not be able to do worse, so no one need be concerned. Concern seems to have been expressed in several debates that, if Scotland gains the ability to legislate on certain matters, it will end up being far more restrictive and more discriminatory or anti-freedom. In this case, the European convention would absolutely ensure the benchmark, which I think could be improved on. Nothing could stop a Scottish Parliament going further and doing better than that. It will not be able to do worse. That was the point that I made earlier.

The amendments would include in the Bill explicit references to sexual orientation and gender identity. Many people may think that they are subsumed, but explicit references send out a fairly vital signal that Parliament is accepting the reality of discrimination in those areas. However, the Government have not accepted amendment No. 350, although, as I have said, they have come part of the way forward in relation to amendments Nos. 348 and 349.

I am aware of the decision of the European Court of Justice in 1996 in the case of P. *v.* S. and Cornwall county council. I hope that members of the faculty who may know much more about that case than me, do not immediately leap to their feet to talk and ask about it, but, as I understand it, that case ruled that discrimination against a transsexual person on account of his or her transgender status is equivalent to sex discrimination that is covered by the equal treatment directive. I know that United Kingdom law on sex discrimination would still need to be updated to reflect that decision of the European Court of Justice.

I should like to hear the Minister's comments because I accept that it is possible that the Government will not accept my amendment No. 350 until they have addressed the issue of the Sex Discrimination Act 1975, which now appears to be lacking somewhat given that European decision. I look forward to a positive comment from the Minister to the effect that that is what the Government intend to do.

Mrs. Fyfe: As the equal treatment directive deals with regulation of the labour market in Europe, I wonder whether the hon. Lady agrees that that alone would not answer the case because there are other forms of discrimination, not just in jobs.

Ms Cunningham: The hon. Lady is right. That is discrimination in a particular area, but it points in the direction in which we should be going. I hope that the Minister will comment on that. It may be that the Government intend to look at the Sex Discrimination Act anyway.

The group contains a number of other amendments and new clauses. The SNP is broadly in favour of the amendments in the name of the hon. Member for Glasgow, Maryhill (Mrs. Fyfe) and her colleagues. I urge the Government to consider carefully the concerns that will no doubt be expressed by that hon. Lady.

It has always been my belief that a Scottish Parliament presents us with an opportunity to take radical steps forward in Scottish society and to take us into the 21st century with laws that ensure non-discrimination on the basis of sex, age, religion, race or sexual orientation. Unfortunately, we are not presented with that opportunity, and I should like to hear the Government respond positively to all these amendments. In any case, I have every confidence that, within the next 15 years, we will get the Parliament necessary to make the change.

Mrs. Fyfe: I congratulate the Government and welcome the fact that they have tabled amendment No. 559, which would include sexual orientation in the interpretation of equal opportunities set down on page 76 of the Bill. It is an important move to recognise that particular form of discrimination, which was alluded to by the hon. Member for Perth (Ms Cunningham). The Government are making progress on that front in Northern Ireland and UK-wide. Clearly, we are going to see change that was resisted by the previous Government during their term in office.

New clauses 7 and 8 were tabled because I believe that it would be good to have something like them in the Bill. New clause 7 would ensure that the Scottish Parliament made arrangements to conduct all its business with due regard to equal opportunities "for all people". The Bill requires the Scottish Parliament only to encourage the observance of equal opportunity requirements listed on

[Mrs. Fyfe]

page 76 and imposes a duty on public bodies. As the Bill stands, it could do that, while being remiss in its own conduct.

New clause 8 refers to the Scottish Parliament's functions and calls for an annual report showing what has been done and an assessment of the effectiveness of any action. It will not have escaped the notice of my hon. Friends on the Front Bench that the words in new clause 8 are the same as those in clause 113 of the Welsh Bill.

I want to make it clear that I am not calling for Scotland to have totally separate law-making powers on equal opportunities. That should be a reserved matter. However, I want the Parliament to have full control over what it does within its devolved powers, so that if it is so minded, it can make advances in the practice of equal opportunities. Parliaments can list all sorts of ways in which prejudice should not be allowed and where it should be confronted and made illegal, but the inculcation of good practice is essential, as is providing a good example.

Equal opportunity is a fundamental principle that the Scottish Parliament will want to observe. I wonder whether there can really be any objection to making that explicit in the Scotland Bill.

I do not want to speak for long because I know that other hon. Members want to participate, but I have heard one objection. The suggestion is that there is no need to put anything in the Bill because the fact that it is a Parliament means that it will be able to decide what it wants to do. We have sat here for many an hour over past weeks telling the Scottish Parliament what it will and will not do. We have even found time to discuss whether it will deal with hypnotism. I hope that my hon. Friends can look at this before the Bill goes to Her Majesty for approval.

The Scotland Bill is an excellent Bill—a first-class piece of work in many ways. However, I should like to correct this minor flaw.

8.45 pm

Mr. Bernard Jenkin (North Essex): We have heard from the hon. Member for Perth (Ms Cunningham) that she does not believe that the Bill as drafted goes far enough with regard to anti- discrimination invocations on the Scottish Parliament. She believes that the Scottish Parliament would be able to improve on that. Amendment No. 347 would delete the reservation altogether and leave the matter entirely up to the Scottish Parliament.

The hon. Member for Perth is right to dismiss the intervention of the hon. Member for Kilmarnock and Loudoun (Mr. Browne) on the European convention on human rights. That convention deals not only with anti-discrimination but with a whole range of issues, some of which are among the reservations in the Bill and some of which are not. For example, the European convention deals extensively with the rights of prisoners and that is not reserved. The Government have not been advancing that case in talking about the issues that are to be reserved.

Mr. Browne: The point that the hon. Gentleman may wish to dismiss, given the advice that he has been giving other hon. Members, is that, in terms of the incorporation of the European convention on human rights, there will be a requirement on the Scottish Parliament to legislate in a manner consistent with that convention. Does the hon. Gentleman agree or disagree with that?

Mr. Jenkin: I agree entirely with that. The hon. Gentleman seemed to be implying that, because the European Commission of Human Rights is an international obligation, that is a justification—

Mr. Browne: Convention, not commission.

Mr. Jenkin: I believe that the body is called the Commission of Human Rights: the convention is the document. Just because something is an international obligation, it does not necessarily have to be reserved.

Mr. Browne *rose—*

Mr. Jenkin: I have dealt with the hon. Gentleman's point. It is a minor point and I do not want to dwell on it for too long. I will not give way to the hon. Gentleman—again because we do not have a great deal of time for this debate.

The hon. Member for Glasgow, Maryhill (Mrs. Fyfe) was once again, ironically, in anti-devolution mode. She was justifying the reservations in the Bill when there are no practical reasons why this matter should not be devolved.

We have here yet another example of a contentious issue—it is particularly contentious among Labour Members—over which the Government, for political convenience, wish to keep control at Westminster. The devolution of the issue to the Scottish Parliament would inevitably lead to embarrassing differences between the Scottish and Westminster Parliaments, even if the Labour party was in a majority in both places.

It is the Conservative party's policy to respect all people regardless of their race, colour, creed, sex, religion and so on and to respect all people primarily as individuals.

Mr. McAllion: If the hon. Gentleman really believes that it is Conservative party policy to be completely non-discriminatory against people whatever their ethnic origin, race or sex, why did Margaret Thatcher, when she was Prime Minister, make that speech about our native culture being swamped by immigrants to this country?

Mr. Jenkin: The hon. Gentleman makes an entirely irrelevant point. I will not be sidetracked into a debate on a speech made almost 20 years ago by a former Conservative party leader, who did a great deal for this country.

We respect people primarily as individuals. All people should be accorded their liberties and rights, regardless of their circumstances. The guiding principle of an atmosphere of anti-discrimination is tolerance. Conservatives are in the vanguard in changing attitudes towards, for example, those with a different sexual orientation. Although some people argue that society would not develop tolerance towards minority groups without anti-discrimination legislation, many people—not only Conservatives—remain inherently suspicious of such an approach. It could be argued equally well that the

acceptability of anti-discrimination legislation simply reflects the fact that attitudes in society are changing already.

Mrs. Fyfe: The hon. Gentleman must have a very short memory. Most hon. Members recall section 28 of the Local Government Act 1988, and how disgracefully the Government behaved on that occasion.

Mr. Jenkin: That section of that Act was to prevent local authorities galloping off with ratepayers' money, spending it on priorities that were not the direct priorities of local authorities. If one asked an average taxpayer whether he or she wanted money spent on those activities, they would express a very clear view.

Mrs. Fyfe: Will the hon. Gentleman give way?

Mr. Jenkin: I will not give way to the hon. Lady again. It is so easy to antagonise her that I rather regret having given way to her initially.

The imposition of draconian anti-discrimination laws has to be handled with great care, because it is all too easy to substitute one type of intolerance of minorities for another—such as intolerance of those who do not support imposition of specific anti-discrimination laws. The hon. Member for Maryhill has just demonstrated that.

Article 19 of the European Community treaty that essentially deals with the principle of equal pay for men and women has given rise to the equal treatment directive—which has allowed the European Court of Justice to develop the highly dubious doctrine of "indirect discrimination" whereby it is judged illegal to treat part-time workers differently from full-time workers simply because a majority of part-timers tend to be women and a majority of full-timers tend to be men.

The laws of a tolerant society should, as far as possible, seek to protect freedoms rather than to impose obligations that might seem arbitrary and unjust in their application. For that reason, I support equality of the age of consent at 16, for example, for all people.

Ms Osborne: Is the hon. Gentleman suggesting that all anti-discrimination legislation should be abolished?

Mr. Jenkin: The hon. Member for Ayr (Ms Osborne) should listen more carefully to what I am saying.

We remain inherently suspicious of laws that corral individuals and groups of individuals into legally defined categories, to be treated differently, and therefore to be regarded differently. Ultimately, so-called anti-discrimination legislation may do the opposite, so that people are treated as part of a category, rather than being accorded the respect that they deserve as individuals.

Surely everyone should agree—this may answer the question asked by the hon. Member for Ayr—that the perfect society would be one in which such legislation is superfluous, and in which all people are treated equally according to their individual qualities, without the need for legal sanction.

Mrs. Ewing: On a point of order, Mr. Martin. I have listened very carefully to the speech being made by the Opposition spokesman, and wonder whether it is within the context of this group of amendments. It seems that the hon. Member for North Essex (Mr. Jenkin) is sharing his anti-European views rather than speaking to the amendments.

The First Deputy Chairman: The hon. Gentleman has so far been in order.

Mr. Jenkin: I am most grateful, Mr. Martin. It seems that my comments are inciting exactly the type of intolerance that a tolerant society should not exhibit.

Until we establish a perfect society, the issues that we are debating are bound to be controversial—as we have seen in this debate. There will always be those—among whom I include some hon. Members—who are more concerned about equality and parity of outcome than about the simple fairness with which individual cases are treated.

I remind the hon. Member for Perth that she favoured the words

"equality of opportunity for all people",

which does not necessarily mean that there will be, for example, equal numbers of sexes in the Scottish Parliament—[HON. MEMBERS: "How many are there?"] There are two sexes.

The question that we must confront is whether such issues should be the responsibility of Westminster or of Holyrood. We have tabled none of the amendments in this group, and therefore take the privilege of commenting as dispassionate observers.

Mr. Browne: Will the hon. Gentleman give way?

Mr. Jenkin: I have given way enough.

The logic of the Scottish National party's amendment No. 347 accords with the cry of pro-devolution campaigners that this Parliament should trust the Scottish people. It is extraordinary that that reservation in the Bill shows, once again, that the Government do not trust the Scottish people with a contentious matter. The Government's amendments in this group amplify that lack of trust.

The SNP amendments demonstrate that both it and the Government want the same obligations to be imposed on the Scottish Parliament. However, with additional logic, the SNP wants those obligations to be imposed by the Scottish Parliament itself and not by Westminster.

Mr. Browne *rose—*

Dr. Godman *rose—*

Mr. Jenkin: I shall give way to the hon. Member for Greenock and Inverclyde (Dr. Godman).

Dr. Godman: I am grateful to the hon. Gentleman. I thought that he was perfectly right to mention the European Court of Justice, as matters that we are debating could be taken there for a decision. Does he agree that that court—that supreme court of European member states—has a pretty poor record in defending the interests of women workers?

Mr. Jenkin: Again, I shall not be tempted into a debate entirely on the European Court.

[Mr. Jenkin]

In principle, if those obligations are to exist, they should be self-imposed rather than imposed from above.

Mr. Browne: Will the hon. Gentleman give way?

Mr. Jenkin: I have already given way to the hon. Gentleman, and do not intend to do so again.

We shall not be voting for any of the amendments in this group. The reality behind the amendments is an ugly competition to decide who wins the prize for political correctness. Specifically lurking in the amendments is the issue of candidate selection—which will be debated in a later group of amendments—and the conflicting legal opinions in the Government on the legality, or otherwise, of positive discrimination. That issue was raised in the debate on Second Reading, when it was made clear—

The First Deputy Chairman: Order. Perhaps the hon. Gentleman will discuss those matters when we reach that later group of amendments.

Mr. Jenkin: The fact remains that the SNP, and its separatist counterparts in other parties, is looking forward to the Secretary of State's humiliation when he fails in the Scottish Parliament on the gender equality issue—which the Scottish Constitutional Convention proposed, and to which, originally, the Secretary of State gave his approval. It will be yet another bone of contention between London and Edinburgh for nationalists to chew on, demonstrating yet again the real lack of consensus that surrounds the project's crucial details.

Ms Osborne: I support those amendments which seek to inculcate the principle of equal opportunities in the way in which the Scottish Parliament conducts its business and in the exercise of the functions devolved to the Parliament, including the provision of an annual report on how that is being achieved. That would strengthen the Bill as well as emphasising the intention that the Parliament will conduct its business in line with the year 2000, not the dark ages.

The Minister may well say that the Scottish Parliament can consider such matters for itself, but it has been my experience that unless a clear commitment to equal opportunities exists from the start, it is at best pushed on to the sidelines or, at worst, ignored.

9 pm

Labour Members are very well aware of the strength of feeling on this issue, and this is currently highlighted at the moment in relation to equal representation. However, this is but the culmination of many years of work in the sphere of equal opportunities carried out, as my hon. Friend the Member for Cumbernauld and Kilsyth (Mrs. McKenna) stated, by local authorities and trade unions.

A culture of promoting equality has gradually been created in Scotland and throughout the United Kingdom by local authority women's committees. This is not and should not be the property of any one political party or organisation, expendable if there is a change of political climate, a cut in resources, or even a change of majority control in the Parliament. I use my experience as an example. I was formerly a councillor on Kyle and Carrick council. When Labour lost control of the council to the Conservatives, the Conservatives closed the women's unit and the creche which had been very popular locally.

We have an opportunity to make good equal opportunities practice a reality from day one, but experience shows that monitoring and evaluation are required if an equal opportunities policy is to be effective.

Let us consider the example of violence against women. Tackling this problem is one of the Government's three main priorities for women. Many reports on this topic have been produced over the years—some have sat on the shelf, while others have been implemented piecemeal. My hon. Friend the Minister is aware that recent research has shown that women, especially those in rural areas, do not experience a consistency of service nor a coherence of approach across Departments and agencies. Proper monitoring arrangements could ensure a more effective response to this and other issues.

I return to the importance of a modern approach. I believe that equal opportunities are central to this and to the new Scottish Parliament. There is plenty of best practice to which the Scottish Parliament can look, and I am sure that many women councillors in Scotland can teach the new Members of the Scottish Parliament a thing or two about equal opportunities and especially about operating on the basis of consensus.

In the new Scottish Parliament, issues that have not traditionally been at the forefront of debate, but which have a tremendously important impact on all our lives, have to be formalised by inclusion in the Bill. I hope that that notion will find favour with the Minister and that consideration will be given to supporting it.

Mr. Gorrie: The Liberal Democrats are happy to support amendment No. 347, which we hope will be voted on shortly, and the others that try to promote the cause of equal opportunities in the Scottish Parliament. My hon. and learned Friend the Member for Orkney and Shetland (Mr. Wallace) put his name to several of these amendments to show our support.

We think that amendment No. 347 is the best. It provides that equal opportunities should be deleted from the list of reservations, thereby leaving the matter entirely under the control of the Scottish Parliament. However, there is a great deal of merit in the two new clauses tabled by the hon. Member for Glasgow, Maryhill (Mrs. Fyfe), and if it is easier for the Minister to accept them than to accept the amendment tabled by the SNP, and to which my hon. and learned Friend the Member for Orkney and Shetland has put his name, we shall certainly encourage him to do so.

We take a straightforward approach. Everything that refers to affairs in Scotland should be dealt with in the Scottish Parliament, unless there is a good reason to the contrary. We see no reason why the Scottish Parliament should not legislate for equal opportunities.

As has been said, the Scottish Parliament will be constrained by international and European obligations, and by existing British law. It is very unlikely that it would reduce the power of equal opportunities legislation, and I would be confident that Members of the Scottish Parliament would move in a progressive direction rather than relax the rules.

Clearly, the Government think that encouragement is adequate. I suppose that Government amendment No. 558 is a step in the right direction, but it is a pretty feeble step. It would make the reservation in the schedule read:

"The encouragement (other than by prohibition or regulation) of equal opportunities, and in particular of the observance of the equal opportunity requirements."

The Parliament could make noises but do nothing. With due respect, that is the wettest amendment I have come across in my brief time in the House.

We believe that the Scottish Parliament should have the right to legislate. I probably do not have the necessary experience or imagination to conjure up the right suggestions but, as has been said, the Scottish Parliament might wish to take a more active line against domestic violence by organising tenancies for women in a more favourable manner. As I understand it, it would not be allowed to do so. The Parliament might wish to legislate differently from England in order to discourage racism at football matches. It might even wish to discourage people at Murrayfield from whistling when the English are about to take a place kick.

Mr. Browne: I am very interested in those examples, but my understanding is that they represent breaches of the criminal law, which is well within the competence of the Scottish Parliament and its devolved powers. Perhaps the hon. Gentleman could give a case that is not within the devolved legislative powers of the Scottish Parliament, and thus provide the example that the hon. Member for Perth (Ms Cunningham) was unable to give, other than in the context of discrimination against England.

Mr. Gorrie: With respect, I should have thought that altering tenancy arrangements to make them more favourable to women and offering positive discrimination to assist battered women was not a matter of criminal law. There was recently a case in which a senior police officer—

Mr. Browne *rose*—

Mr. Gorrie: I am not a lawyer and you are, but I am trying to approach the matter in a common-sense manner—

The Chairman of Ways and Means (Sir Alan Haselhurst): Order. I am not a lawyer.

Mr. Gorrie: I apologise, Sir Alan. I am sure that the hon. Gentleman is a brilliant advocate, so I shall not allow him to trip me up.

In a recent case, a senior police officer felt that he had been discriminated against in applying for the post of chief constable in Scotland because he was English. There are other such cases in Scotland where different issues arise because of the prominence of English and other European people. The Scottish Parliament might wish to take a slightly different attitude from that of the Westminster Parliament to ensure that those people got a fair deal.

Dr. Godman: With regard to the example that the hon. Gentleman has just used, may I remind him that a Scots police officer sought the post of Chief Constable in Northern Ireland and was most put out when he did not get on the shortlist? Many of us would agree that it made good sense not to have someone from elsewhere taking on such an important post in the Province.

Mr. Gorrie: The person to whom I referred was already working in Scotland, so he would not have been imported. However, the Scottish Parliament might wish to draw the rules slightly differently from the Westminster Parliament because different circumstances apply in Scotland. The same argument applies to equal opportunities as applies to education, health, housing and many other matters. The Scots should have the right to do things a bit differently if they want to and are prepared to pay for it.

Mr. McAllion: The hon. Gentleman has made several references to housing as if the Scottish Parliament would be prevented from implementing anti-discrimination policies in housing because of the Sex Discrimination Act 1975, the Equal Pay Act 1970, the Race Relations Act 1976 and so on. Positive Action in Housing, one of the foremost campaigners in Scottish housing, is proposing a variety of changes to Scottish law. Such matters will be devolved to the Scottish Parliament and it would be perfectly consistent for it to continue with those policies without offending anyone.

Mr. Gorrie: The body to which the hon. Gentleman refers is not receiving adequate Government funding, but that is a separate issue.

The right of a Scottish Parliament to legislate is important. It may be that, through inexperience, my examples are not too hot, but the principle is that the Scottish Parliament should be allowed to legislate. We cannot predict the future and, as has been said, equal opportunities is a rapidly moving subject and new aspects may occur that none of us—even those who are far more intelligent than me—can foresee. Why should the Scottish Parliament not control measures relating to equal opportunities? It seems to be a perfectly straightforward issue and the Minister must give positive reasons why that should not be devolved to the Scottish Parliament.

Dr. Godman: I shall be brief. First, I offer my compliments to my hon. Friend the Member for Glasgow, Maryhill (Mrs. Fyfe) on her new clauses and her presentation of them. I hope that she agrees that the Government's amendment No. 559 comes close to addressing some of the legitimate concerns that she shares with the hon. Member for Perth (Ms Cunningham).

Mrs. Fyfe: For the record, yes, I agree.

Dr. Godman: That was an astonishingly brief intervention from my hon. Friend and I have no difficulty in thanking her for it.

We are concerned that the Scottish Parliament should include a substantial number of women representatives from all points of the compass. We are also concerned about the people who are employed at the Parliament. I am pleased that my right hon. Friend the Secretary of State and my hon. Friend the Minister of State are concerned to protect the interests of those with disabilities. I should certainly like the Scottish Parliament

[Dr. Godman]

and the Welsh assembly to employ people with disabilities—especially learning disabilities. All kinds of people should be involved, not only as elected representatives, but in various other functions and jobs. People aged 50 or more should also be employed as there should be no ceilings in terms of career prospects.

It is important that the Government recognise the need to defend, and indeed promote, the interests of people with mental or physical disabilities. We all have constituents with learning disabilities who find it enormously difficult to find work. The new Parliament could set a splendid example in terms of fair and reasonable contracts of employment for people employed at Holyroodhouse. It should be Calton hill, but I had better stick to Holyroodhouse. I once suggested that we should use that much underused building, the palace of Holyroodhouse, but I was slapped down, so I shall not return to that.

We have to send a message to the people of Scotland that, in addition to fair play on sexual equality, there will be fairness for many other groups, including those of different sexual orientation. That must cover the representatives in the Parliament and those who are employed by it.

9.15 pm

Mr. McLeish: I wish that there had been more time for this important debate. We may have some differences on some of the amendments, but there is a general concern that the Parliament should push forward the frontiers of equal opportunities. In the 10 minutes available, I should like to respond positively to the constructive points that have been made.

Government amendment No. 558 is intended to clarify the fact that the exception from the reservation designed to ensure that the Parliament has competence over the encouragement of equal opportunities does not extend to prohibition or regulation. It was always our intention that the Parliament and the Executive should be able to encourage equal opportunities, but not that they should be able to impose new duties or additional regulation in equal opportunities matters. That is the substance of the reservation. The amendment will also ensure that the Parliament is not prevented from encouraging equal opportunities generally.

Mrs. Laing *rose—*

Mr. McLeish: With the greatest courtesy, I should like to get through what I have to say. There are several amendments to deal with and I have some constructive comments to make.

Government amendment No. 559 makes it clear that the Parliament will be able to discourage discrimination on grounds of a person's age, sexual orientation, language or social origin. It reflects concerns that have been expressed in Committee and outside. Although the amendment will not change the existing legislation on equal opportunities, we recognise that people can suffer discrimination on those grounds, especially sexual orientation. I commend both amendments to the Committee.

I am also very aware of the need for a close and effective relationship between the main equal opportunities bodies in Scotland—the Equal Opportunities Commission, the Commission for Racial Equality and the National Disability Council—and the Scottish Parliament and Executive. As I made clear earlier in Committee, they will not be cross-border public bodies because it is not our intention that the Scottish Parliament should have competence over their functions.

However, I am concerned that there should be a Scottish element in the membership of those bodies and that the Scottish Parliament should have a guaranteed opportunity to debate their work. The Government intend to make the necessary arrangements to ensure that one member of each of the EOC, the CRE and the NDC will be appointed with the agreement of the Scottish Ministers and that there will be provision for the reports of those bodies to be provided to Scottish Ministers and submitted by them to the Parliament at Holyrood. That will allow the Parliament to keep in touch with the work of the equal opportunities bodies. That is an important step forward, within the framework of the general reservation of those bodies.

Within the framework set out in the Bill, the Parliament and Executive will be able to create and implement their own equal opportunities policies. They will be able to encourage equal opportunities by exhorting and giving guidance to public authorities and others to adopt equal opportunities policies, running advertising campaigns and setting up an advisory committee. They will be able to seek to influence the development of equal opportunities legislation in Westminster. Scottish Members of Parliament at Westminster can ensure that Scottish interests are reflected in any new legislation.

On page 76, the Bill refers to important equal opportunities legislation—the Equal Pay Act 1970, the Sex Discrimination Act 1975, the Race Relations Act 1976 and the Disability Discrimination Act 1995. Those important competencies are reserved to Westminster. Scottish Members at Westminster will contribute to those issues. As I have just made clear, the Parliament and the Executive will maintain strong links with the EOC, the CRE and the NDC. One member of each will be appointed with the agreement of the Scottish Ministers. The bodies' annual reports will, of course, be provided.

Amendments Nos. 347 to 350, tabled by the Scottish National party, raise related issues to those covered by new clauses 7 and 8, which were tabled by my hon. Friends. Amendment No. 347 would simply remove equal opportunities from the list of reserved matters. That would undermine the level playing field for business and individuals in employment and other matters in the UK, and clearly the Government cannot accept that.

I suspect that the hon. Member for Perth (Ms Cunningham) knew that I could not accept amendment No. 347, because she tabled an alternative, amendment No. 348, which would enable the Scottish Parliament to require public bodies to make arrangements with a view to securing that their functions are carried out with due regard to the principle that there should be equality of opportunity for all people. That would go further than the exception to the reservation, which is to enable the Scottish Parliament to establish requirements relating to the observance by public bodies of the legal requirements of equal opportunities that may be in place.

That approach is needed to preserve the level playing field. Leaving scope to impose greater duties would be contrary to that underlying principle.

Amendments Nos. 349 and 350 would add "sexual orientation" and "gender identity" respectively to the interpretation of equal opportunities in the schedule. I have already spoken to Government amendment No. 559, which adds age, sexual orientation, language and social origin to the list, and which, of course, accepts the point made in respect of amendment No. 349. Any list could be extended to cover all possible instances of discrimination. I hope that the hon. Member for Perth will recognise the steps that we have taken to meet her concern. I therefore ask her not to press her amendments to a vote.

Amendment No. 94 and new clauses 7 and 8 reflect a concern to support equal opportunities that I wholly share. Equality of opportunity will be fundamental to the Scottish Parliament both in the way in which it conducts its business and in the policies that it adopts through legislation. Our White Paper made that very clear. However, our priority is to ensure that the Scottish Parliament will be able to encourage the observance of equal opportunities. The exceptions are designed to ensure that the Parliament can exercise a role in respect of equal opportunities by, for example, supporting the various campaigns to which I referred earlier, giving guidance to public bodies dealing with devolved matters and developing non-discriminatory policies in all devolved areas. The two new clauses would impose new duties on the Scottish Parliament to observe equal opportunities in the conduct of its business and the exercise of its functions. New clause 8 would require an annual report. I hope to persuade my hon. Friends that there is no need for the provisions.

I do not think that such provisions would sit well with the role and purpose of the Scottish Parliament. It would be quite inappropriate for a body with primary legislative competence, unlike the national Welsh assembly, to be given duties and required to report on its performance as if it were an executive body. Whereas my right hon. Friend the Secretary of State for Wales has concluded that it would be appropriate for those and a range of other duties to be imposed on the Welsh assembly, which in certain key respects is construed as an executive body, it would be inconsistent with the status of the Scottish Parliament and an unacceptable constraint on its discretion.

We must remember that we are creating—I hope—a mature and responsible Parliament, which will be capable of making important decisions and developing its own policies. I am sure that equal opportunities for all will be one of its guiding principles—although I repeat that we do not need to legislate for that here. I hope that I have said enough to convince my hon. Friends that amendment No. 94 and new clauses 7 and 8 are unnecessary, and that they will not press them to a vote.

This matter is very important not only to the Government, but to me. It is crucial that we lay markers down to do things differently in the new Parliament. That is the essence of devolution—devolving competencies, but ensuring that, if we can do better, we will do better. I sincerely hope that the debate's unifying theme is one of taking equal opportunities very seriously. Given that and the Scotland Act that the Bill will surely become, I am sure that Members of the Scottish Parliament at Holyrood will be able to move forward and give every minority adequate protection in Scotland in order to develop their potential.

Ms Roseanna Cunningham: I welcome some of the Minister's comments, particularly the moves that I mentioned in respect of some of the amendments. I welcome his further statement on the various bodies' Scottish element and their membership, and the fact that such bodies will be required to submit reports. I am sure that we are all thankful for that.

I am disappointed by the Minister's retorts about amendment No. 347. The hon. Member for Ayr (Ms Osborne)—I hope that I am not misquoting her, even though I did not take a note of it at the time—said that equal opportunities had to be at the heart of the Scottish Parliament, which is absolutely right. I agree with the Minister that the new Parliament has to be one that does better. I would like it to do a great deal better all round, but it will not have the opportunity. I therefore wish to press the amendment.

Question put, That the amendment be made:—

The Committee divided: Ayes 39, Noes 284.

Division No. 236] **[9.24 pm**

AYES

Allan, Richard
Baker, Norman
Beith, Rt Hon A J
Brake, Tom
Brand, Dr Peter
Breed, Colin
Bruce, Malcolm *(Gordon)*
Burnett, John
Campbell, Menzies *(NE Fife)*
Chidgey, David
Cotter, Brian
Cunningham, Ms Roseanna *(Perth)*
Davis, Cynog
Ewing, Mrs Margaret
Fearn, Ronnie
Foster, Don *(Bath)*
George, Andrew *(St Ives)*
Hancock, Mike
Harris, Dr Evan
Hughes, Simon *(Southwark N)*
Jones, Nigel *(Cheltenham)*
Keetch, Paul
Kennedy, Charles *(Ross Skye)*
Kirkwood, Archy
Livsey, Richard
Michie, Mrs Ray *(Argyll & Bute)*
Moore, Michael
Oaten, Mark
Rendel, David
Salmond, Alex
Sanders, Adrian
Smith, Sir Robert *(W Ab'd'ns)*
Stunell, Andrew
Swinney, John
Tyler, Paul
Wallace, James
Welsh, Andrew
Wigley, Rt Hon Dafydd
Willis, Phil

Tellers for the Ayes:
Mr. Alasdair Morgan and
Mr. Donald Gorrie.

NOES

Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Anderson, Janet *(Rossendale)*
Ashton, Joe
Atherton, Ms Candy
Atkins, Charlotte
Austin, John
Banks, Tony
Barnes, Harry
Bayley, Hugh
Beard, Nigel
Begg, Miss Anne
Beggs, Roy
Bell, Stuart *(Middlesbrough)*
Bennett, Andrew F
Benton, Joe
Bermingham, Gerald
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Bradley, Keith *(Withington)*
Bradshaw, Ben
Brinton, Mrs Helen
Brown, Rt Hon Nick *(Newcastle E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Buck, Ms Karen
Byers, Stephen
Caborn, Richard
Campbell, Mrs Anne *(C'bridge)*
Campbell-Savours, Dale
Canavan, Dennis
Cann, Jamie
Casale, Roger
Caton, Martin
Chapman, Ben *(Wirral S)*
Chisholm, Malcolm

Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Cleiland, David
Clwyd, Ann
Coaker, Vernon
Coleman, Iain
Colman, Tony
Connarty, Michael
Cook, Frank *(Stockton N)*
Cooper, Yvette
Corbyn, Jeremy
Corston, Ms Jean
Cousins, Jim
Cranston, Ross
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cummings, John
Cunliffe, Lawrence
Cunningham, Jim *(Cov'try S)*
Dalyell, Tam
Darling, Rt Hon Alistair
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Davies, Rt Hon Ron *(Caerphilly)*
Davis, Terry *(B'ham Hodge H)*
Dawson, Hilton
Dean, Mrs Janet
Dewar, Rt Hon Donald
Dismore, Andrew
Donohoe, Brian H
Doran, Frank
Drew, David
Drown, Ms Julia
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Etherington, Bill
Fatchett, Derek
Field, Rt Hon Frank
Fitzpatrick, Jim
Fitzsimons, Lorna
Flint, Caroline
Flynn, Paul
Forsythe, Clifford
Foster, Rt Hon Derek
Foster, Michael Jabez *(Hastings)*
Foulkes, George
Fyfe, Maria
Galbraith, Sam
Galloway, George
Gardiner, Barry
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Gilroy, Mrs Linda
Godman, Dr Norman A
Goggins, Paul
Golding, Mrs Llin
Gordon, Mrs Eileen
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grogan, John
Gunnell, John
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Healey, John
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Hill, Keith
Hodge, Ms Margaret
Hoey, Kate
Home Robertson, John
Hood, Jimmy
Hoon, Geoffrey
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Ingram, Adam
Jackson, Ms Glenda *(Hampstead)*
Jamieson, David
Jenkins, Brian
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Jon Owen *(Cardiff C)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Jowell, Ms Tessa
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Kelly, Ms Ruth
Khabra, Piara S
Kidney, David
Kilfoyle, Peter
King, Ms Oona *(Bethnal Green)*
Kingham, Ms Tess
Kumar, Dr Ashok
Ladyman, Dr Stephen
Lawrence, Ms Jackie
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Terry *(Worsley)*
Linton, Martin
Love, Andrew
McAllion, John
McAvoy, Thomas
McCabe, Steve
McCafferty, Ms Chris
McDonagh, Siobhain
Macdonald, Calum
McFall, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
McLeish, Henry
McNamara, Kevin
Mactaggart, Fiona
McWalter, Tony
Mahon, Mrs Alice
Mallaber, Judy
Marsden, Gordon *(Blackpool S)*
Marshall, David *(Shettleston)*
Marshall, Jim *(Leicester S)*
Martlew, Eric
Meale, Alan
Michael, Alun
Michie, Bill *(Sheff'ld Heeley)*
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morgan, Ms Julie *(Cardiff N)*
Morgan, Rhodri *(Cardiff W)*
Morley, Elliot
Morris, Ms Estelle *(B'ham Yardley)*
Morris, Rt Hon John *(Aberavon)*
Mudie, George
Murphy, Denis *(Wansbeck)*
Norris, Dan
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
O'Neill, Martin
Osborne, Ms Sandra
Palmer, Dr Nick
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Pond, Chris
Pope, Greg
Pound, Stephen
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quin, Ms Joyce
Radice, Giles
Rapson, Syd
Raynsford, Nick
Reed, Andrew *(Loughborough)*
Roche, Mrs Barbara
Rogers, Allan
Ross, Ernie *(Dundee W)*
Roy, Frank
Ruane, Chris
Ruddock, Ms Joan
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Salter, Martin
Sawford, Phil
Shaw, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Southworth, Ms Helen
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stewart, David *(Inverness E)*
Stinchcombe, Paul
Stoate, Dr Howard
Stott, Roger
Strang, Rt Hon Dr Gavin
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Thomas, Gareth *(Clwyd W)*
Timms, Stephen
Todd, Mark
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Twigg, Derek *(Halton)*
Vis, Dr Rudi
Walley, Ms Joan
Ward, Ms Claire
Watts, David
White, Brian
Whitehead, Dr Alan
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Woolas, Phil
Worthington, Tony
Wray, James
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Noes:
Mr. Jim Dowd and
Jane Kennedy.

Question accordingly negatived.

It being four and three quarter hours after the commencement of proceedings in Committee, THE CHAIRMAN, *pursuant to the Order [13 January] and the Resolution [30 March], put the Questions necessary for the disposal of the business to be concluded at that hour.*

Amendments made: No. 558, in page 76, line 29, after 'encouragement', insert

'(other than by prohibition or regulation) of equal opportunities, and in particular'.

No. 559, in page 76, line 36, after 'disability', insert

', age, sexual orientation, language or social origin,'.— *[Mr. McFall.]*

Mr. Jenkin: I beg to move amendment No. 484, in page 77, leave out line 10.

The Chairman): With this, it will be convenient to discuss amendment No. 485, in page 77, line 16, at end insert—

'Timescales, time zones and the subject matter of the Summer Time Act 1972'.

Mr. Jenkin: These are probing amendments. This is one of the matters that surely should continue to unite our kingdom. However, we are likely to be in agreement with many of the arguments advanced against the amendments. We do not expect for a moment that the Government will accept them, but they give us another opportunity to expose the faulty logic that lies at the heart of the Bill, and the future friction that may result.

The question of Greenwich mean time has been a contentious one over many years. There was the British standard time experiment in 1968-71, which did not settle the issue. In the previous Parliament, two Bills from another place were presented to the House in 1995 and 1996. A private Member's Bill was presented by my hon. Friend the Member for Bournemouth, West (Mr. Butterfill) during 1995–96, entitled the British Time (Extra Daylight) Bill, which proposed to put the United Kingdom on central European time.

Those in Scotland and Northern Ireland have always argued a different case from those in England, yet the Scots have always won. This flies in the face of what pro-devolutionists usually say about the House of Commons, which is that Scotland is always outvoted. The majority in England has always bent over backwards on this issue. Now that there is to be a Scottish Parliament, the first question we must consider is whether this English tolerance will continue.

The Bill presented by my hon. Friend the Member for Bournemouth, West was a case in point. At one stage, it looked possible that it would get through, but the then Secretary of State for Scotland made a gallant stand in the Cabinet to ensure that the Government, as the Library brief on the Bill makes clear, did not actively lend their support to, or provide any extra time for, the measure. He described said that it was

"misguided, unnecessary and would be deeply damaging in Scotland."

His arguments won the day, because he was a Scottish Secretary of State at the heart of the process of government, and a full-time contributor to the politics of the United Kingdom. This is a classic example of how the Parliament of the Union has always in the end respected the minority rather than the majority.

Mr. Salmond: The hon. Gentleman has his notes in front of him, but I remember that that Bill failed because not enough people turned up on a Friday to vote for it. Where were his colleagues on that day?

Mr. Jenkin: The Bill might have taken on a life of its own had it not been for the attitude of the then Cabinet, swung by the then Secretary of State. If the hon. Gentleman doubts my word, he can ring him up and ask him.

The second question that must be answered is this. If English and Welsh Members of Parliament eventually choose to outvote their northern colleagues—the Bill offers the certain prospect that there will eventually be fewer of them—should not the Scottish people be able to decide their own time? Under a single Parliament, it has always been considered undesirable that the United Kingdom should be split between two time zones, but that may change if the Scottish Parliament, under this amendment, decided to exercise its choice in favour of the lesser of two evils.

The Government argue in the notes on schedule 5 that it is necessary to be in the same time zone because of the need to create a common market in the United Kingdom. Clearly, that is rubbish, considering that the Common Market in Europe does not rely on member states being in the same time zone. Portugal, Greece and the United Kingdom are not on central European time.

It would be unsatisfactory for the United Kingdom to be split in that way. It is the policy of the Conservative party, both north and south of the border, that the interests of the United Kingdom are best served by the whole kingdom living in the same time zone, and that our hour should be Greenwich mean time, or British summer time, not central European time.

The interests of the whole are best served by recognising the interests of the minority, but whether that is sustainable after the birth of the Scottish Parliament is another matter, because the responsibility that English and Welsh Members of Parliament feel for Scotland and Scottish affairs will inevitably be diminished.

If Westminster puts the United Kingdom on central European time, under this amendment the Scottish Parliament could at least be offered a choice.

Mr. McLeish: I shall do the Committee a favour. I have five pages of script with which I could entertain the Committee, but in view of the importance of the item that follows—sex discrimination and selection of candidates—I shall simply say that time scales, time zones and summer time must be reserved matters. It makes sense to have common standards throughout the United Kingdom, not least to preserve a level playing field for business and services.

I thought that we were going to have more than a probing amendment, but I entirely agree with every sentiment that the hon. Member for North Essex (Mr. Jenkin) expressed. His contribution had nothing to do with the amendments that were tabled. As far as we are concerned, these are reserved matters. It would be useful for the Committee to get on with the business.

Mr. Jenkin: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Schedule 5, as amended, agreed to.

New clause 9

SEX DISCRIMINATION IN SELECTION OF CANDIDATES

'.—Nothing contained in the Sex Discrimination Act 1975 shall render unlawful any action by a registered political party for the purpose of selecting candidates for election to the Parliament as constituency members or regional members.'.—*[Mrs. Fyfe.]*

Brought up, and read the First time.

9.45 pm

Mrs. Fyfe: I beg to move, That the clause be read a Second time.

The Chairman: With this, it will be convenient to discuss new clause 10—*Court action for alleged sex discrimination—*

'.—(1) In the case of any court action undertaken by a person who claims not to have been chosen as a candidate for a constituency or regional seat at any election for the Parliament on grounds of his sex, the court shall, in forming its judgement, take into account the compliance or otherwise of the registered political party concerned with any relevant United Nations Convention and with any relevant Resolution of the United Nations Committee on the Elimination of Discrimination against Women, and the extent to which any temporary special measures undertaken by the political party in question are in compliance with that Convention or Resolution.

(2) Such measures as are mentioned in subsection (1) shall not be held to be in breach of the Sex Discrimination Act 1975, if both women and men have equal rights to selection as candidates for the political party in question, and the criteria for selection as candidates do not discriminate against men or women.'.

Mrs. Fyfe: I thank all Labour women Members of Parliament who joined me this morning in paying tribute to Emily Pankhurst, one of the founders of the Women's Social and Political Union. It is 70 years ago this month that the House debated the Second Reading of the Representation of the People (Equal Franchise) Bill which gave all adult women the vote.

Ellen Wilkinson took part in that debate. When she entered the House, she said that she felt that she had done so as a result of the labours of some of the best women that this country or the world had ever known. They made it possible for Parliament to do what it did that day. They made it possible for us women to be here today, and to argue, along with the support of our male colleagues, that the 1928 Act was not the final word, but that we must do all we can to achieve equal representation in our 21st-century Scottish Parliament.

The Labour party is the only party that has come up with a system to achieve that. When I tabled my new clauses, I thought that the Liberal Democrats would also seek to achieve the same end in their own way. But let us look at the Liberal Democrats' role in all this. In November 1995, they signed a formal electoral agreement with the Labour party. I have it here with me. It states:

"The Scottish Labour Party and the Scottish Liberal Democrats formally agree to accept the principle that there should be an equal number of men and women as members of the first Scottish Parliament. In order to achieve this aim, the parties agree and commit themselves to:

Select and field an equal number of male and female candidates for election, taking into account both the Constituency and Additional Member List candidates;

Ensure that these candidates are equally distributed with a view to the winnability of seats;

Use an Additional Member System . . . for elections;

Ensure that the size of the Scottish Parliament is large enough to facilitate effective democratic representative Government."

That is signed by Marilyne MacLaren, convenor, on behalf of the Liberal Democrats—I exempt her from the critical comments that I am about to make—and by the hon. and learned Member for Orkney and Shetland (Mr. Wallace), leader of the Scottish Liberal Democrats.

That followed years of promises, when we all met in the Scottish Constitutional Convention, that the Liberal Democrats would play their part; that they were every bit as committed to gender equality as we in the Labour party were. They were utterly opposed to doing anything by law within the Scotland Bill which would have guaranteed it—that was held to be against Liberal Democrat principles. Therefore, we, in our honest efforts to work together with the Liberal Democrats for the greater good of Scotland, agreed to work separately in our own ways and in our own parties to achieve equal numbers of men and women in the Scottish Parliament. The goal was 50:50.

Because other parties are opposed to the whole concept, or unwilling to back positive action, we knew before the Bill was printed that 50:50 representation could not be achieved. But still we could hope for a greater proportion of women in the Scottish Parliament than had been seen anywhere else in any national Parliament.

That was until last weekend, when the Liberal Democrats at their Scottish conference decided to do nothing but offer the usual meaningless, fruitless encouragement—the kind of inaction that has seen them deliver one female Member of Parliament in Scotland in 75 years of women being elected to Parliament.

The Liberal Democrats have betrayed their own women members, who believed that proportional representation would, of itself, deliver for women. They have behaved treacherously to the Labour party and all those in the Scottish Constitutional Convention who, over the years, committed themselves to equal representation in the Scottish Parliament. Worst of all, they have done their bit to ensure that the new Scottish Parliament will not reflect the people who vote for it. It will be a male-dominated body after all.

The only hope for women in Scotland lies with the Labour party. It is because of my anxiety that it should not go wrong, despite our best intentions, that I tabled my new clauses. But whatever the Liberal Democrats say or do tonight, nothing can hide their shame or protect them from the blame that lies squarely at their door.

We in the Labour party have made no attempt to impose our method on anyone else. This debate is about defending decisions democratically arrived at. Whether Opposition Members agree with the method or the aim is irrelevant; the point of this debate is that political parties should be free to choose their candidates. We intend to ensure that at least our contingent in the new Scottish Parliament will be balanced.

Mr. Grieve: Will the hon. Lady give way?

Mrs. Fyfe: I shall give way, but I hope that I am not doing something stupid.

Mr. Grieve: The hon. Lady says that political parties should be free to choose as they wish, but the Sex Discrimination Act 1975, which she seeks to exclude and which was passed by a Labour Government, specifically prohibits what she proposes as interpreted by the European Court.

Mrs. Fyfe: If the hon. Gentleman bides his time and is patient, he will hear my argument about that.

When the Secretary of State proposed writing a short provision into the Scotland Bill to disapply the Sex Discrimination Act provisions to the electoral process, or make it utterly clear that a political party could pursue

gender balance, an ad hoc committee chaired by the Lord Chancellor was informed that it would be impossible to make the change for the Scottish Parliament, but not for the Welsh assembly and the regional assemblies for England.

So far, it is only in Scotland that there is any commitment to twinning or any other positive action, so why cannot the law in Scotland be different? We already have our own separate legal system. We already accept that proposals for Northern Ireland, Wales and Scotland do not all have to be alike. Untidiness has been allowed for time and again, so why can we not make that change? Risking continuing with the same old inequalities would be worse than a little untidiness. However, I am told that, even if the Government were willing to amend the Sex Discrimination act, we would be up against the equal treatment directive; so let me deal first with the Sex Discrimination Act.

Until the Jepson case, it was widely understood that the actions of political parties were outwith the Sex Discrimination Act. Section 33(2) says that section 29(1) of the Act should not be construed as affecting any special provision for persons of one sex only in the constitution, organisation and administration of a political party.

When Mr. Jepson brought his case against the Labour party founded on section 13, the Equal Opportunities Commission obtained an opinion from leading counsel, which agreed that selection for parliamentary candidates did not constitute employment, and thus did not fall within the scope of the SDA in any case. The selection process was to be considered an internal matter for the political parties. The EOC was also advised by leading counsel, subsequent to the Jepson and Kalanke cases, that the election of parliamentary candidates fell within the scope of neither the SDA nor the equal treatment directive.

The industrial tribunal agreed with Mr. Jepson, although tribunals elsewhere in the country would not have done so. The crucial point is that one industrial tribunal decision does not make law for the whole country, and does not set a precedent.

Mr. Grieve: Will the hon. Lady give way?

Mrs. Fyfe: No, I have already given way. In the time available to me, I intend to go through the detailed arguments.

In coming to its decision, the industrial tribunal referred to the equal treatment directive. That was rather odd, because European directives are not an aid to interpretation of UK Acts of Parliament. The tribunal could legitimately have asked the European Court of Justice for a ruling on whether the directive applied in the Jepson case. Instead, it used its own interpretation of the directive to distort the meaning of section 13 of the Sex Discrimination Act.

When the Labour party did not appeal against the case, it was widely accepted that it could not do so at the time, because selections for candidates were under way. However, there was talk of amending the SDA at some time to make the position clear and beyond doubt, but at present there is no proposal to do so. Apparently, that is because, even if we did so, we could still fall foul of the equal treatment directive.

I shall now deal with the European scene. Nothing stops a potential litigant taking up a case under the equal treatment directive, although that would be much more difficult and complex than raising it under the Sex Discrimination Act, because the directive may be relevant only if the selection of parliamentary candidates comes within its scope. There has been no ruling on that whatever; indeed, no equal opportunities legislation of the European Union relates specifically to national electoral systems. The legal base for the directive is article 235TEC, which regulates the labour market. There is no general power to go beyond those objectives.

The Marschall decision and the Kalanke decision, which it overruled, were in both cases to do with civil servants applying for a single vacancy. Article 24 states that the provisions of the directive shall be without prejudice to measures to promote equal opportunities for men and women. The judgment of the European Court of Justice in the Marschall case ruled that a selection procedure that gave priority to female candidates where fewer women than men were employed was not unlawful discrimination, provided that there was an objective assessment of male as well as female candidates.

It should be noted, however, that the Labour party's twinning proposals do not give priority to female candidates; they ensure broadly equal representation. If a man could pursue a court action because he was not selected as a candidate, so could a woman with equal justice.

Noreen Burrows, professor of law at Glasgow university, has pointed out that, in the 1997 French parliamentary elections, the Socialist party reserved 30 per cent. of constituencies for female candidates. The French Parliament is not brand new, and such action involved a bigger upheaval than starting from scratch, as we are. No challenge was made by individuals in France or by the European Commission, and no mention was made in France of the equal treatment directive. I wonder why we are being advised that such a challenge is likely.

After the general election, the French Prime Minister suggested the introduction of a parity clause to the French constitution. "Quel horreur!", some people might say, yet there was no reaction from the European Court of Justice, or anywhere else.

A number of European electoral systems provide for positive discrimination by way of quotas. None of those arrangements has been challenged by the Commission as a breach of the equal treatment directive. It is far from clear whether the directive even applies to electoral law. I wonder why we are so out of step with the rest of Europe.

Other events in Europe are relevant. One of the five objectives of the European Commission's fourth equal opportunities action programme is promotion not of some women or a few women, but of gender balance. Article 3 of the Maastricht treaty states:

"The community shall aim to eliminate inequalities, and to promote equality between men and women."

The Amsterdam treaty allows states to take measures to ensure full equality for women and men, including those that would allow an under-represented sex to pursue a vocation.

The treaty of Amsterdam amends the treaty of Rome to make it clear that positive actions to redress the under-representation of women are lawful. Article 3 states:

"the Community shall aim to eliminate inequalities, and to promote equality between men and women".

[Mrs. Fyfe]

I could refer to other articles, but I hope that I have made my point.

We also have a United Nations convention to back us. In 1986, the previous Government signed up to the report of the United Nations Committee on the Elimination of Discrimination against Women, which meant that they agreed with the elimination of discrimination against women. Article 4 of the convention encourages the use of "temporary special measures" to give effect to article 7. Many other aspects of the CEDAW report support positive action.

It is worrying, therefore, that the leaked memo from Lord Irvine states:

"It was particularly awkward that Donald's proposal was limited to the first elections to the Scottish Parliament, because this would allow it to be presented as an artificial and expedient response to a particular political problem."

The temporary special measures that the UN convention has encouraged are temporary, and they respond, on one occasion only, to a particular problem. I urge the Law Lords to reconsider the matter, and to think more carefully about the CEDAW report. I have been told, however, that UN conventions are not recognised in British law, which is a pity. I had hoped that, over time, the issue might have been taken more seriously.

We also signed up to the Beijing declaration and platform for action, which arose from the UN conference on the status of women. It calls for additional measures to improve women's participation in decision making, particularly where they have been traditionally under-represented, and especially in elected positions.

That might be regarded as insignificant in some quarters, but British politicians signed the declaration, and we should show that they meant it. Women have traditionally been under-represented in elected positions in Scotland. There have only ever been 28 women Members of Parliament in Scotland from all parties, from 1923 to the present day, which is an average of one every three years.

If the Government accept my new clauses or take similar action of their own later, it will strengthen the position of any political party, large, small or tiny, that may otherwise have to defend itself against legal challenge.

I have been asked why I am concerned. I accept that attitudes in the Labour party have changed. There was widespread support for twinning and for equal representation, but it would only require one objection to take the party to court and throw us into difficulty. It is because I am concerned about that possibility that I am asking my hon. Friends to consider this matter carefully before much more time elapses.

10 pm

Dr. Fox: The hon. Member for Glasgow, Maryhill (Mrs. Fyfe) was cruel in her criticism of the Liberal Democrat conference. Most opinion pollsters would agree that 10 is not a representative sample. She should not base her arguments on such a small number as appeared at the Liberal Democrat conference. It was the only conference that had to shift to a cupboard upstairs to ensure that delegates felt cosy.

I am not particularly concerned about the Labour party's internal strife or its internal grief. The Conservative party has nothing to do with positive discrimination in selection procedures. We hope to get a wide spectrum of candidates, who are selected for their ability, not their anatomy.

I have more than a little sympathy with some of the hon. Lady's points. I question the quality of the conflicting legal advice that the Government have received. I was interested to read an article in *The Scotsman* this morning, which suggested that the Labour party had received conflicting advice from two sources close to the Prime Minister. Mrs. Blair has advised that the "cleanest and clearest" way of achieving gender balance is for Ministers to change the law, whereas the Lord Chancellor has given quite different advice. It would be helpful if the Minister would clarify the legal position according to the advice that the Government have received.

The hon. Lady referred to our freedom to operate as political parties within the restrictions of the legislation that she mentioned. If she is correct, and as we pride ourselves on our freedom of association, perhaps we should take a more libertarian view of our political practices and give ourselves greater freedom in how we conduct our policies and how we present ourselves to the electorate.

I look forward to hearing the Minister deal with the reasonable points that the hon. Lady made, although she would not expect me to agree with a great deal of what she said. Some of her comments were legitimate in a genuinely democratic argument. We must decide whether, in the conduct of our politics, we should be bound by legislation passed in the 1970s, or whether we are free in a truly democratic state.

Mr. Malcolm Chisholm (Edinburgh, North and Leith): One of the several reasons why the people of Scotland voted for a Scottish Parliament, and why so many people are looking forward to its new politics, was the thought of having the first ever Parliament with gender equality. It would be the cruellest of ironies if that were to be prevented by the equal treatment directive after a century of unequal selection treatment of men and women.

The debate is essentially about the equal treatment directive. My understanding is that the Government have no objection to clarifying the Sex Discrimination Act 1975, but their legal advice is that the new clause would contravene the equal treatment directive. Will the Government take a little more time to take further legal advice? The professor of European law at Glasgow university has been referred to by my hon. Friend the Member for Glasgow, Maryhill (Mrs. Fyfe).

There are two lines of argument about the equal treatment directive: first, that it does not apply to the electoral process, and secondly, that exceptions are allowed under article 2.4 to redress inequalities. I hope that the Government will take more time to consider the matter, and will not rule out clarification or temporary special measures as proposed by the United Nations Committee on the Elimination of Discrimination against Women.

The Labour party is fully committed to achieving gender equality. We are merely asking the Government to go the last mile. Great progress has been made. The party

is committed to twinning, and will go ahead in any case; we tabled the new clause just in case there was a challenge.

As I said, we have one last mile to go, but the Liberal Democrats have many miles to go. It would be utter hypocrisy if the Liberal Democrats and others used the new clause as an excuse for not establishing party procedures to achieve gender equality. My plea to the Government is to take a little more time, and on that basis, I shall abstain in this evening's vote.

Mr. Wallace: I agree with one thing that was said by the hon. Member for Edinburgh, North and Leith (Mr. Chisholm): it would indeed be perverse if an equal treatment directive was used in a way that frustrated an opportunity to achieve gender balance. I shall return to that point later. I cannot, however, accept the hon. Gentleman's accusation of hypocrisy, or his suggestion that we would use the new clause as an excuse not to establish provisions to try to achieve gender balance in our parliamentary representation. The opposite is the case: we shall use the new clause in order to establish arrangements for gender balance.

The hon. Member for Glasgow, Maryhill (Mrs. Fyfe) seems so frustrated about the fact that the Lord Chancellor would not even see her to discuss the issue that she is taking it out on the Liberal Democrats. She would not allow the facts to get in the way of a good rant. The facts of the Liberal Democrats' position were set out in our conference in Dunfermline, and remain the party's policy. I do not recall that the hon. Lady ever said that anything was wrong with that policy; indeed, at the time she probably congratulated us on it.

Mrs. Fyfe: What excuse will the hon. and learned Gentleman offer for breaking the solemn agreement that his party reached with the Labour party in November 1995?

Mr. Wallace: I shall not offer any excuse; I shall merely tell the hon. Lady how the policy can be fulfilled. This is the policy of our party:

"If the Scotland Bill exempts the political parties from sex discrimination legislation, the following system shall be used for the selection of list PSPCs"—

that is, prospective Scottish parliamentary candidates.

"(i) In combination, the Local Parties within each Euro-constituency shall draw up a short-list from the male applicants and a short-list from the female applicants;

(ii) all members of the relevant Local Parties shall select the male and female members of the list in a ballot using single transferable voting . . . and in a separate count of the ballots shall order the lists".

Let me pause parenthetically to note that the lists will be drawn up by our membership; they will not be imposed from on high, as the Labour party seems to propose.

The document continues:

"(iii) Conference shall elect four men and four women to an Electoral Agreement Committee, which shall be charged with:

(1) taking into account the terms of the electoral Agreement;

(2) taking into account the results of the PSPC selection in all constituencies where the Party's candidate received more than 15 per cent. of the vote in the 1997 General Election;

(3) taking into account the likely overall gender balance of PSPCs within each Euro-constituency and neighbouring constituencies of similar geographic and political character;

(4) drawing up from the ordered male and female lists of short-listed applicants a final, integrated list for each Euro-constituency; and

(5) ensuring that the order of male PSPCs and female PSPCs on the final list in each Euro-constituency strictly adheres to the order arrived at by the all-member ballots."

In other words, a mechanism exists—if the Bill exempts the political parties from the sex discrimination legislation. That is what we are arguing for, and that is why we support the new clause.

Mrs. McKenna: How many candidates have already been selected, and how many are women?

Mr. Wallace: Twelve have been selected, three of whom are women; but, as the hon. Lady knows, the electoral agreement referred to a balance between the first-past-the-post system and the lists. I am not sure whether the hon. Lady was party to the negotiations, but, if she had been, she would know that the lists were always seen as the mechanism through which we were most likely to achieve gender balance. We shall do that, if we can amend the Sex Discrimination Act.

I welcome the opportunity provided by the new clause, and look forward to joining the hon. Member for Maryhill in the Lobby. She cannot accuse us of hypocrisy; it is the Labour party that is putting up the road blocks, and preventing us from implementing mechanisms that have already been introduced.

As has been said, the Liberal Democrats took advice from Cherie Booth QC—principally with regard to the European elections, although the advice that we were given could also apply to elections to the Scottish Parliament. Her advice was that the clearest way of exercising positive discrimination was to disapply the Sex Discrimination Act from the selection of candidates. We understand that the minute from the Cabinet Committee, to which the hon. Member for Maryhill referred, states:

"Without an amendment of the kind proposed by Donald"—

whom we assume to be the Secretary of State for Scotland—

"a political party adopting a selection process which appeared to discriminate in favour of women could be liable to challenge along the lines of the Jepson case."

To be fair, it seems that the Secretary of State for Scotland realises the nature of the problem and, to his credit, he has been trying to remove the block of a possible challenge to parties that were trying to get some form of gender balance.

Mr. Dalyell: Am I mistaken, or is the hon. and learned Gentleman quoting from a Cabinet Committee document? If he is, how did he get that document?

Mr. Wallace: I am quoting from *The Guardian* of 3 March. It set out the terms of the leaked minute, and I am not aware of anyone challenging the accuracy of that leak. I have outlined the position that was taken by the Secretary of State but, regrettably, that position was not taken by the Cabinet Committee.

I have said that we have a mechanism, but I can also say that we have more than that. The Trust for Scottish Liberal Democracy, whose members met at the weekend, has agreed that a substantial sum will be made available

[Mr. Wallace]

to women seeking selection in the lists. I understand that that will be matched by women Liberal Democrats to help to cover the costs of travel, campaigning and child care.

Mrs. Irene Adams (Paisley, North): Does the hon. and learned Gentleman agree that in terms of proportional representation his party is already over-represented here and is unlikely to get any Members in the top-up of the Scottish Parliament, in which he could bring his mechanism into being?

Mr. Wallace: I cannot agree that my party is over-represented here. We had 17 per cent. of the vote, and we have only 46 seats out of 659. That is not fair representation. Our Scottish seats are almost exactly proportional because we got 13 per cent. of the vote and 13.9 per cent. of the seats.

Mr. John Home Robertson (East Lothian): No top-up.

Mr. Wallace: The hon. Gentleman clearly does not understand the system upon which we are about to embark, because the additional member list will have top-ups from parts of the country in which we are not—

Mr. Home Robertson: Do the Liberal Democrats expect to get top-up seats in Glasgow?

Mr. Wallace: We shall get extra in Glasgow. The hon. Gentleman is in for a shock, because Labour will get no extra seats from the list in Glasgow: it is already over-represented there by a long way. I do not want to be tempted down the road of explaining the system of proportional representation to the hon. Gentleman. I shall give him a seminar on another occasion.

The other parties will find the going difficult. We have heard that in Wales there might be legal challenges to what Labour is trying to do to achieve gender balance. We have tried to wrestle with the problem, and if the new clause is accepted, a mechanism will be put in place. The Cabinet Committee minute also states:

> "Harriet Harman also supported Donald. She accepted there was a risk of a successful challenge under the ETD, but this had to be set against the risk that the representation of women in the Scottish Parliament or Welsh Assembly would be unacceptably low if no action were taken, and an opportunity to advance modern democracy in these new institutions would have been lost."

This is an opportunity. There are no incumbents and there is a chance to achieve a gender balance that has not been achieved in this place. We say, "Give us the legal backing to do it and we shall do it." That is why we shall support the new clause. Those who stand in our way will be hypocritical.

Mr. McLeish: I do not think that I have seen the leader of the Scottish Liberal Democrats quite so angry for some time, but there may be some good reasons for that. I shall cover the points that have been raised and address some of Labour's concerns about the Liberal Democrats. Our White Paper, "Scotland's Parliament" made it absolutely clear that we attach great importance to equal opportunities for all—including women, members of ethnic minorities and people with disabilities. Our White Paper urged all political parties offering candidates for election to have that in mind in their internal candidate selection processes.

New clause 9 proposes that we should amend the Sex Discrimination Act 1975 to remove the selection procedures for parliamentary candidates from its scope. My hon. Friend the Member for Glasgow, Maryhill (Mrs. Fyfe) and I have had many discussions on the issue. I have tremendous sympathy for the intentions behind the new clause. We want the Scottish Parliament to be women friendly. We are trying to ensure through the building design and through other preparations that women will want to serve as Members of the Scottish Parliament. The facilities will be designed to serve equally the needs of women and men; there will, for example, be day care provision for children. On the procedures, our consultative steering group has already given thought to how the Parliament can be made more accessible to women and those with family responsibilities.

The procedures will also be designed to be participative and, as far as possible, non-confrontational, so that all MSPs, both women and men, can contribute as fully as possible. That is how we are going about the question of encouraging equal representation in those particular areas.

Mrs. Laing: Will the Minister give way?

Mr. McLeish: No. With the greatest courtesy, I should rather get through some of the elements of the matter.

10.15 pm

The requirements of European employment law and particularly the equal treatment directive have established the framework within which we must work. Any amendment to the Sex Discrimination Act enabling the parties to avoid falling foul of that domestic legislation might be found by the European Court of Justice to be in breach of the equal treatment directive. We could not guarantee that the parties would be free from challenge. The challenge could arise in the domestic courts, which could refer the case to the European Court of Justice. The result could be a severe disruption of candidate selection procedures.

On new clause 10, I appreciate that the United Nations Committee on the Elimination of Discrimination against Women sanctions special and temporary measures. However, CEDAW does not override or exclude the requirements of the directive under EC law.

The treaty of Amsterdam may pave the way for long-term change, but it will not be ratified in time to affect these elections and will not have retrospective effect. My hon. Friend the Member for Maryhill is aware that the Equal Opportunities Commission is examining the Sex Discrimination Act, but, again, the timing is not particularly convenient.

I appreciate that there is a view that standing for or being a Member of Parliament is not an occupation and therefore outwith the scope of EU law. However, the possibility of challenge exists and, in our view, it is more likely than not that such a challenge would be successful.

The Government have considered those matters very carefully. We appreciate that some people consider that there is no other way to secure equal representation,

but we believe that the risks of breaching our Community obligations are too great and that we would be inviting a damaging and disruptive challenge.

In our view, the key lies in the commitment of the political parties to bring forward women candidates through equal opportunities best practice. We are looking into the measures that could be taken by the parties within the scope of the law. I am absolutely delighted that the Labour party continues to seek legal ways in which to deliver the electoral agreement that it entered into in 1995 on the issue. I hope that the Liberal Democrats will not walk away from equal representation and that other parties will start to take the matter seriously.

Mrs. McKenna: Will my hon. Friend give way?

Mr. McLeish: I would rather just proceed.

The Conservatives have at least been honest tonight. They want nothing to do with equal representation and they want no positive discrimination. There is honesty in that policy. It is certainly one with which I do not agree, but I remind the hon. and learned Member for Orkney and Shetland (Mr. Wallace) that he signed up to an agreement in which we were all involved. At that time, it did not make specific reference to changing any particular legislation.

The electoral agreement that was signed on Thursday 23 November 1995 in Inverness by the Liberal Democrats and the Labour party stated:

"The Scottish Labour party and the Scottish Liberal Democrats formally agree to accept the principle that there should be an equal number of men and women as Members of the first Scottish Parliament. In order to achieve the aims the parties agree and commit themselves to a number of measures."

There was no caveat about the Sex Discrimination Act or the equal treatment directive. It was simply an electoral agreement that was entered into, I think, in good faith. It still exists and I hope that, even after the debacle of the conference at the weekend, the Liberal Democrats will stand strong on the issue, fight for equal representation and not hide behind the cloak of lack of legislation to defend their position.

Mr. Wallace: May I take this opportunity to renew my commitment that we shall try to achieve gender balance in our parliamentary party within the law? As I have said, we have also committed a substantial sum to encourage and pay costs for women candidates seeking selection. I wonder whether the Labour party has done that.

Mr. McLeish: I hope that the spirit of that intervention conflicts with and contradicts a comment that appeared in *The Observer* at the weekend, that

"the proposal"—

equal representation—

"received the strongest criticism from other females. Moyra Forrest, a fellow Edinburgh councillor, accused MacLaren of dirty tricks and attempting to hijack the conference. 'If the women candidates are any good, they will emerge from the selection process,' she said.

'As a party, we do not practise discrimination and so we cannot be unfair to men in this fashion.'"

I hope that the Liberal Democrats are back on course. The weekend's discussions did not help. The Labour Government and the Labour party are committed to seeing equal representation in the Parliament.

We have heard from the Liberal Democrats and from the Conservatives, but the Scottish National party is conspicuous by its absence on this issue.

Mr. Salmond: On a point of order, Sir Alan. You know that I was rising during the debate. Is it in order for the Minister to criticise me when a time limit prevented me from speaking?

The Chairman: What the Minister says is entirely a matter for him. The Chair has called hon. Members in order, but there has not been an opportunity to call any hon. Member from the Scottish National party.

Mr. McLeish: I sincerely hope that, in the variety of ways available to the hon. Member for Banff and Buchan (Mr. Salmond), he makes his party's position clear. The Labour party, the Conservatives and the Liberal Democrats have spoken up and we await the views of the SNP on the issue.

Mrs. Margaret Ewing (Moray): I am not sure whether the Minister has finished or is giving way to me. I should like to make the point—

The Chairman: Order. Unfortunately, the matter is resolved.

It being five hours and forty minutes after the commencement of proceedings in Committee, THE CHAIRMAN, *pursuant to the Order [13 January] and the Resolution [30 March], put the Question necessary for the disposal of the business to be concluded at that hour.*

Question put, That the clause be read a Second time:—

The Committee divided: Ayes 38, Noes 272.

Division No. 237] **[10.20 pm**

AYES

Allan, Richard
Baker, Norman
Ballard, Mrs Jackie
Beith, Rt Hon A J
Brake, Tom
Brand, Dr Peter
Breed, Colin
Bruce, Malcolm *(Gordon)*
Campbell, Menzies *(NE Fife)*
Cotter, Brian
Cunningham, Ms Roseanna *(Perth)*
Ewing, Mrs Margaret
Fearn, Ronnie
Foster, Don *(Bath)*
George, Andrew *(St Ives)*
Harris, Dr Evan
Harvey, Nick
Hughes, Simon *(Southwark N)*
Jones, Nigel *(Cheltenham)*
Kennedy, Charles *(Ross Skye)*
Kirkwood, Archy
Livsey, Richard
Llwyd, Elfyn
Michie, Mrs Ray *(Argyll & Bute)*
Moore, Michael
Morgan, Alasdair *(Galloway)*
Oaten, Mark
Rendel, David
Salmond, Alex
Sanders, Adrian
Stunell, Andrew
Swinney, John
Taylor, Matthew *(Truro)*
Tyler, Paul
Wallace, James
Welsh, Andrew
Wigley, Rt Hon Dafydd
Willis, Phil

Tellers for the Ayes:
Mr. Donald Gorrie and Sir Robert Smith.

NOES

Ainger, Nick
Alexander, Douglas
Allen, Graham
Armstrong, Ms Hilary
Ashton, Joe
Atherton, Ms Candy
Atkins, Charlotte
Austin, John
Banks, Tony
Barnes, Harry
Bayley, Hugh
Beard, Nigel
Begg, Miss Anne
Bell, Stuart *(Middlesbrough)*
Bennett, Andrew F
Benton, Joe

Bermingham, Gerald
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Boateng, Paul
Bradley, Keith *(Withington)*
Bradshaw, Ben
Brinton, Mrs Helen
Brown, Rt Hon Nick *(Newcastle E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Buck, Ms Karen
Byers, Stephen
Caborn, Richard
Campbell, Mrs Anne *(C'bridge)*
Campbell–Savours, Dale
Cann, Jamie
Casale, Roger
Caton, Martin
Chapman, Ben *(Wirral S)*
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Coaker, Vernon
Coleman, Iain
Colman, Tony
Connarty, Michael
Cooper, Yvette
Corbyn, Jeremy
Corston, Ms Jean
Cousins, Jim
Cranston, Ross
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cummings, John
Cunliffe, Lawrence
Cunningham, Jim *(Cov'try S)*
Dafis, Cynog
Dalyell, Tam
Darling, Rt Hon Alistair
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Davies, Rt Hon Ron *(Caerphilly)*
Davis, Terry *(B'ham Hodge H)*
Dawson, Hilton
Dean, Mrs Janet
Dewar, Rt Hon Donald
Dismore, Andrew
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Drew, David
Drown, Ms Julia
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Etherington, Bill
Fatchett, Derek
Field, Rt Hon Frank
Fitzpatrick, Jim
Fitzsimons, Lorna
Flint, Caroline
Flynn, Paul
Foster, Rt Hon Derek
Foster, Michael Jabez *(Hastings)*
Foulkes, George
Galbraith, Sam
Galloway, George
Gardiner, Barry
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Gilroy, Mrs Linda
Goggins, Paul
Golding, Mrs Llin
Gordon, Mrs Eileen
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grogan, John
Gunnell, John
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Healey, John
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Hill, Keith
Hodge, Ms Margaret
Home Robertson, John
Hood, Jimmy
Hoon, Geoffrey
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hutton, John
Iddon, Dr Brian
Ingram, Adam
Jackson, Ms Glenda *(Hampstead)*
Jamieson, David
Jenkins, Brian
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Jon Owen *(Cardiff C)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Jowell, Ms Tessa
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Kelly, Ms Ruth
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kidney, David
Kilfoyle, Peter
King, Ms Oona *(Bethnal Green)*
Kingham, Ms Tess
Kumar, Dr Ashok
Ladyman, Dr Stephen
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Terry *(Worsley)*
Linton, Martin
Lock, David
Love, Andrew
McAvoy, Thomas
McCabe, Steve
McCafferty, Ms Chris
McDonagh, Siobhain
Macdonald, Calum
McFall, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
McLeish, Henry
McNamara, Kevin
Mactaggart, Fiona
McWalter, Tony
Mahon, Mrs Alice
Malliaber, Judy
Marsden, Gordon *(Blackpool S)*
Marshall, David *(Shettleston)*
Marshall, Jim *(Leicester S)*
Martlew, Eric
Meale, Alan
Michael, Alun
Michie, Bill *(Sheff'd Heeley)*
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morgan, Rhodri *(Cardiff W)*
Morley, Elliot
Morris, Ms Estelle *(B'ham Yardley)*
Mudie, George
Murphy, Denis *(Wansbeck)*
Norris, Dan
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
O'Neill, Martin
Palmer, Dr Nick
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Pope, Greg
Pound, Stephen
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quin, Ms Joyce
Radice, Giles
Rapson, Syd
Raynsford, Nick
Reed, Andrew *(Loughborough)*
Roche, Mrs Barbara
Rogers, Allan
Ross, Ernie *(Dundee W)*
Roy, Frank
Ruane, Chris
Ruddock, Ms Joan
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Salter, Martin
Sawford, Phil
Shaw, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Rt Hon Chris *(Islington S)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Southworth, Ms Helen
Spellar, John
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stewart, David *(Inverness E)*
Stinchcombe, Paul
Stoate, Dr Howard
Strang, Rt Hon Dr Gavin
Straw, Rt Hon Jack
Stringer, Graham
Stuart, Ms Gisela
Taylor, Rt Hon Mrs Ann *(Dewsb'ry)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Thomas, Gareth *(Clwyd W)*
Timms, Stephen
Todd, Mark
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Twigg, Derek *(Halton)*
Vis, Dr Rudi
Walley, Ms Joan
Ward, Ms Claire
Watts, David
White, Brian
Whitehead, Dr Alan
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Woolas, Phil
Worthington, Tony
Wray, James
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Noes:
Mr. Robert Ainsworth and Janet Anderson.

Question accordingly negatived.

Mr. Wallace: On a point of order, Sir Alan. It is a Standing Order, or an expectation, that one's vote should follow one's voice. Is it not also the case that one's vote should follow one's speech? If so, perhaps those hon. Members who spoke in favour of new clause 9 could explain why they did not vote for it.

The Chairman: The hon. and learned Gentleman is simply wrong in his interpretation of the Standing Orders.

Mr. Salmond: On a point of order, Sir Alan. During the vote, I observed the Minister in animated conversation with some of his hon. Friends. I do not know whether he

was trying to persuade them to abstain or to vote against their principles, but should he be trying to persuade them at all?

The Chairman: That is not unknown.

Mrs. Fyfe: On a point of order, Sir Alan. As I am sure you will confirm, had we not run out of time, I was going to explain why I would have withdrawn the motion, because—

The Chairman: Order. The hon. Lady knows that that is not a point of order. There was an opportunity for her to rise; she did not do so, and therefore did not catch my eye.

New clause 28

REGISTER OF CONCORDATS

'(1) There shall be a register of concordats where each concordat shall be registered.

(2) The register shall be held by:—

(a) the Public Record Office, and

(b) the Keeper of the Records of Scotland.

(3) A concordat shall be registered under subsection (1) above within four weeks of its execution.

(4) No Minister of the Crown shall enter into a concordat with the Scottish Executive unless a draft of the concordat has been laid before, and approved by a resolution of, both Houses of Parliament.

(5) In this section "concordat" means any agreement between a Minister of the Crown and the Scottish Executive regarding the consultation arrangements and common United Kingdom guidelines in respect of:—

(a) any reserved matter under schedule 5,

(b) any devolved matter under section 29(4),

(c) any transfer of ministerial functions under section 49,

(d) any functions exercisable by agreement under section 51,

(e) any shared power under section 52,

(f) any cross-border public body under sections 83, 84 and 85, and

(g) any agency arrangements under section 87.'.—*[Mr. Ancram.]*

Brought up, and read the First time.

Mr. Ancram: I beg to move, That the clause be read a Second time.

I did not realised that new clause 24 had not been moved.

The Chairman: It was a simple matter of running out of time. The time has elapsed, so we have moved on.

Mr. Ancram: I am grateful to you, Sir Alan. I am learning how these new business programme motions work and I am still trying to work out what time we lose and when.

I am moving the new clause because, over the past three months, we have discovered increasing evidence of the concordat—a new phenomenon in our constitutional and political life. It arose originally in respect of an agreement on inward investment being sought among the Department of Trade and Industry, the Scottish Office and the Welsh Office, but since then it has found new provenance in relation to many matters arising out of the devolution legislation affecting Scotland and Wales.

The Opposition consider that it is necessary to find out precisely what is happening, what the concordats will involve and how we can keep some check on their number. I am not certain what a collection of concordats will be called—possibly a canon of concordats or a collective of concordats. *[Interruption.]* I hear a suggestion that it should be a charm of concordats.

The new clause seeks to find a means of registering the concordats, so that the House of Commons can be aware of what they are and what they involve, and to establish a way in which the approval of the House—and, if necessary, the Scottish Parliament—can be sought for them so that they have a provenance greater than just the agreement of those who jointly sign them.

Mr. McAllion: How can the right hon. Gentleman hope to find out what a concordat between the Scottish Parliament and the Westminster Parliament will contain when the Scottish Parliament does not yet exist and cannot agree to any such concordat? In any case, I should have thought that, as Scotland's leading Roman Catholic, the right hon. Gentleman would know all about concordats. Does he not recall the concordats that the papacy entered into with Mussolini and Hitler?

Mr. Ancram: That is why I suggested that they might be called a canon of concordats. That is very much in line with the hon. Gentleman's thought process. He makes the first mistake that demonstrates the need for the new clause: he talks about a concordat between the Scottish Parliament and the Westminster Parliament. One thing that we do know about concordats is that they are not between Parliaments. The new clause would give Parliament the right to approve concordats before they were made. Although it is not in the new clause, I would be easy with the idea of replicating that in relation to the Scottish Parliament so that both Parliaments were involved in making the concordats.

Dr. Godman: The right hon. Gentleman referred to the need to obtain the support of the Scottish Parliament as well as of both Houses of Parliament at Westminster. Should not subsection (4) of the new clause have read "and approved by resolution of both Houses of Parliament and the Scottish Parliament"? Would that not have made better sense than the present wording?

Mr. Ancram: That is precisely what I said before the hon. Gentleman intervened. Obviously, he was not listening. I said that there would be some sense in applying the new clause also to the Scottish Parliament, but that might be a matter for the Scottish Parliament when it draws up its own rules.

The purpose of the new clause is to give greater provenance to the concordats than appears to be the case, as far as we are aware. We do not know very much about them, partly because, as the hon. Member for Dundee, East (Mr. McAllion) said, there is not yet a Scottish Parliament with which to make them, although my understanding is that the concordats are already in draft or are being drafted on a contingency basis, allowing the Scottish Parliament or Administration to sign up to them. That may be because the Secretary of State and the

[Mr. Ancram]

Minister of State see themselves as playing leading roles in the Scottish Parliament and believe that they will sign the concordats, although that too may not happen.

Mr. McAllion: Surely, no matter what may be drawn up on a contingency basis, it would have to be agreed to by the Scottish Parliament and might be completely revised once the Scottish Parliament had been consulted.

Mr. Ancram: Absolutely. I am not asking what will be in each concordat. I want to know the nature of the concordats. I want to find a way of ensuring that they are registered.

The Scottish Office provided us with a note about concordats on 27 February in answer to a written question. That gives us some information, but it leaves many questions unanswered. My strike rate in obtaining answers to questions during the passage of the Bill has not been high. I hope to be a bit more fortunate this time, as we come to the end of the Committee stage.

The document is called "Guidance on Concordats Between the Scottish Executive and UK Government Departments". It says that the purpose

"is to preserve the good working relationships which currently exist and ensure that the business of Government in Scotland and Wales and at the UK level is conducted smoothly and efficiently after devolution".

It goes on:

"Their purpose is not"—

the word "not" is underlined—

"to create legal obligations or restrictions on any party; rather, they will set the ground rules for administrative co-operation and exchange of information."

We have heard about concordats that will be made on the arrangements for Scotland's voice to be heard in Europe and possible concordats to deal with negotiations on financial provisions for the Scottish Parliament and Welsh assembly. The Scottish Office note says not that concordats will do more than merely preserve good working relationships, but that

"Other, less formal, arrangements will be appropriate in many cases, and in others there will be no need for any standing arrangements at all."

As I understand it, the concordats will have no legal backing—I shall come back to that—but yesterday we were told that they would be the basis on which Scotland could be assured that its voice would be heard in the councils of the European Union.

The Scottish Office note continues:

"one concordat—if required—might be prepared to cover in each case a wide range of the subjects covered by each of the current Scottish Office Departments or Welsh Office Divisions. This might relate to the business of the whole Department or Division or that covered by the management level immediately below that".

I do not understand what that means. With whom would such a concordat be made? It would merely register what happened in a Department.

I am even more alarmed that

"a different approach . . . is that of having an overarching concordat"—

those are not my words, but those of the paper—

"between the Scottish Executive/Welsh Assembly and each Whitehall Department with a series of subsidiary concordats underneath that."

How many subsidiary concordats do the Government envisage? How many overarching concordats with a pyramid of subsidiary concordats beneath it will there be?

The note continues:

"in one or two cases an overarching agreement might be needed involving a number of Whitehall Departments dealing with working arrangements".

Emergency planning is given as an example. We are told later that,

"in most cases, concordats will be bilateral",

but occasionally it may be sensible to have trilateral concordats. How many Departments can be involved in the concordats?

We are then told that there is another animal—as if we do not have enough concordats running around the jungle. A separate memorandum of understanding may be needed on particular cross-border public bodies. What is the difference between a memorandum of understanding, a subsidiary concordat and an overarching concordat? What is the nature of them, what will they do and what role will the House of Commons have in ensuring that they are suitable?

I am concerned about the role of the House of Commons, because the following paragraph is entitled "Who signs concordats?" We are told not that they will always be signed by Ministers from each Administration, accountable to their Parliaments, but that

"Normally, concordats would be signed at senior official level, but if concordats concern politically sensitive issues they might"—

not will—

"be signed by UK Ministers and Scottish Ministers or their Welsh counterparts."

What will be the criteria to decide who signs them? Will their effect vary according to the signatories? Will a concordat signed by a Minister on behalf of his Government automatically come to an end in the event of a change of Government? Will concordats on technical matters signed by officials, who are unchanging, remain in force regardless of a change of Government? We need to know more about that.

I shall not bore the Committee with a long list of all the issues in the paper; suffice it to say that there is a paradox in the description of concordats. On one hand, they are unimportant and technical and aim merely to work out or provide for working relationships between Departments; on the other hand, they will be used to put in place enormously important matters such as the representation of Scotland in Europe. It is therefore important that we have greater understanding of them.

I have searched throughout the paper to find where provision for European representation will be made, but I can find only one reference to Europe. It comes under the heading "Common provisions", of which there are many. One of them relates to

"exchange of information, including policy papers",

so the concordats cannot exactly be high-powered. However, a little further on, we find the phrase "arrangements for liaison"—not representation—

"on EU and international matters".

Is that the basis on which we were asked yesterday to be assured that Scotland's voice will be heard powerfully in the councils of Europe?

10.45 pm

Mr. Dewar: Dear, dear.

Mr. Ancram: The Secretary of State says, "Dear, dear," but he was the one who said yesterday that we do not need to stipulate such matters in the Bill because they will all be governed by concordat. If that is so, we have a right to know the basis of the concordats. They cover any financial arrangements; the whole question of Scotland's financing after devolution will be covered by the phrase relating to concordats, which are not based in any parliamentary provision, but are purely agreements made between two Administrations, and—as we understand it—normally signed by officials.

That brings me to questions to which we need answers tonight. We are told that concordats will be non-statutory; they are not intended to be legally enforceable contracts between the parties. I find that hard to understand. An agreement is a contract. Normally, from an agreement flow legal consequences. Will the concordats be justiciable in any form? What happens if somebody's rights are affected by either the making or the breaching of the concordat? Is that person entitled to go to court? Can he ask for judicial review? Can he ask for a finding of breach of contract because an agreement that he has made with somebody else has been broken? It is all very well writing on a bit of paper that such concordats are not legally enforceable, but they must have some provenance in law. We are not told what it is. To rely on something that is stated as having no legal enforceability in order to provide for vital Scottish interests seems to be less than appropriate.

Are the concordats of any legal value? Are they unilaterally capable of being breached? Am I right in thinking that one side can just say that it has decided not to continue with a concordat and that there is no remedy available if that should happen? What is the current example of a concordat? I understand from the paper that there are to be concordats between several Departments to regulate their relationships. Can we see the sort of concordats used at the moment—if they exist—so that we can have some idea of what such animals will look like? Who decides what is an overarching concordat? What is a concordat that is big enough to carry the type of representation in Europe and the type of financial provision that will need to be made? Who will decide when concordats are merely technical and are to govern relationships between officials?

Mr. Douglas Hogg (Sleaford and North Hykeham): My right hon. Friend has obviously analysed the provisions carefully. Is there any provision to enable the House of Commons, either now or at any time in future, to scrutinise or debate the content of concordats?

Mr. Ancram: I am grateful to my right hon. and learned Friend. There is nothing to that effect in the provisions as stated on the piece of paper with which we were provided as a result of a written question, but new clause 28 says:

"A concordat shall be registered under subsection (1) . . . within four weeks of its execution.

No Minister of the Crown shall enter into a concordat with the Scottish Executive unless a draft of the concordat has been laid before, and approved by a resolution of, both Houses of Parliament."

That is important in establishing that concordats have some provenance in the democratic institution of the United Kingdom House of Commons.

Mr. Grieve: Does the information say whether, if a concordat were made and a private individual in reliance on it carried out an action, he would have a remedy by way of judicial review if the concordat were breached?

Mr. Ancram: I am grateful to my hon. Friend for asking that question. As I said earlier, I am looking for an answer to such questions. The paper merely says that the contract is non-statutory and not legally enforceable. There must be some remedy available against the breach of an agreement that is not a pactum illicitum—and there is no sign that such agreements are pacta illicita.

We need a reassurance about the concordats. They are the equivalent of what in America are called Executive agreements, the purpose of which is to bypass the need for Congress to scrutinise and agree treaties. Executive agreements are a means of bypassing the legislature. I am concerned by the fact that we are putting in place a process that could over time multiply in a big way. Literally hundreds of concordats could be signed by junior officials in Departments; yet, as things stand, there is no scrutiny of them in the House of Commons and no means of knowing what and where they are—*[Interruption.]*

The First Deputy Chairman of Ways and Means (Mr. Michael J. Martin): Order. There are too many conversations going on in the Committee.

Mr. Ancram: I shall finish on the following point, Mr. Martin. My new clause is designed to ensure that a register of the concordats is kept so that we know what they are and what they do. It also asks for the House of Commons and the other place to be given the right to approve them, to give them a basis in our constitution.

Mr. Dalyell: We have now come very near to the epicentre of the Bill, and we are on sensitive ground. This is part of the difficulty of having a subordinate Parliament in part—and only part—of a unitary state. Because of the lack of time, I have only one question for the Secretary of State and the Minister of State. When they have flown the coop, and are away from the House of Commons and installed in Holyrood, if they are Ministers, will they not expect the absolute loyalty of the civil servants who work for them, draft the concordats and do the day-to-day work?

To whom will those civil servants be finally responsible? Will they be responsible to Ministers in Holyrood or will they be part of the home civil service? Will they be ultimately responsible to the head of the home civil service—Sir Richard Wilson, or whoever his successor may be?

There is a real dilemma here. Civil servants have to be responsible to one so-called "master"—although I do not particularly like the word. They cannot serve two masters. In that situation, they may have to choose. I ask simply: what will the choice for the civil service be? Will civil

[Mr. Dalyell]

servants owe loyalty to Holyrood or to Westminster? If to Holyrood, that would represent the beginnings of the break-up of the British state.

Mr. Salmond: The right hon. Member for Devizes (Mr. Ancram) waited a long time—until the very last debate in Committee—to begin his filibuster on the Bill. He took an extravagant length of time to make a point that, although important, could have been made simply and directly.

I have had some experience of the concordats, because some of them have fallen into my hands in a way that the Labour party used to relish in opposition, but deplores now that it is in government. One such was the concordat on inward investment, and in November I outlined its contents in an Adjournment debate.

The hon. Member for Sevenoaks (Mr. Fallon) asked me whether I could give him a copy of the concordat, which put me in some difficulty, because, although I am committed to freedom of information, I am also committed to not helping the Tory party in any circumstances. There was therefore some tension, which I resolved by saying that I would place a copy in the Library.

Unfortunately, when I went to the Library to deposit a copy, I was told that it was a leaked document, and the Library's instructions were not to accept leaked documents for the perusal of hon. Members. The hon. Member for Sevenoaks pleaded with me again and again, but I had to refuse him.

I did put the concordat on the SNP internet site. If the right hon. Member for Devizes peruses that site, he will see a copy of the proposed concordat on inward investment which he is extremely anxious to see. It has been on that site for the best part of two months. I do not want to pursue how computer literate the right hon. Gentleman is, but he should get back to his office, dial it up as quickly as possible and print out a hard copy so he has it in front of him for the next debate.

My second experience of concordats was with the MAFF concordat on agriculture and fisheries with the Scottish Office. I received the concordat and some correspondence surrounding the negotiations on bringing forward the concordat. Significantly, memos from the Scottish Office said that the prime aim of MAFF in the negotiations was to preserve its position as the lead Department in agriculture and fisheries matters. As if by magic, the Parliamentary Secretary to the Ministry of Agriculture, Fisheries and Food, the hon. Member for Scunthorpe (Mr. Morley), has materialised on the Government Front Bench to confirm that point. That is very interesting.

Yesterday, in the debate on Europe, the Secretary of State for Scotland, no less, told us that the Scottish Ministers would have the opportunity to lead on agriculture and fisheries matters in the new arrangements. How fortuitous it is to have the Parliamentary Secretary on the Front Bench tonight—he was not here yesterday—to tell us that MAFF's objective in the concordat is to preserve its position as the lead Department in the UK. I smell a rat, and all concordats on fish, agriculture, cows and other things should be published.

The very last point I want to make—

Mr. Davidson: Will the hon. Gentleman give way?

Mr. Salmond: No. I would love to give way to hon. Gentleman who, in his former constituency, had one farmer—I remember that from a previous speech. I want to ask the Minister a question which even the hon. Gentleman would not be able to answer, and I want to give the Minister two or three minutes to answer. In a previous parliamentary debate, I was told unambiguously that these concordats would not come into operation until the Scottish Parliament itself came into being. There is a suggestion going around Scotland that the concordat on inward investment will be implemented this summer. I want an unambiguous assurance from the Minister that no concordat will come into operation until the Scottish Executive—whoever that may be—is in a position to judge if that concordat is in the best interests of the Scottish people.

Mr. Davidson: Could I clarify whether the list of concordats in which the Scottish National party is interested includes the letter to Ian Lang, as was, from Margaret Ewing—headed "Dear Ian" and signed, "Love and kisses, Margaret"—when they were carving up the seats on one of the European commissions? Is that the sort of thing that the Scottish National party has in mind—because, if I remember correctly, it was not keen on having that made public at the time?

Mr. Hogg: I wish to build on the point made by my right hon. Friend the Member for Devizes (Mr. Ancram). It is plain from the discussion that the concordats are intended to regularise the relationship between Edinburgh and London. Inevitably, that will occasionally involve a shift in responsibility from London to Edinburgh. The hon. Member for Banff and Buchan (Mr. Salmond) mentioned an example in relation to agriculture and fisheries. Surely this House should have an opportunity to decide whether or not we wish to approve a movement of responsibility from London to Edinburgh. There may be a good cause for that, but one thing is certain—this House must and should have the opportunity to debate it. Is the Minister proposing such a debate? If he is not making provision for such a debate, why not?

Dr. Godman: I promise to be brief. May I respond to what the right hon. and learned Member for Sleaford and North Hykeham (Mr. Hogg) has just said? If this House and the other place have to give approval, why not the Scottish Parliament? That also responds to the point made by the hon. Member for Banff and Buchan (Mr. Salmond).

The new clause is inadequate, and offensive to those who are seeking to become Members of the Scottish Parliament. I might have had some sympathy with the new clause if subsection (4) had included a reference to seeking the approval of the Scottish Parliament. As it stands, it reflects normal parliamentary practice in seeking approval.

Mr. Ancram: Will the hon. Gentleman give way?

11 pm

Dr. Godman: I promise that I shall give way in a moment.

My hon. Friend the Member for Linlithgow (Mr. Dalyell) is painting a gloomy picture of developments and talking about the unravelling of the United Kingdom. I offer a general comment that relates, I think, to the new clause. We are engaged in the radical changing of our constitution. I am sure that the right hon. Member for Devizes (Mr. Ancram) would agree with me when I say that I hope fervently that within a short period we shall be debating in this place the setting up of a Northern Ireland assembly, along with developments elsewhere that you, Mr. Martin, would not allow me to discuss in detail.

It would be interesting to hear what the right hon. Gentleman has to say about the devolution of powers to such an assembly. He talks about hundreds of concordats, but I would say that there will have to be terms of agreement involving what has been described as a subordinate Parliament. We are changing the constitution of the United Kingdom, as I have said. We have the Welsh assembly, and the Scottish Parliament is on the stocks. We may soon have a Northern Ireland assembly on the parliamentary stocks.

Some of the right hon. Gentleman's criticisms are legitimate, as are some of those made by the hon. Member for Banff and Buchan, particularly in relation to the fishing industry. This will never happen, but were I to be the Government spokesman for fisheries in the Scottish Parliament—

Mr. Salmond: Is the hon. Gentleman volunteering?

Dr. Godman: No, I am not.

With respect, I think that I have known the fishing industry longer than any other Member. My mother was a fishergirl, as was her mother, who came from Aberdeen. I made my first trip to the Arctic when I was 12; I stowed away on a trawler. I know something about the industry.

Were I to become the Fisheries Minister in Scotland, I would expect to play an equal role with the Parliamentary Secretary to the Ministry of Agriculture, Fisheries and Food. My hon. Friend is, of course, a first-class Fisheries Minister. It is easy for me to say as a Back-Bench Member—I see the hon. Member for Banff and Buchan nodding—but as a team of Ministers going to a meeting of the Council of Fisheries, it is up to the member state to determine the roles played by the—

Mr. Salmond: A few minutes ago the Parliamentary Secretary to the Ministry of Agriculture, Fisheries and Food was nodding—the Committee saw him doing so—when I said that he was trying to have that Department as the lead Department. The Minister nodded when he said that it would be a position of equality. In the space—

The First Deputy Chairman: Order. That has nothing to do with the matters that are before us.

Dr. Godman: I shall not allow the hon. Gentleman to lead me astray, Mr. Martin.

Mr. Salmond: On a point of order, Mr. Martin. My intervention was related directly to the contents of concordats, which we are debating. If you would reflect on the matter, Mr. Martin—

The First Deputy Chairman: The hon. Gentleman was referring to a Member nodding to someone else. I shall not allow that to enter into the proceedings when the Committee is dealing with a far more serious matter.

Dr. Godman: I shall behave myself, Mr. Martin.

We are dealing with important matters, especially for the fishing industry and for inward investment. I believe that the Scottish Parliament will need to be encouraged to develop its modus operandi, and the two Parliaments will have to develop the modus vivendi to diminish the chance of stress and conflict between them. That is where the concordats come in. They can be arranged harmoniously among the Departments in this multinational state of ours.

Mrs. Laing: Will the hon. Gentleman give way?

Dr. Godman: I am sorry; I do not have time. I beg the hon. Lady's forgiveness. I shall not be churlish enough to admit that she did not give way to me earlier. That is another point.

When the right hon. Member for Devizes was at the Scottish Office, there must have been times when agreements had to be reached among a number of Departments—the Scottish Office, the Ministry of Agriculture, Fisheries and Food, and the Department of Transport. I believe that concordats can achieve a good relationship between the Parliaments.

Mr. McAllion: Like my hon. Friend the Member for Greenock and Inverclyde (Dr. Godman), I will not allow myself to be led astray by the hon. Member for Banff and Buchan (Mr. Salmond). I find it far too easy to lead myself astray, without other people helping me to do it.

I was interested to hear that the hon. Member for Banff and Buchan has a leaked copy of a concordat on inward investment. As he may know, the Select Committee on Scottish Affairs is about to conduct an inquiry into inward investment. If the Clerks to the Committee are not able to accept the leaked copy, I shall certainly accept it on their behalf—

Mr. Grieve *rose—*

Mr. McAllion: No, I do not have time.

I am surprised that the hon. Member for Banff and Buchan is surprised that the Ministry of Agriculture, Fisheries and Food should attempt to defend its position as the lead authority. I hope that the equivalent Department in the Scottish Parliament will try to defend its position as the lead authority. That is how politics works. I do not think that we should be bothered with that.

My hon. Friend the Member for Linlithgow (Mr. Dalyell) always overstates his case—he probably thinks the same about me—but when he says that this matter is the epicentre of the Bill, I think that there is some truth in that. He said that civil servants cannot operate with two masters, and in a sense that is what we have to come to terms with in the devolution process. From here on in there cannot be one master. The Bill changes for ever the United Kingdom constitution as we knew it. We have to learn anew how to work together with the devolved Parliament and a Parliament at the UK level. The concordats will play a part in that. I look forward to my hon. Friend the Minister's explanation.

Mr. McLeish: Let me assure the Committee that the proposed concordats between the United Kingdom Government and the Scottish Executive will not make provision in respect of matters that should properly be covered in the Bill. Nor will they be a sinister means to

[Mr. McLeish]

avoid parliamentary scrutiny. *[Interruption.]* From a sedentary position, the right hon. Member for Devizes (Mr. Ancram) says, "Come off it." His strike rate has been abysmally low throughout the eight days of the Bill's consideration in Committee, so his chances of increasing it are quite remote.

As the guidance note that we made available on 27 February made clear, the purpose of concordats would be to promote effective communication and good administrative practice in relations between UK Government Departments and the Scottish Executive. That will be in the interest of all parties. The agreements are not intended to be legally binding. Unless it would cause substantial harm on one of the clearly defined grounds set out in the recent White Paper on freedom of information, the agreements will be published.

Work on draft concordats will proceed before devolution, but they cannot be agreed until the Scottish Executive is established. The coverage of each agreement would be a matter for the Scottish Executive and the UK Government to agree. Likely common topics include consultation arrangements in relation to proposals for legislation and Executive action; exchange of policy papers, analysis and statistics; participation in working groups and official committees; liaison on EU and international matters; and, of course, consultation about UK or GB public bodies.

It is important to stress that no concordats have yet been published, for the simple reason that work is still at an early stage. Draft agreements will be published in due course when they are available, although it is too early to say when or how many there will be.

The hon. Member for Banff and Buchan (Mr. Salmond) made the point, and I want to reinforce the response again, that agreements cannot be made until the Scottish Executive is up and running, and it should be clear that draft agreements cannot in any way be considered to be binding on it.

I hope that in the light of these comments, the new clause will be withdrawn.

Mr. Ancram: I listened to hear one single answer to one single question that I asked. I heard none. *[Interruption.]* The guidance note does not answer the questions, which is why I asked them. Having received no answers, I shall not withdraw the new clause, and I ask my right hon. and hon. Friends to support me.

Question put, That the clause be read a Second time:—

The Committee divided: Ayes 120, Noes 272.

Division No. 238] **[11.8 pm**

AYES

Ainsworth, Peter *(E Surrey)*
Amess, David
Ancram, Rt Hon Michael
Arbuthnot, James
Atkinson, David *(Bour'mth E)*
Atkinson, Peter *(Hexham)*
Baldry, Tony
Beresford, Sir Paul
Body, Sir Richard
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Brady, Graham
Brazier, Julian
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Burns, Simon
Butterfill, John
Cash, William
Chope, Christopher
Clappison, James
Clark, Rt Hon Alan *(Kensington)*
Clark, Dr Michael *(Rayleigh)*
Clarke, Rt Hon Kenneth *(Rushcliffe)*
Collins, Tim
Cormack, Sir Patrick
Curry, Rt Hon David
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice)*
Day, Stephen
Dorrell, Rt Hon Stephen
Duncan Smith, Iain
Evans, Nigel
Faber, David
Fabricant, Michael
Fallon, Michael
Flight, Howard
Forth, Rt Hon Eric
Fowler, Rt Hon Sir Norman
Fox, Dr Liam
Fraser, Christopher
Gale, Roger
Garnier, Edward
Gibb, Nick
Gill, Christopher
Gillan, Mrs Cheryl
Goodlad, Rt Hon Sir Alastair
Gorman, Mrs Teresa
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Gummer, Rt Hon John
Hamilton, Rt Hon Sir Archie
Hawkins, Nick
Hayes, John
Heathcoat-Amory, Rt Hon David
Hogg, Rt Hon Douglas
Horam, John
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Jack, Rt Hon Michael
Jenkin, Bernard
Johnson Smith, Rt Hon Sir Geoffrey
Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Luff, Peter
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
MacKay, Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
May, Mrs Theresa
Moss, Malcolm
Norman, Archie
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Prior, David
Randall, John
Redwood, Rt Hon John
Robathan, Andrew
Roe, Mrs Marion *(Broxbourne)*
Rowe, Andrew *(Faversham)*
Ruffley, David
St Aubyn, Nick
Shephard, Rt Hon Mrs Gillian
Simpson, Keith *(Mid-Norfolk)*
Soames, Nicholas
Spicer, Sir Michael
Spring, Richard
Steen, Anthony
Swayne, Desmond
Syms, Robert
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Taylor, Sir Teddy
Tredinnick, David
Trend, Michael
Tyrie, Andrew
Viggers, Peter
Walter, Robert
Wardle, Charles
Wells, Bowen
Whitney, Sir Raymond
Widdecombe, Rt Hon Miss Ann
Wilkinson, John
Willetts, David
Woodward, Shaun
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Ayes:
Mr. Oliver Heald and
Mr. Nigel Waterson.

NOES

Adams, Mrs Irene (Paisley N)
Ainger, Nick
Alexander, Douglas
Allan, Richard
Allen, Graham
Anderson, Janet *(Rossendale)*
Armstrong, Ms Hilary
Atkins, Charlotte
Austin, John
Baker, Norman
Banks, Tony
Barnes, Harry
Bayley, Hugh
Beard, Nigel
Begg, Miss Anne
Beith, Rt Hon A J
Bell, Stuart *(Middlesbrough)*
Benton, Joe
Bermingham, Gerald
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Bradley, Keith *(Withington)*
Bradshaw, Ben
Brake, Tom
Brown, Rt Hon Nick *(Newcastle E)*
Browne, Desmond
Bruce, Malcolm *(Gordon)*
Buck, Ms Karen
Burnett, John
Byers, Stephen
Caborn, Richard
Campbell, Mrs Anne *(C'bridge)*
Campbell, Menzies *(NE Fife)*
Campbell-Savours, Dale
Canavan, Dennis
Cann, Jamie
Casale, Roger
Caton, Martin
Chidgey, David
Chisholm, Malcolm
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Dr Lynda

(Edinburgh Pentlands)
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Colman, Tony
Connarty, Michael
Cooper, Yvette
Corbyn, Jeremy
Corston, Ms Jean
Cotter, Brian
Cousins, Jim
Cranston, Ross
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cummings, John
Cunliffe, Lawrence
Cunningham, Jim *(Cov'try S)*
Dalyell, Tam
Darling, Rt Hon Alistair
Davidson, Ian
Davies, Geraint *(Croydon C)*
Davies, Rt Hon Ron *(Caerphilly)*
Davis, Terry *(B'ham Hodge H)*
Dawson, Hilton
Dean, Mrs Janet
Dewar, Rt Hon Donald
Dismore, Andrew
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Drew, David
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Etherington, Bill
Fatchett, Derek
Fearn, Ronnie
Field, Rt Hon Frank
Fitzpatrick, Jim
Fitzsimons, Lorna
Flint, Caroline
Flynn, Paul
Foster, Don *(Bath)*
Foster, Michael Jabez *(Hastings)*
Foulkes, George
Fyfe, Maria
Galbraith, Sam
Galloway, George
Gardiner, Barry
George, Andrew *(St Ives)*
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Gilroy, Mrs Linda
Godman, Dr Norman A
Goggins, Paul
Golding, Mrs Llin
Gordon, Mrs Eileen
Gorrie, Donald
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Grogan, John
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Hill, Keith
Home Robertson, John
Hood, Jimmy
Hoon, Geoffrey
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hughes, Simon *(Southwark N)*
Humble, Mrs Joan
Hutton, John
Iddon, Dr Brian
Jackson, Ms Glenda *(Hampstead)*
Jamieson, David
Jenkins, Brian
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Jon Owen *(Cardiff C)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Kennedy, Charles *(Ross Skye)*
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kidney, David
King, Ms Oona *(Bethnal Green)*
Kingham, Ms Tess
Kirkwood, Archy
Kumar, Dr Ashok
Ladyman, Dr Stephen
Lawrence, Ms Jackie
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Terry *(Worsley)*
Linton, Martin
Livsey, Richard
Lock, David
Love, Andrew
McAllion, John
McAvoy, Thomas
McCabe, Steve
McCafferty, Ms Chris
McDonagh, Siobhain
Macdonald, Calum
McFall, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
McLeish, Henry
McNamara, Kevin
Mactaggart, Fiona
McWalter, Tony
Mallaber, Judy
Marsden, Gordon *(Blackpool S)*
Marshall, David *(Shettleston)*
Marshall, Jim *(Leicester S)*
Martlew, Eric
Meale, Alan
Michael, Alun
Michie, Bill *(Sheff'ld Heeley)*
Michie, Mrs Ray *(Argyll & Bute)*
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Moore, Michael
Moran, Ms Margaret
Morgan, Ms Julie *(Cardiff N)*
Morgan, Rhodri *(Cardiff W)*
Morley, Elliot
Morris, Ms Estelle *(B'ham Yardley)*
Mudie, George
Murphy, Denis *(Wansbeck)*
Norris, Dan
O'Brien, Mike *(N Warks)*
O'Neill, Martin
Osborne, Ms Sandra
Palmer, Dr Nick
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Pope, Greg
Pound, Stephen
Prentice, Ms Bridget *(Lewisham E)*
Prosser, Gwyn
Purchase, Ken
Rapson, Syd
Raynsford, Nick
Reed, Andrew *(Loughborough)*
Rendel, David
Rogers, Allan
Ross, Ernie *(Dundee W)*
Roy, Frank
Ruane, Chris
Ruddock, Ms Joan
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Sawford, Phil
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Smith, Sir Robert *(W Ab'd'ns)*
Snape, Peter
Soley, Clive
Southworth, Ms Helen
Spellar, John
Squire, Ms Rachel
Steinberg, Gerry
Stewart, David *(Inverness E)*
Stinchcombe, Paul
Stoate, Dr Howard
Stott, Roger
Strang, Rt Hon Dr Gavin
Stringer, Graham
Stuart, Ms Gisela
Stunell, Andrew
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Taylor, Matthew *(Truro)*
Thomas, Gareth *(Clwyd W)*
Timms, Stephen
Todd, Mark
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Twigg, Derek *(Halton)*
Tyler, Paul
Vis, Dr Rudi
Wallace, James
Walley, Ms Joan
Ward, Ms Claire
Watts, David
White, Brian
Whitehead, Dr Alan
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Willis, Phil
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Woolas, Phil
Worthington, Tony
Wray, James
Wright, Dr Tony *(Cannock)*

Tellers for the Noes:
Mr. Kevin Hughes and
Mr. Robert Ainsworth.

Question accordingly negatived.

It being more than six and a half hours after the commencement of proceedings in Committee, THE CHAIRMAN, *pursuant to the Order [13 January] and the Resolution [30 March], put the Questions necessary for the disposal of the business to be concluded at that hour.*

Clause 110 ordered to stand part of the Bill.

Schedules 7 and 8 agreed to.

Clauses 111 to 113 ordered to stand part of the Bill.

Clause 114

COMMENCEMENT

Amendment made: No. 560, in page 52, line 13, leave out from beginning to 'shall' in line 14 and insert

'Parts I to V and sections 104 to 110'.—*[Mr. McLeish.]*

Clause 114, as amended, ordered to stand part of the Bill.

Clauses 115 and 116 ordered to stand part of the Bill.

Mr. Ancram: On a point of order, Mr. Martin. May I briefly but sincerely thank you and your fellow Chairmen for the admirable way in which you have conducted the Committee's proceedings? Through you, may I also thank the Clerks for their help during our proceedings?

The First Deputy Chairman: I am obliged, and I shall inform my colleagues of the right hon. Gentleman's kind words.

Bill reported, with amendments.

Bill, as amended, to be considered tomorrow.

DELEGATED LEGISLATION

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation),

PENSIONS

That the draft Social Security (Minimum Contributions to Appropriate Personal Pension Schemes) Order 1998, which was laid before this House on 4th March, be approved.—*[Mr. Pope.]*

Question agreed to.

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation),

PENSIONS

That the draft Social Security (Reduced Rates of Class 1 Contributions, and Rebates) (Money Purchase Contracted-out) Schemes Order 1998, which was laid before this House on 4th March, be approved.—*[Mr. Pope.]*

The House divided: Ayes 271, Noes 119.

Division No. 239] **[11.24 pm**

AYES

Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Alexander, Douglas
Allan, Richard
Allen, Graham
Anderson, Janet *(Rossendale)*
Atkins, Charlotte
Austin, John
Baker, Norman
Banks, Tony
Barnes, Harry
Bayley, Hugh
Beard, Nigel
Begg, Miss Anne
Beith, Rt Hon A J
Bell, Stuart *(Middlesbrough)*
Benton, Joe
Bermingham, Gerald
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Bradley, Keith *(Withington)*
Bradshaw, Ben
Brake, Tom
Brown, Rt Hon Nick *(Newcastle E)*
Browne, Desmond
Bruce, Malcolm *(Gordon)*
Buck, Ms Karen
Burnett, John
Byers, Stephen
Caborn, Richard
Campbell, Mrs Anne *(C'bridge)*
Campbell, Menzies *(NE Fife)*
Campbell-Savours, Dale
Canavan, Dennis
Cann, Jamie
Casale, Roger
Caton, Martin
Chidgey, David
Chisholm, Malcolm
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Colman, Tony
Connarty, Michael
Cooper, Yvette
Corbyn, Jeremy
Corston, Ms Jean
Cotter, Brian
Cousins, Jim
Cranston, Ross
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cummings, John
Cunliffe, Lawrence
Cunningham, Jim *(Cov'try S)*
Cunningham, Ms Roseanna *(Perth)*
Dalyell, Tam
Darling, Rt Hon Alistair
Davidson, Ian
Davies, Geraint *(Croydon C)*
Davies, Rt Hon Ron *(Caerphilly)*
Davis, Terry *(B'ham Hodge H)*
Dawson, Hilton
Dean, Mrs Janet
Dewar, Rt Hon Donald
Dismore, Andrew
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Drew, David
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Etherington, Bill
Ewing, Mrs Margaret
Fatchett, Derek
Fearn, Ronnie
Field, Rt Hon Frank
Fitzpatrick, Jim
Fitzsimons, Lorna
Flint, Caroline
Foster, Don *(Bath)*
Foster, Michael Jabez *(Hastings)*
Foulkes, George
Fyfe, Maria
Galloway, George
Gardiner, Barry
George, Andrew *(St Ives)*
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Gilroy, Mrs Linda
Godman, Dr Norman A
Goggins, Paul
Golding, Mrs Llin
Gordon, Mrs Eileen
Gorrie, Donald
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Grogan, John
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Hill, Keith
Home Robertson, John
Hood, Jimmy
Hoon, Geoffrey
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hughes, Simon *(Southwark N)*
Humble, Mrs Joan
Hutton, John
Iddon, Dr Brian
Jackson, Ms Glenda *(Hampstead)*
Jamieson, David
Jenkins, Brian
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Jon Owen *(Cardiff C)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Kennedy, Charles *(Ross Skye)*
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kidney, David
King, Ms Oona *(Bethnal Green)*
Kingham, Ms Tess
Kirkwood, Archy
Kumar, Dr Ashok
Ladyman, Dr Stephen
Lawrence, Ms Jackie
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Terry *(Worsley)*
Linton, Martin
Livsey, Richard
Llwyd, Elfyn
Love, Andrew
McAllion, John
McAvoy, Thomas
McCabe, Steve
McCafferty, Ms Chris
McDonagh, Siobhain
Macdonald, Calum
McFall, John
McGuire, Mrs Anne
McIsaac, Shona
McLeish, Henry
McNamara, Kevin
Mactaggart, Fiona
McWalter, Tony
Mallaber, Judy
Marsden, Gordon *(Blackpool S)*
Marshall, David *(Shettleston)*
Marshall, Jim *(Leicester S)*
Martlew, Eric
Meale, Alan
Michael, Alun
Michie, Bill *(Sheff'ld Heeley)*
Michie, Mrs Ray *(Argyll & Bute)*
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Moore, Michael
Moran, Ms Margaret
Morgan, Alasdair *(Galloway)*
Morgan, Ms Julie *(Cardiff N)*
Morgan, Rhodri *(Cardiff W)*
Morley, Elliot
Morris, Ms Estelle *(B'ham Yardley)*
Mudie, George
Murphy, Denis *(Wansbeck)*
Norris, Dan
O'Brien, Mike *(N Warks)*
O'Neill, Martin
Osborne, Ms Sandra
Palmer, Dr Nick
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Pope, Greg
Pound, Stephen
Prentice, Ms Bridget *(Lewisham E)*
Prosser, Gwyn
Purchase, Ken
Rapson, Syd
Raynsford, Nick
Reed, Andrew *(Loughborough)*
Rendel, David
Rogers, Allan
Ross, Ernie *(Dundee W)*
Roy, Frank
Ruane, Chris
Ruddock, Ms Joan
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Salmond, Alex
Sawford, Phil
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Smith, Sir Robert *(W Ab'd'ns)*
Snape, Peter
Soley, Clive
Southworth, Ms Helen

Spellar, John
Squire, Ms Rachel
Steinberg, Gerry
Stewart, David *(Inverness E)*
Stinchcombe, Paul
Stoate, Dr Howard
Stott, Roger
Strang, Rt Hon Dr Gavin
Stringer, Graham
Stuart, Ms Gisela
Stunell, Andrew
Swinney, John
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Taylor, Matthew *(Truro)*
Thomas, Gareth *(Clwyd W)*
Timms, Stephen
Todd, Mark
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Twigg, Derek *(Halton)*
Tyler, Paul
Vis, Dr Rudi
Wallace, James
Walley, Ms Joan
Ward, Ms Claire
Watts, David
White, Brian
Whitehead, Dr Alan
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Willis, Phil
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Woolas, Phil
Wray, James
Wright, Dr Tony *(Cannock)*

Tellers for the Ayes:
Mr. Robert Ainsworth and Mr. Kevin Hughes.

NOES

Ainsworth, Peter *(E Surrey)*
Amess, David
Ancram, Rt Hon Michael
Arbuthnot, James
Atkinson, David *(Bour'mth E)*
Atkinson, Peter *(Hexham)*
Baldry, Tony
Beresford, Sir Paul
Body, Sir Richard
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Brady, Graham
Brazier, Julian
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Burns, Simon
Butterfill, John
Cash, William
Chope, Christopher
Clappison, James
Clark, Rt Hon Alan *(Kensington)*
Clark, Dr Michael *(Rayleigh)*
Clarke, Rt Hon Kenneth *(Rushcliffe)*
Collins, Tim
Cormack, Sir Patrick
Curry, Rt Hon David
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice)*
Day, Stephen
Dorrell, Rt Hon Stephen
Duncan Smith, Iain
Evans, Nigel
Faber, David
Fabricant, Michael
Flight, Howard
Forth, Rt Hon Eric
Fowler, Rt Hon Sir Norman
Fox, Dr Liam
Fraser, Christopher
Gale, Roger
Garnier, Edward
Gibb, Nick
Gill, Christopher
Gillan, Mrs Cheryl
Goodlad, Rt Hon Sir Alastair
Gorman, Mrs Teresa
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Gummer, Rt Hon John
Hamilton, Rt Hon Sir Archie
Hawkins, Nick
Hayes, John
Heathcoat-Amory, Rt Hon David
Hogg, Rt Hon Douglas
Horam, John
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Jack, Rt Hon Michael
Jenkin, Bernard
Johnson Smith, Rt Hon Sir Geoffrey
Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Luff, Peter
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
MacKay, Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
May, Mrs Theresa
Moss, Malcolm
Norman, Archie
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Prior, David
Randall, John
Redwood, Rt Hon John
Robathan, Andrew
Roe, Mrs Marion *(Broxbourne)*
Rowe, Andrew *(Faversham)*
Ruffley, David
St Aubyn, Nick
Shephard, Rt Hon Mrs Gillian
Simpson, Keith *(Mid-Norfolk)*
Soames, Nicholas
Spicer, Sir Michael
Spring, Richard
Steen, Anthony
Swayne, Desmond
Syms, Robert
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Taylor, Sir Teddy
Tredinnick, David
Trend, Michael
Tyrie, Andrew
Viggers, Peter
Walter, Robert
Wardle, Charles
Wells, Bowen
Whitney, Sir Raymond
Widdecombe, Rt Hon Miss Ann
Wilkinson, John
Willetts, David
Woodward, Shaun
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Noes:
Mr. Oliver Heald and Mr. Nigel Waterson.

Question accordingly agreed to.

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation),

Overseas Development and Co-operation

That the draft International Development Association (Eleventh Replenishment) Order 1998, which was laid before this House on 20th February, be approved.—*[Jane Kennedy.]*

Question agreed to.

PETITION

Xenotransplantation

11.36 pm

Mr. Norman Baker (Lewes): I am pleased to present a petition on behalf of Uncaged Campaigns, an organisation that is based in the constituency of my hon. Friend the Member for Sheffield, Hallam (Mr. Allan) and that opposes xenotransplantation—the use of animal organs for transplantation to humans.

The petition comprises more than 100,000 signatures, which I hasten to say are not with me tonight, but which have been deposited at Downing street. The petition states:

xenotransplantation . . .

1) carries the grave risk of virus transferal from nonhuman animals to humans, raising the possibility of the unleashing of an epidemic amongst the human population;

2) the likelihood of organ rejection amongst other complications, means that any recipients of nonhuman organs will suffer greatly;

3) ignores more sensible and effective approaches to promoting health such as preventative health measures and increasing the pool of human donors.

Furthermore we believe that treating nonhuman animals as "spare part" factories is immoral and inhumane.

I am pleased to present the petition accordingly.

To lie upon the Table.

Sewage Treatment (South Coast)

Motion made, and Question proposed, That this House do now adjourn.—*[Jane Kennedy.]*

11.37 pm

Dr. Desmond Turner (Brighton, Kemptown): I raise a subject that is close to many people's hearts. I will try to avoid the obvious jokes; I will leave those to sedentary colleagues.

In the early part of the 19th century, we used to have open sewers running down the streets of our cities. We have moved on a little since then, but, to a regrettable extent, we still treat our coastal waters as open sewers, so we have not got that far. Eleven per cent. of our population still have their sewage discharged from outfalls into the sea after nothing more than preliminary treatment, which, in practical terms, means that water companies pump out what could be described as thick coliform soup, but with odd bits in it, so it is a bit like minestrone.

That is not a very sanitary practice. It is not very nice at all, and it constitutes a great public health risk. It is no pleasure to stand on the cliff at Portobello in my constituency and look out to sea. One can see the end of the outfall. If there is a gentle onshore breeze, the smell is not very nice.

Mr. Norman Baker (Lewes): It is the same in Newhaven.

Dr. Turner: Yes, I am sure it is.

As we approach the millennium, it is appalling that we still have the most primitive, unsanitary practices, which expose us to health hazards that would have been recognised by the Victorians. The irony is that we have the means to stop it. That is the important thing. We have the means, but we need the dedicated will.

What are we to do? What is the next step? The European Union has made its contribution with the urban waste water treatment directive. If that were applied literally, it would mean that all our coastal sewage would be given at least secondary treatment. It would mean that my dearly beloved local water company, Southern Water, would have to meet the terms of that directive by 2000.

That water company has submitted proposals to build a new plant at Portobello, and has promised secondary treatment. The chairman and managing director came to see me and my hon. Friend the Member for Brighton, Pavilion (Mr. Lepper), and assured us that, at the very least, the company would put in secondary treatment. What we were not told was that, at the same time, it was trying to take advantage of a loophole in the directive, which is to seek derogation on the ground that sewage is being discharged into a high natural dispersion area. If that application is accepted and endorsed by the United Kingdom Government, only primary treatment will be needed.

The designation of a high natural dispersion area is exclusive in the European Union to Portugal and the United Kingdom. One cannot compare the seas around Portugal with those around the UK. The seas around Portugal are genuine high natural dispersion areas because they are very deep. Our seas are very shallow. To describe the North sea and the English channel as high natural dispersion areas is foolish. When one examines the concentration of heavy metals in the North sea, it is clear that whatever goes into the North sea or the channel just stays there and gets washed around. The idea of dispersion is demonstrable nonsense.

Dr. Alan Whitehead (Southampton, Test): Is my hon. Friend aware that the recent report on sewage treatment by the Select Committee on the Environment, Transport and Regional Affairs made the clear statement that the category of a high natural dispersion area should be abandoned immediately? It made that recommendation for the reasons mentioned by my hon. Friend. It also referred to the evidence of the Shellfish Association of Great Britain which mentioned, among other things, the Solent, which is in my part of the world.

That association said that much of what was allegedly sent out to sea in a high natural dispersion area came back over the shellfish and made them difficult to market without rewashing. I strongly support my hon. Friend's suggestion that an area of high natural dispersion is not appropriate for Great Britain.

Dr. Turner: I thank my hon. Friend for his timely intervention, with which I concur totally. I had planned on dealing with that Select Committee report in a moment, and I shall.

The European Union has also produced a bathing water directive, which is slightly defective, as its mandatory guidelines are commonly breached in our bathing waters. Even the blue flag guideline figures—which, if met, allow a blue flag to be flown—are no guarantee that water is safe. The commonly monitored marker organisms are very misleading and do not provide an accurate picture of the public health hazard. The real, much more useful, marker is faecal streptococci, which is rarely measured. Attention has centred on the coliforms. Therefore, work has yet to be done on the bathing water directive itself.

There is a new bathing water directive—unfortunately, it is not yet in force—which will make some progress on the problem, but not enough.

As my hon. Friend the Member for Southampton, Test (Dr. Whitehead) observed, the Environment, Transport and the Regional Affairs Select Committee has just produced a report on sewage treatment and disposal. I congratulate the Select Committee on its very thorough report, and totally concur with its conclusions and recommendations. Although I take seriously all the report's conclusions and recommendations on how to deal with problems—each of which is worthy of a separate debate—two conclusions and recommendations are more relevant than the others to this debate.

First, the report clearly recommends that, by 2002, tertiary treatment should be applied to sewage at all times and in all places. That target is entirely reasonable, physically obtainable and economically feasible.

The report's second immediately pertinent recommendation, as my hon. Friend the Member for Test has already said, is that the category of high natural dispersion area should no longer be recognised in the United Kingdom.

I hope that the Government will take very seriously those two clear recommendations.

Dr. Ian Gibson (Norwich, North): Does my hon. Friend agree that water companies are making vast profits

and paying out huge dividends, and that they could well afford to foot the bill to deal with the issue themselves? Does he also agree that—according to Water Watch, a consumer organisation—in the Anglian region, £46 of everyone's water bill is being paid to shareholders? Does he also agree that research commissioned by Surfers Against Sewage shows that, in the first five years since privatisation, the Office of Water Services, the regulator, has allowed the water industry to out-perform the FTSE 100 by 35 per cent.?

Dr. Turner: I most certainly agree with my hon. Friend. The water industry's financial record is enviable, if one is a water company shareholder. Since privatisation—in the years 1990-97—water companies have tucked away £2 billion in dividends alone. In that period, on average, they have been registering a 35 per cent. pre-tax profit, which is a massive profit margin. They are distributing 24 per cent. of their turnover in dividends. Therefore, 24 per cent. of everyone's water bill goes in dividends to shareholders.

I find that quite objectionable. It far outstrips the performance of most companies. The privatised utilities are best described as a licence to print money. They do not face massive commercial risk. They are faced with the need for investment, but they have the turnover to be able to afford it without soaking the customer.

Mr. David Lepper (Brighton, Pavilion): Does my hon. Friend agree that, in towns such as Brighton, which he and I represent, where tourism is a vital part of the local economy, it is essential that residents and visitors should have every confidence that sea water is of the highest quality that modern technology can provide? In view of the figures that he and my hon. Friend the Member for Norwich, North (Dr. Gibson) have mentioned, does he agree that our local water company, Southern Water, has a responsibility to help build that confidence for residents and tourists by investing now in the latest technology for water treatment, rather than waiting until forced to do so by directives from either the Government or the European Union?

Dr. Turner: I wholly concur with my hon. Friend. Beside the cost of the plant, the extra cost of installing tertiary treatment to provide the standard of water discharge we want is relatively trivial. The cost of the proposed Portobello plant is £60 million, and it would cost a further £1.5 million to install ultra-violet treatment to provide a tertiary stage.

That is trivial in relation to the overall sum involved. In terms of public appreciation, it would be a very good investment; and it would also be a very good investment for the economy of Brighton and Hove because it would mean we could have a coastline that not only qualified for a blue flag but was genuinely safe to swim from, surf on and use for various other water sports.

Mr. Michael Jabez Foster (Hastings and Rye): Does my hon. Friend accept that the biblical saying that one reaps what one sows does not apply in this context? The way the tides work on the south coast means that it is not only Brighton and Hove that suffer from the problems in Brighton and Hove, but resorts such as Eastbourne and Hastings further along the coast suffer from them, too. Does my hon. Friend agree that the cost to Southern Water is infinitesimal compared with the cost to our tourist industry, which is already under threat as a result of the problems that land on our beach?

Dr. Turner: I certainly agree with my hon. Friend. The way in which the tides work along our part of the channel coast means that Brighton's sewage plume just about reaches Seaford's and Newhaven's, which in turn moves along to Eastbourne. There is a belt of polluted water sloshing along the channel and, given a good onshore breeze, it comes ashore.

Mr. Baker: Will the hon. Gentleman give way?

Dr. Turner: I have very little time.

Mr. Baker: The hon. Gentleman has mentioned my constituency.

Dr. Turner: I will give way if the hon. Gentleman is briefer than usual.

Mr. Baker: I shall be brief. I am trying to helpful. My constituents share the hon. Gentleman's concern that Southern Water should invest in tertiary treatment. It is simply not good enough for it to come up with a cheap solution which involves dumping sewage further out to sea. The hon. Gentleman will have my support and that of my constituents for his efforts.

Dr. Turner: I thank the hon. Gentleman and wholly agree with him. I am beginning to run out of time, so I shall start to wind up.

It is quite clear that the water companies are putting greed and the desire for profit above their heavy responsibility to provide for good public health, and are prepared to permit the continuation of a public health hazard in order to maintain their profits. That is quite unacceptable in the face of the public health case for good water treatment. Briefly, even water of blue-flag standard is not guaranteed safe for swimming, because the examination of micro-organisms tells us nothing about viruses. There is clear epidemiological evidence that swimming in blue-flag quality waters is a health hazard, and leads to viral infections in particular.

I conclude with an urgent plea to the Government to consider the excellent Select Committee report seriously. I think that they can be trusted not to treat it with the contempt with which the previous Government treated the previous Select Committee report on sewage treatment and disposal, which was also highly critical of the standard of treatment and recommended at least secondary treatment. That was nine years ago, but nothing was done. I do not expect my hon. Friend the Minister to be able to give us firm commitments tonight, but I hope that we can at least be assured that serious consideration is being given to a vital public health issue.

11.56 pm

The Parliamentary Under-Secretary of State for the Environment, Transport and the Regions (Angela Eagle): I congratulate my hon. Friend the Member for Brighton, Kemptown (Dr. Turner) on obtaining tonight's Adjournment debate. As he said, sewage treatment is an

[Angela Eagle]

emotive subject for many people. In the time left, I shall try to explain some of the issues that will inform the Government's views and opinions.

My hon. Friend mentioned the benefits of full sewage treatment, and his concern that only primary treatment is currently being proposed by Southern Water for a number of sewage discharges along the south coast, including the large discharge in his constituency at Brighton, Portobello.

I certainly agree that we must consider very carefully before allowing coastal discharges to receive primary treatment only. However, we also need to think carefully about environmental standards and priorities before we commit limited resources, paid for through water bills, to specific improvements. Perhaps it would be helpful for me to put the matter fully into context.

Among the main statutory obligations which Southern Water—along with all the other privatised water and sewerage companies—must meet, are those imposed by the European Union's urban waste water treatment directive. The directive requires all significant discharges of sewage to be treated according to their size and the nature of the receiving waters over a phased timetable from 1998 to 2005. The largest discharges, and those with the greatest potential to adversely affect particularly sensitive waters, are to be brought up to the directive's standards more quickly than smaller discharges.

The directive specifies secondary treatment as the norm, but requires at least primary treatment for discharges to areas with high natural dispersion characteristics, such as the areas identified off the south coast. They were identified by the previous Administration in 1994 and involved 58 potential areas, following advice from the then National Rivers Authority, which had applied the criteria set out in the directive.

Designation of such areas, though, does nothing in itself. It merely provides a platform for decisions about the level of treatment to be provided following comprehensive studies. In practice, decisions about individual discharges are most important. We do not expect to make decisions on areas of high natural dispersion until after all the comprehensive studies on discharges in each area have been assessed, so that any relevant information coming out of the studies can be included in our consideration.

We are, of course, concerned that primary treatment should be used only where scientifically justified. Under the terms of the directive, it must first be demonstrated that there would be no adverse environmental effect from providing less stringent treatment than secondary treatment.

That must be shown through a comprehensive study of the impact of the discharge on the receiving waters. The study may be commissioned by the relevant water company, but it must follow a predetermined format. More importantly, the results of the study must demonstrate a lack of adverse environmental effect to the satisfaction of the Environment Agency, not the water company.

The Environment Agency is taking a rigorous approach to the assessment of such studies. If the comprehensive study fails to prove no adverse environmental effect, then the agency will require secondary treatment to be installed. That is evidenced by its decision to require secondary treatment at Hendon in Northumberland, because it would provide environmental benefit. The agency refused to certify the comprehensive study, and secondary treatment will have to be provided.

Even primary treatment represents a considerable improvement on raw sewage being discharged from large cities into our coastal waters, as has happened until recently. Primary treatment significantly reduces the polluting effects of sewage by removing at least 50 per cent. of suspended solids and reducing biological oxygen demand by 20 per cent. It can also remove up to 50 per cent. of bacteria and viruses, which may be harmful to human health.

Moreover, where a discharge is made through a long sea outfall—often several kilometres offshore and into very deep water—the natural action of seaborne micro-organisms is capable of performing effectively and very rapidly the same process of further breakdown of polluting matter that occurs in secondary treatment.

I understand that Southern Water is planning to provide advanced primary treatment, by adding chemical assistance to the more basic primary treatment at its coastal discharges at Brighton, Littlehampton and Bognor Regis. That is projected to give a reduction, before discharge, of as much as 90 per cent. of the bacterial load—close to what would be achieved by full secondary treatment.

We have noted the concerns of those who are still not convinced that anything less than full secondary treatment will afford the necessary environmental protection. Representatives of the Environment Agency were asked in the autumn of last year to make a presentation to my right hon. Friend the Minister for the Environment on the criteria and procedures applied to make recommendations for the identification of HNDAs under the directive. The presentation also covered the basis of the comprehensive study procedure. A representative of Surfers Against Sewage and researchers from the Water Research Centre were also asked to attend, to widen the discussion and represent the concerns of those not directly involved in the process.

The aim of the meeting was to provide more comprehensive briefing on the scientific aspects of the process of HNDA identification and of the comprehensive studies process. At that time, not many of the comprehensive studies had been completed or fully considered by the agency. However, we counselled the agency to be rigorous in its approach to assessment. On that basis, we were sufficiently reassured to allow the process to continue, pending a further meeting when more work had been done.

During the interim, completed comprehensive studies for the Southern Water discharges have been provided to the agency. Copies have been sent to the relevant local authorities and made available to the public for comment. The Environment Agency's southern region also advertised the availability of the studies in the local press.

My right hon. Friend the Minister for the Environment met the agency again last month to consider the generality of the issues. In the light of that discussion, we are considering the Government's policy options. It is right that we should carefully examine all the evidence, which may go beyond that provided by the comprehensive

studies. There are a number of factors to be considered, relating to the national context as well as the south coast situation. We shall ensure that the decision-making process takes into account the views of local people, as water charge payers and concerned environmentalists.

Ministers have not had detailed discussions with Southern Water about the financing of its commitments, because that is primarily for the company to discuss with Ofwat. However, Southern Water is among the smaller companies. The extra cost of providing secondary treatment at all its coastal discharges would be substantial—more than £150 million on the company's estimates.

In addition, we have heard today calls for nothing less than tertiary treatment, including the installation of ultra-violet disinfection for all coastal discharges. If there are sound environmental reasons for providing UV disinfection—for example, to protect bathers—that may be desirable. However, there would be an additional price to pay. Southern Water estimates that the addition of UV disinfection would incur further capital costs of £50 million, and annual operating costs of £2.5 million.

The Director General of Water Services will be considering the size of the estimates as part of the periodic review of water company price limits, which is already well under way. As part of the review, all water companies are under pressure to deliver efficiency gains, but it would be unrealistic to suppose that costs would not be passed on to water bill payers.

There is a strong argument that higher standards of treatment should be provided, if that is what local people want, but they must understand that they, as water bill payers, will ultimately have to pay for them. Even a very significant downward adjustment of Southern Water's estimates by Ofwat would be likely to result in price increases for Southern Water's customers.

It is true that some companies have undertaken to go further than their statutory obligations in upgrading sewage treatment, and to finance it in part through efficiency gains. We welcome that where it happens, but it must be a commercial decision for each company, within the constraints imposed by Ofwat, as the financial regulator.

I should make it clear that we are not in the business of protecting water company profits. We are seeking to strike an appropriate balance between environmental needs and priorities, and the impact on water bills. That applies not just to the relatively narrow question of the level of treatment for coastal discharges but to the full range of environmental objectives.

I expect that many of our constituents will say that they are prepared to pay a little more for environmental improvements, but others already find paying their water bills difficult. We should bear it in mind, too, that unnecessary additional treatment has a range of negative environmental consequences, including the use of additional land and energy consumption, with the potential for additional air pollution.

Last month saw the publication of the Environment Sub-Committee's report of its inquiry into sewage treatment and disposal. The report, which has obviously been mentioned, brings together a range of issues, including some that are very pertinent to this debate.

The Sub-Committee recommended that, by 2002, all sewage should be treated to tertiary level at all times. As a corollary, it recommended abandoning the concept of high natural dispersion areas. Alongside that, it is argued that the Director General of Water Services should not be seeking real-terms cuts in sewerage charges at the next periodic review.

We welcome the Sub-Committee's interest in these matters. The Government will, of course, be responding formally to its recommendations in due course, once we have given the important issues raised serious consideration. It is a pity that the Sub-Committee's report did not make more effort to set the recommendations against likely cost implications.

The recommendation for universal tertiary treatment, for example, goes far beyond European requirements, and exceeds the level implied by scientific evidence or health needs. Neither we nor the water companies have costed a comprehensive programme at such a very high level, but it is likely to run into many billions of pounds.

I agree that there should be no prejudgment at this stage of the appropriate level of water bills during the next pricing period, although, equally, we must be realistic about what is achievable at affordable cost. That is part of the process on which we are about to embark, in the context of the periodic review.

The director general will be seeking guidance from the Deputy Prime Minister about the priorities to be given to possible quality objectives to be achieved through water company investment. In response to that request, which is scheduled for July, we will set the policy framework for investment by water companies over the coming period. The issue that we have been debating will be an important element of that strategy. I assure hon. Members that the Government will take very serious account of the views that have been expressed.

Question put and agreed to.

Adjourned accordingly at seven minutes past Twelve midnight.

House of Commons

Wednesday 1 April 1998

The House met at half-past Nine o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

Train Operating Companies

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. McFall.]*

9.34 am

Mr. Rhodri Morgan (Cardiff, West): As this is the first debate on 1 April, I should pass on to you, Madam Speaker, the serious warning that I received from Westminster city council: some of the squirrels in St. James's park have been found to have rabies, so nobody should walk in St. James's park today.

I shall now deal with a matter pertaining to people on whom the joke has been played—the railway passengers of the west country, south-central England and south Wales. It arises from the proposed takeover bid by FirstGroup, which used to be called FirstBus, for Great Western Holdings, the franchise company set up in November 1995. The problem seems to have started in November 1997.

A week ago, nine Labour Members of Parliament from the affected areas had an extremely interesting meeting with John O'Brien, Director of Passenger Rail Franchising, followed shortly afterwards by a meeting with Mr. Trevor Smallwood, chief executive of FirstGroup. Mr. Smallwood told us that he made the first approach to Great Western Holdings "towards the back end" of last year. He did not specify the month, but I imagine that that means in about November. He also referred to the fact that, as the sleeping partner of the original franchise company since November 1995—FirstGroup had held 25 per cent. of the shares from the beginning—he had decided to use the first two years as a learning curve. FirstGroup had intended to get into rail travel under the privatisation proposals, but as it was a bus operator it was not sure whether it had the expertise. It therefore wanted the management buyout team to lead the field and operate the company while it sat in as a sleeping partner and travelled up the learning curve.

Towards the end of last year, the company decided that it had travelled far enough up the learning curve, so it made its first approach to the management buyout company, which had 51 per cent. of the shares of Great Western Holdings. November 1997 is a significant date for four reasons. First, it was the second anniversary of the awarding of the franchise. Secondly, it was the date of the first approach by FirstBus to Great Western Holdings. Thirdly, the Deputy Prime Minister and Secretary of State for the Environment, Transport and the Regions had issued new objectives, instructions and guidance to the Director of Passenger Rail Franchising. Thus the company had new OIGs from November 1997.

Fourthly, November 1997 was the approximate date on which we all noticed a serious deterioration in the quality of the service. That does not mean that the service had been good up to then; it had been just about passable, and pretty disappointing to people who had looked at the promises made by Great Western Holdings. However, from about November 1997 onwards, matters got seriously worse. Hon. Members need not take my word for that. Mr. Smallwood, the head of FirstGroup, agreed with us about that at the meeting. He said that from about six months ago, the service went seriously downhill. It went from just about passable but somewhat disappointing to pretty catastrophic. People were leaving the train service in droves. I know that I am not the only Member of Parliament to have become a much more frequent user of the car rather than the train to come here in the past six months because of the unreliability of the train service. We do not want to change from train to car, but we find it necessary, because we need as much time as possible here.

Mr. Smallwood said that it was better for FirstBus to take over Great Western Holdings because it was a plc, whereas Great Western Holdings was only a limited company. He felt that it was better for a plc to be running the service if it was to build itself up into a powerful operator, to do good deals with the rolling stock companies and raise money on the stock exchange. That leads me to wonder why the franchise was offered two years ago to a limited company. However, that is as may be. Mr. Smallwood said that a plc would be better.

That suggests that in November 1995 Mr. O'Brien franchised an unstable company. It was unstable because the sleeping partners—Mr. Smallwood and his FirstBus—always envisaged that the management buyout team, which owned 51 per cent. of the shares, would be a front organisation. It is more politically acceptable to have a management buyout with railway experience and employee participation. That sounds better than giving a railway franchise to a bus company shortly before an election, with all the possible monopoly implications.

However, the decision resulted in a group, consisting of 51 per cent. management buyout, 25 per cent. FirstBus and 24 per cent. 3i—Investors in Industry—which would also want to get out at some stage. That would inevitably implode. The management buyout team would be looking for an exit strategy and FirstBus would be looking for an entry strategy, to move from a 25 per cent. shareholding to being 100 per cent. shareholders when it felt that it had travelled up the learning curve.

That is the difficulty that Mr. O'Brien, the franchising director, created for himself in November 1995 when he approved the rickety Great Western Holdings structure, which could not last. It was only a matter of time before GWH imploded and FirstBus emerged from being a sleeping partner to take over the company.

Ms Julia Drown (South Swindon): Will my hon. Friend comment on a peculiar implosion, which leaves the directors getting millions of pounds as a result of the takeover? Constituents from Cardiff to Swindon have seen millions of pounds going to a few people while they wait for better service, improved safety at stations and cheaper fares.

Mr. Morgan: I thank my hon. Friend for that intervention. She has put her finger on why people are so

[Mr. Morgan]

outraged by the takeover bid. The management buyout team, who held 51 per cent. of the shares, have walked away with millions. That appears to have been a reward not for efficient management, but for providing a chaotic and rapidly deteriorating service. The more rapidly the service deteriorated, the clearer it was that that was part of the exit strategy. The management buyout team wanted to cash in their chips when FirstBus was ready to buy their 51 per cent. To do so, they had to provide a justification for the franchising director to approve the takeover.

It is easier for the franchising director to approve a takeover if the service is deteriorating. If it is improving, he has no reason to approve the takeover by the former sleeping partners, which has monopoly implications, given that FirstBus is a big bus operator in Bristol and Swansea, provides long-distance coaches in south Wales and owns 51 per cent. of Bristol airport. However, if the quality of service has been going down, people will be begging for the takeover to be approved. Once the management team have decided that the time has come to execute their exit strategy, they have no incentive to maintain the service. They have a perverse incentive to run down the service, to make it easier for the franchising director to approve the takeover, as he has done at least in principle in the past few weeks.

My hon. Friend the Member for South Swindon (Ms Drown) also mentioned that the takeover brings back concerns about fat cats. The previous Government thought that a management buyout was a great idea in presentational terms. The top management, who knew the line, brought in employee participation. Some of those employees—ordinary guards and others—will also have made a good deal of money. That is more politically acceptable than working out the best kind of company to take over such an important rail franchise.

However, that merely delayed the problem of fat cats until after the election, once they decided to sell their 51 per cent. That 51 per cent. shareholding is a franchise from the state, on which they are making millions. It was awarded by UK plc—that is what a franchise means—to GWH, but it belongs to us, not them. The management team did not build it up through their own efforts.

There was a different Government at that time. Their pre-election strategy put great emphasis on presentation—what sounds best in the run-up to an election. Undoubtedly, management buyouts with employee participation have superficial attractions.

Mr. David Drew (Stroud): As my hon. Friend knows, we had a short Adjournment debate on Monday on Great Western. Does he agree that the root of the problem is the way in which privatisation was set up? The deterioration in service would be understandable if there was a lack of passenger interest and a decline in numbers. However, I am sure that, like me, he has found that the trains are packed. That is a badly kept secret. People want to use the trains, yet the company apparently cannot make money even with overcrowded trains. There is clearly something wrong with the basis of privatisation.

Mr. Morgan: The franchise system was a Heath Robinson contraption that should never have been approved. The Conservatives privatised the railway industry by breaking it up into Railtrack, the rolling stock companies, the train operating companies and the maintenance companies. That had political attractions for the Conservative Government, but it has left the new Government with an enormous problem to unravel.

Sir Michael Spicer (West Worcestershire): I am listening carefully to the hon. Gentleman, who is making some telling points, but is not his argument rather one-sided? Is it not possible that the regulator takes into account positive factors such as investment plans and business plans when he decides on the rights and wrongs of a takeover bid? There is a positive element to the dynamics of privatisation, which does not involve taxpayers' money. The hon. Gentleman should also refer to that.

Mr. Morgan: I should like to finish my response to the previous intervention first.

My hon. Friend the Member for Stroud (Mr. Drew) made an interesting point. Because of the improvement in the economy, rail passenger numbers are rising by 6 or 7 per cent. I do not think that Great Western is different from the other companies in that respect. Great Western's response has resulted, as my hon. Friend said, in overcrowded trains on which people cannot get a seat. There is not a problem of a shortage of passengers in the present state of the economy.

I now come to the points made by the hon. Member for West Worcestershire (Sir M. Spicer). The Director of Passenger Rail Franchising can extract additional concessions when there is a takeover bid. This is the problem of the perverse incentive. If concessions are to be extracted, the baseline from which improvements are to be made is critical. If the baseline is lowered by providing an appalling service, it is much easier for the company taking over to say, as in this case, that it will provide better services than those provided over the past six months. I am worried that such a perverse incentive is built into one aspect of the new instructions that were given to Opraf in November.

The instructions refer to the passenger dividend, but do not protect against an arranged deterioration. There is a lack of incentive to maintain services, never mind improve them, in the run-up to a takeover bid, as has clearly been going on since November, because it is then much easier to satisfy the condition that there must be something in the bid for the passenger. As far as I am aware, the bid must also include a reduction in subsidy. Indeed, the company will receive £100 million less subsidy by the end of the franchise.

Sir Michael Spicer: Much of the hon. Gentleman's argument hangs on the concept of some conceived, planned or conspired deterioration in the services. Factually, he may be correct; there has been deterioration—although not on the part of the line that runs through my constituency, which I shall leave aside. What evidence has he of some conspiracy, some specific plan? Or is there merely some fluke from which he has conceived some conspiracy?

Mr. Morgan: As I said, it was not me who referred to the fact that there has been an appalling deterioration in

services over the past six months. Mr. Smallwood told us in our meeting last week. He agreed that the service had greatly deteriorated, particularly over the past six months. I certainly do not have any access to company telephone conversations or minutes that would enable me to substantiate the principle of a conspiracy to cause deterioration. I am making a deduction from the fact that certain events occurred together.

First, FirstBus approached Great Western Holdings towards the back end of last year—according to Mr. Smallwood. Secondly, there has been a severe deterioration in services over the past six months—according to Mr. Smallwood. Thirdly, new instructions were issued by the Deputy Prime Minister in November last year, when FirstBus decided that its two years on the learning curve were up and that it wanted to make a serious move.

I understand that FirstBus first approached the franchising director informally in January to see whether he liked the idea, according to recent written answers and Monday's Adjournment debate, which was initiated by the hon. Member for Northavon (Mr. Webb) and to which my hon. Friend the Minister for Transport in London also responded. Suddenly, in a great rush in early March, the matter began to move very quickly, with the special request of the management of FirstGroup that the bid be approved with great speed, which was why the period of consultation was foreshortened if not non-existent.

Mr. Paul Flynn (Newport, West): Does my hon. Friend agree that it is surprising that at least one hon. Member has not noticed the deterioration in rail services? It has almost become universal that the most dependable aspect of the service over recent months is that trains will always arrive late. Many of us have had to organise and reorganise our timetables and catch earlier trains to ensure that we are here for Question Time. Is it not galling to realise that the result once again proves—this is certainly not a coincidence—that the wages of sin are stupendous?

Mr. Morgan: That is getting on to the same point made by the hon. Member for West Worcestershire—except in a disbelieving sense.

We asked Mr. O'Brien last week whether there had been—to use the crude word with implications of Guy Fawkes—a conspiracy to cause deterioration in services. Mr. O'Brien and his staff said, "Absolutely not; that is an absurd idea." They said that, obviously, a company's shares are worth far more if it is doing well; obviously, a company is worth far more if it is building up rather than running down its assets; and, obviously, a company has every incentive to try to improve the quality of the service because it means that anybody who wanted to take it over would have to pay a higher price.

In principle, all that is true, but very special circumstances in this case make that quite likely to be untrue—strange though it may seem. If owners of 51 per cent. of the shares need an exit strategy, they need the approval of the Director of Passenger Rail Franchising in order to implement it. The takeover cannot be made on straight commercial terms because it is a state franchise. The owners have to persuade the agent of the state—not the Minister, but the franchising director—to give his approval. Of course, the franchising director can withhold consent. It is as simple as that. In order for consent to be given, conditions set out in the objectives, instructions and guidance to the franchising director must be met.

The owners' shares become worth much more because they are the equivalent of a ransom strip in a property deal—the little shop in the middle of a comprehensive development that developers have to pay a fortune for in order to develop the land. The owners of the 51 per cent. of the shares and the franchising director are the keys to control of the overall state franchise.

The takeover bid was not made from the outside, but was made by sleeping partners on the learning curve from the bus industry, who, because of political implications, did not originally want to be majority shareholders. As they explained to us, they were concentrating on the bus industry, but knew that they wanted to get into the railway industry once they had undergone the learning experience. Mr. Smallwood was quite frank and open about that to us last week. He said that, when the two years was up, the company decided to move in.

The bus industry has been a very interesting area of competition over the past few years, since deregulation in the mid-1980s. What was originally an idea of letting a thousand flowers bloom has become an industry in which about three dominant companies have survived extremely aggressive competition. A couple of years ago, the bus industry was described as an aquarium, the owner of which had left home about three weeks earlier and forgotten to make any arrangements for feeding the fish. As a result, the fish had to feed on each other. The three or four surviving dominant groups have the financial pulling power in the City to be able to buy rail companies. Some did so directly, but FirstGroup took a more cautious line, first becoming sleeping partners and buying 25 per cent. of the shares.

Another point that arose in our meeting with Mr. O'Brien, which baffled us, concerned the advertisement for new rolling stock that was placed by Great Western in the autumn, in the contract supplement of the *Official Journal* of the European Communities. The point was raised not by any hon. Member but by Mr. Bray of Save Our Railways, who was also present.

Mr. Bray mentioned the so-called extracted passenger dividend, in which the hon. Member for West Worcestershire was so interested. In other words, at the time of the takeover one would be asked, "What are you willing to promise in terms of improved services?" Mr. Smallwood and Mr. O'Brien had been praising to the skies the deal that they had done with each other—well, they would, wouldn't they?—and saying that extra orders were now being placed for rolling stock.

Then the representative of Save Our Railways asked, "Are those orders really extra? Were they not advertised in the *Official Journal* of the European Communities last autumn?" Mr. O'Brien's response was mystifying. He said, "Oh no, when you advertise in the contract supplement of the *Official Journal*, it is not like actually ordering something. It is like putting an advertisement for your house in the local evening paper to see what offers you get, so that you can find out its value. It was not really an order at all."

We all scratched our heads in disbelief at that explanation of the purpose of the contract supplement of the *Official Journal* of the European Communities. We had always understood that in public procurement,

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advertising in the supplement was a legal obligation for any order in the public domain worth more than £150,000. So far as I know, people advertise in the supplement only because they have to. They never advertise simply to test the market and see how much their "house", or its equivalent, is worth in terms of commercial ordering procedures.

To us, the explanation was absurd. The sensitivity that Mr. O'Brien displayed as he tried to knock down the advertisement and imply that it was of no significance, suggested that he wanted to be able to say that he had extracted big benefits from the takeover, along the lines suggested by the hon. Member for West Worcestershire, despite the fact that many of the benefits were due to come through anyway, as the advertisement placed last autumn showed.

We wondered why Mr. O'Brien was so sensitive about that aspect. Why was he trying to build up the so-called benefits to passengers, instead of accepting that some of the improvements, such as the rolling stock, were already on the way?

Since all the subdivisions were created by the way in which the railway industry was broken up into rolling stock companies, train operating companies and so on, train operating companies do not buy rolling stock; they agree an order that is paid for by the leasing company that will own the rolling stock. The deal is done on a back-to-back basis. The rolling stock company pays the train manufacturing company, then the train operating company agrees a back-to-back lease with the leasing company for use of the trains when they are finally built and delivered, perhaps in a year's time.

The significance of the timing of last autumn's order for new trains for Great Western was that it revealed again how rickety was the contraption of the rail passenger franchise issued in November 1995. The company had expertise at the top, because it consisted of the top management of Great Western, but it had no money. The people with the money were the sleeping partners, FirstBus.

The top management had 51 per cent. of the shares, and I know that at least one of the managers had to mortgage his house to buy his part of the 51 per cent. When the idea emerged of the majority shareholders having to commit themselves to leasing 20 additional trains, they could not mortgage their houses again two years later so as to expand the equity capital of the company. They could not cope with a big new leasing commitment to a rolling stock company to finance the order for new trains from Adtranz, ABB or whatever, because they had already dug as deeply into their pockets as they could.

Those people were never ever going to be able to order new rolling stock. The only way in which they could commit themselves to more leasing was by selling out. They had to get through the election period without ordering new rolling stock, then wait for the right moment to cash in their chips for the 51 per cent., as owners of the majority shareholding. That meant that the company could start to think about ordering new rolling stock before it had to find the money for it.

That all seems to have happened at the end of last year. The advertisement, which has a long time fuse, was issued, but the company did not have to commit itself to spending the money. Then the managers had to get out of the industry before anyone came to them for the money for the rolling stock that they had ordered. That was when they had to say to FirstBus, "Time for you to take over. You have learnt the game, and we can get out. The only problem is, we have to get the agreement of the Director of Passenger Rail Franchising."

That was the nature of the Heath Robinson contraption set up in November 1995—a totally unstable company in which the top management had the expertise but no money, and the sleeping partners had the money but no expertise. The company had to wait until the post-election period when the need for new rolling stock became critical, at which point the owners of the 51 per cent. had to make their exit.

In order to get out, those people needed a justification, and a deterioration in the service is the ideal way of being allowed to execute one's exit strategy and justify the takeover bid.

Mr. Drew: There is another aspect, which was also partly rehearsed on Monday night. Another reason for the poor quality of the service is what Railtrack is up to. Because of all the present goings-on, we have fewer opportunities to put pressure on Railtrack to improve—

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. I must remind the hon. Gentleman that he is not conducting a conversation with his hon. Friend. He should be addressing the Chair.

Mr. Drew: I apologise, Mr. Deputy Speaker. I just wanted to ask my hon. Friend whether he agreed that the present situation was taking away the chance to put pressure on Railtrack to improve the service. I strongly believe, and I hope that my hon. Friend agrees, that the two are inextricably linked, and it is crucial to ensure that Railtrack comes up with its part of the bargain.

Mr. Morgan: I am grateful for those remarks, and I shall talk about Railtrack as I draw my remarks to a close. However, I hope that my hon. Friend will allow me to continue in the intended order, because I have something else to say first, and Railtrack will be my last point.

I am still talking about the company, whose situation is further complicated by the loss of two of the train sets that Great Western Holdings had when it came into being. When the parliamentary Labour party Welsh group originally met Richard George and Brian Scott from Great Western Holdings about eight months ago, they apologised to us for what was already seen as a pretty poor service, and said that the situation was complicated by the loss of a train set, which I believe took place in 1996. Hon. Members who represent constituencies in the south-west will know more about that than I do. I am talking about the crash at Newton Abbot, which left Great Western one train set short. It had no margin, so the crash at Newton Abbot was a big problem.

Then, in 1997, there was the Southall train crash. That made the shortage of available rolling stock much worse, because the company had now lost two train sets and had somehow to scrounge some from elsewhere. There was loss of life; I personally knew well one of the seven people who died, and many people from south Wales knew people who were either injured or among the seven fatalities.

A major inquiry is taking place, and I do not want to pre-empt its findings, but we must face the fact that one of its possible outcomes is a corporate manslaughter verdict. That is only one possibility of many, but it could mean some sort of comeback for the people who were at the head of Great Western Holdings at the time of the Southall crash. We do not know what will happen; that is only one of a wide range of possible outcomes. None the less, if that is the result in a year or two, when the public inquiry is finished, people will say, "Ah, was that one of the reasons why they chose to execute their exit strategy in the six months between November 1997 and March 1998?"

That is an important issue. What are the responsibilities of the top management of a company that holds a state franchise, if there is a serious crash involving fatalities, and a subsequent public inquiry? If an inquiry finds people responsible, they must be willing to stand up and defend the actions for which they were responsible.

Finally, there is the subdivision between the responsibility for track and track maintenance, which is Railtrack's, and that of the train operating companies—the TOCs, as we call them—such as Great Western. That is undoubtedly the easiest method that has ever been devised of transferring blame. The track can blame the train, the train can blame the track and the passenger never knows who is telling the truth—it is a wonderful form of rotating-blame machine. Responsibility for delays cannot be attributed—the finger is pointed in two directions.

Dan Norris (Wansdyke): Will my hon. Friend assist me in compiling a book for guards of the reasons for delays? I am suffering sensory deprivation after hearing time and again the same excuses, and I should like to help the staff by giving them new reasons for delays.

Mr. Morgan: I do not think that April fool's day would be a good day to start that book. Certainly, one feels very sorry for the guards on Great Western, who do not like what is happening any more than the passengers do—it must be sheer hell to have to explain why a service is an hour or an hour and a half late, why two trains have been merged without notice or what the refund arrangements will be if such and such happens. When things are going seriously wrong, employee-passenger relations are the most difficult of all, and I do not think that morale on any service can be as bad as that of the guards on the Great Western who have to carry the can when issuing excuses.

I think that the idea of my hon. Friend the Member for Wansdyke (Dan Norris) is imaginative. No doubt those long hours waiting somewhere between Bath and Chippenham or between Cardiff and Swindon can be spent compiling a list of excuses. I do not think that the guards invent the excuses; I think that the excuses are genuine. The issue is that one cannot get to the nub of the problem. One does not know whether the fault is caused by track or by bad maintenance and shortage of train sets—Great Western is one or two train sets short since the crashes at Newton Abbot and Southall.

I have used Paddington for more decades than I care to remember. It is a second home for anyone from south Wales who travels to London—I am sure that the same is true for people from the south-west of England. As soon as one arrives at Paddington in a taxi or on the tube, one feels halfway home—it is an important place for us. During the past two or three years, we were told that the delays at Paddington were a result of the huge works on the three tracks, I think, to accommodate the Heathrow express link, but that when that work was completed, Paddington would be a much better place. That sounded fair enough; it was clearly not an invented story, and the huge investment to link Heathrow with Paddington was welcome.

Now that the work is complete, however, things have not got better, as we were promised—they have got worse. The new summer timetable, which starts in about a month, adds a further five minutes to the journey between south Wales and Paddington. A train will take as long as two hours and 10 minutes, which is 20 minutes longer than it took 20 years ago. That is sad, and we look jealously at other parts of the country where train services are being speeded up and where, in a year or two, there will be new trains, such as the tilting trains on the main line to the north-west, which sound good when one reads about them in the newspapers, even if they are never put into service.

The service from south Wales is slower than it was 20 years ago partly because of congestion at Paddington, which is now more important because of the Heathrow express link. However, it is odd that every year there is another reason why an extra couple of minutes is added to the journey time. The Government will never be able to green the transport system if trains become slower and less reliable.

Because of the emphasis in the passengers charter on reliability, the trains are timetabled to be slower—even though they have the same locomotive power—so that reliability targets are hit more often. That will ultimately have a negative impact on trains. It always seemed insane to drive to London, as that took at least three quarters of an hour longer than the train, but now that is not always the case. The combination of poor reliability and slower timetabling means that more people will use their cars. The Government will fail in their aim to ensure that, by investing in good-quality, reliable, and speedy passenger transport, the majority of journeys between the major metropolitan centres—between London and Bristol, Cardiff or Swansea, for example—are made on trains, minimising the use of the car and the need for extra lanes on motorways.

The importance of this debate is that it concerns the first takeover bid for a train operating company. The terms on which that takeover is approved, disapproved or conditionally approved, will set the tone for future takeover bids—they will set the precedents, the guidance and the rules. We shall observe what happens, although I accept that the rules may change when the White Paper is issued or as a result of legislation to establish a strategic rail authority.

We are extremely dissatisfied by the way in which the bid was made—especially during a time of severe deterioration in services—and by the lack of consultation. We shall never know whether my conspiracy theory is correct or whether what happened between November 1997 and April 1998 is sheer coincidence—these things cannot be proved. However, passengers in south Wales—I am sure that the same is true in south-west and south-central England—cannot

[Mr. Morgan]

believe that the managers of Great Western Holdings will walk away with millions of pounds as a reward for running an appalling service.

10.16 am

Mr. Matthew Taylor (Truro and St. Austell): I congratulate the hon. Member for Cardiff, West (Mr. Morgan) on securing this important and timely debate. In the past couple of months, the House has debated railway issues a number of times, which reflects the great concern about the mess in which the previous Government left rail services.

Takeovers will be one of the last elements to be taken into account in an assessment of whether the regulatory system has been effective. The background is a series of failures—on any measure—to deliver the improvements that were promised on privatisation. Service was meant to improve, but Opraf figures for last year show that performance worsened—season tickets had to be given on six routes, a third of routes failed their passenger targets and reliability deteriorated on almost half the routes.

Like the hon. Member for Cardiff, West, I feel sorry for the staff, who constantly tell me of their frustrations with the new system and of their concerns about the way in which it is failing to deliver. On some routes, they express their views in guarded terms—they do not want to be quoted, as they are anxious for their jobs. There is no doubt, however, that people with experience of the system believe that the new structure is failing to deliver.

Cost is another measure of that. Pre-privatisation, British Rail received a subsidy of some £1 billion. The year after, that had doubled to £2 billion but, from the figures that I have given, it is clear that passengers have not yet seen the return.

Although some passengers get compensation, the negotiated requirements have not delivered it for the great majority of those who suffer delays. On the contrary, the franchise agreements and allowances have delivered fare increases, including above-inflation increases this year on several of the worst-performing lines.

We can also measure whether the regulator has been effective by looking at complaints, which have risen massively, reflecting the lowering performance figures that have been referred to. Last summer, complaints were up 96 per cent., and on Connex South Central they were up a whopping 158 per cent.

There has been pretty much unmitigated joy, with huge returns from privatisation, for those with a financial stake. Shareholders have been clear beneficiaries from privatisation. Share prices have increased and a substantial number of millionaires have been created on the back of privatisation—not least those who are becoming much richer through the sale of Great Western—but however hard the franchising director and others may have tried, they have failed to deliver the promised improvements.

The first takeover is now going through and others may follow, so we must make a judgment on whether the regulatory system delivered the benefits to passengers that could be expected from a renegotiation of franchise terms. That is important, because it can tell us something about what may happen when other franchises come up for renegotiation in the natural course of things.

We understand that the regulator was told in January, at least informally, about what was likely to happen, but as far as we can tell, there was no attempt to build in any passenger consultation. It is hard to say what preparations were being made behind the scenes—presumably, some were—but the people who would eventually be on the receiving end were not consulted.

My hon. Friend the Member for Northavon (Mr. Webb) suggested in his Adjournment debate that there may have been a question of commercial confidentiality, but it was perfectly open to the Rail Regulator to explore with passenger groups what they would like to happen in the event of either franchise renegotiation or takeover. There are likely to be further takeover bids, so the effects should have been explored, but nothing of the sort happened before the formal bid, after which there were only three days of work before the regulator gave approval to a £75 million deal. I understand that the only rail user consultative group that was formally involved was the one that there was a statutory obligation to consult.

The regulator first met FirstGroup on 4 March and by 6 March, the deal was announced. It has been suggested that commercial confidentiality prevented consultation; even if that is so, it is a clear failing in the system, because any change of such significance to passengers should surely have built into it a requirement for consultation in the early days, before the announcement of any deal.

I cannot accept that such changes should be made so quickly. The regulator said that the company had pressed for an early decision. Clearly, a commercial organisation with a bid on the table would want to get the go-ahead as quickly as possible, but that was not the position for passengers.

Passengers—and, indeed, Members of Parliament—had hardly got over the shock of hearing that there was to be a takeover when they were told that there was a closed deal. The Deputy Prime Minister and the Leader of the House were still saying that everything was up for negotiation even as papers were being signed and press releases issued to say that the deal was done.

It is strongly rumoured—I have heard it from several angles—that FirstGroup was expecting a much tougher process, taking much longer and consulting it much more thoroughly. It is hard to prove, but the whispers are strong. It is hard to believe that FirstGroup would otherwise have gone with the best bid so early on. There is a suspicion of some naivety on the part of the regulator.

I use Great Western services. Recently, a train was held up about halfway along our route because train staff were awaited. The service is too often delayed, although it is by no means the worst in the country and, to be fair, there has been some good investment in rolling stock.

My constituents and I feel strongly that, because it was our franchise for which money was changing hands, we should have got the overwhelming benefit and that funds should not have been diverted to other parts of the country, where the franchise was not up for renegotiation. Good luck to the other areas, which need investment, but this was about Great Western and we expected substantive improvements.

We were told that there would be 32 new vehicles, and I thought for a moment that the entire inter-city fleet was being renewed, but it turned out that there were to be only four new trains: hardly a spectacular improvement. Indeed, the huge gain that we were meant to have got had

already been advertised and the processes were already under way. The franchising director's excuses are simply incredible.

Some so-called benefits have been negotiated. The Minister told my hon. Friend the Member for Northavon that the fines were £1,000 for a train cancellation and £250 for a train being more than half an hour late. Frankly, in terms of the costs of running inter-city trains and the benefits that train companies get, let alone the subsidies, that is a joke.

If the company has bothered to stock the buffet properly—in itself a regular problem—the extra profits from the sales as passengers while away the extra time with a coffee and a burger or a Twix, or whatever slim pickings happen to be left, will more than outweigh the £250 fine, quite apart from the ticket sales that have already been made.

Whatever the ultimate benefits or the quality of the companies may be, the Great Western takeover has shown the regulatory system failing to deliver the benefits it should deliver. It has failed to deliver passenger consultation, and it has left Ministers powerless. That is the legacy of the previous Government, and we look to the new Government to introduce legislation on this matter early on.

I have one question for the Minister. Can we be assured that legislation will be introduced in the autumn for the House to get through as urgently as possible so we do not see these problems again? I have every sympathy for the Minister, but that will give out if the new Government do not take action to deliver improvements.

10.29 am

Jane Griffiths (Reading, East): May I apologise for inadvertently leaving my pager on audible mode earlier? I realise the discourtesy to the House that that represents.

The Great Western takeover is the first, and it will set the tone for others. It is important that our feelings be made known. Reading is the first major stop on the Great Western line going west. For the past two centuries, if Reading has not functioned effectively—whether in terms of canals in the early days, rail or road—the western transport network has fallen apart.

At the meeting attended by my hon. Friend the Member for Cardiff, West (Mr. Morgan) last week, I was disturbed to hear it said that people using the trains had a choice. The people of Reading, by and large, use the trains to commute to Paddington to go to work. They do not have a choice at all. The point was made that because the trains have got worse, it has become more of an option to drive to London. That is not a realistic option for the people of Reading.

I do not believe that the activities engaged in during the takeover should be allowed to continue unchecked as future rail companies change hands. This may be a utopian vision, but when any rail or bus company changes hands, I would like citizens' juries to be established, made up of the users—the people who will be the victims of any bad practice, inefficiency or incompetence. Those people should have the opportunity to have their say on who should run the railways.

A lot of people have become a lot richer as a result of the takeover—that is the way in which the system was set up. Many of us welcomed the changes in the objectives, instructions and guidance last year which obliged any future franchise holder to invest. Under the previous rules, the investor was obliged to get the best financial deal. Now, companies must invest and demonstrate that they would provide better facilities for cyclists and more accessible trains. That is all well and good.

We have heard that after the takeover, punctuality has not been a problem. However, passengers cannot have the figures on punctuality on the Reading service because they are commercially confidential. If passengers cannot have the figures, their feelings are based on perception only. Perception only it may be, but I am concerned about the experience of those using the trains.

Let us look to the future and change the system if necessary. We look forward to the White Paper and a strategic rail authority, but the important thing in the short and medium term is to have decent rail services which people can use and which offer a true alternative to the car—especially over short distances and close to London.

10.33 am

Sir Michael Spicer (West Worcestershire): I had not intended to speak in the debate, as I came in to the Chamber to reserve my seat for Prime Minister's questions. I am a Whip's nightmare in this respect—I listened to the arguments and became interested.

The hon. Member for Cardiff, West (Mr. Morgan) is right to raise the subject of getting takeovers right. Precedents are established here—I would not deny that. There was an implication in his remarks that takeovers were bad intrinsically. On the whole, the existence of takeovers is a good thing, as they are a threat as well as a spur to inefficient management. His central argument was whether there was a planned deterioration, and I want to address that.

The hon. Member for Wansdyke (Dan Norris) said that an excuse book was needed and suggested that it would be a pretty big book. Under what Labour Members see as the utopian days of the nationalised system, the excuse book would have been very small because people did not give excuses. No reason was ever given why trains were late, and they were late much more often then than they are these days. No excuse was given because the passenger did not count. There was not the transparency that there is now—although problems occur when there is transparency.

The hon. Member for Cardiff, West alluded to the casting of blame between Railtrack and the operator. Of course there is buck-passing, but there is also merit in that the matter is discussed and, on odd occasions, it is provable whether Railtrack or the operator is at fault. The system is much more open and transparent to the customer. We must look at privatisation and the problems of running a railway in the context of greater transparency.

The hon. Gentleman said that, in his view, there was some kind of planned intent to run down the railways. He did not want to use the word "conspiracy", but he accepted that he could not find a better word. That is a grave charge, which may even have potentially criminal implications. Before he goes hell for leather on this

[Sir Michael Spicer]

matter, he needs to produce more evidence than saying, circumstantially, that the company is providing a worse service than before.

Mr. Rhodri Morgan: My argument concerned the perverse incentive built into the system.

Sir Michael Spicer: I understand precisely what the hon. Gentleman is saying. I am merely playing devil's advocate, as someone needs to come back at him.

The hon. Gentleman stated that due to the previous circumstances of the structure of the company, there would be difficulty in terms of investing in new rolling stock. He said that the management of the company—they are also the owners, having 51 per cent. of the stock—would be unable to afford to buy or lease new stock. That needs careful analysis. A back-to-back deal for a leasing arrangement, as he himself said, is the way in which it could be done. That is a conventional way in which to set up the structures for such investment.

Such a deal is typically done on the back of outside financing, and on the basis of a lease being sustainable and providing the payback over a period of time that outside financiers would require. That kind of deal does not require the massive resources implicit in the hon. Gentleman's argument.

A central part of the hon. Gentleman's argument was that management could not afford further development, that they ran down companies to impress the regulator and achieve the takeover that they required, and that they then took away the cash in their pockets. There are a number of steps in that argument; hon. Members must analyse them much more carefully than the hon. Gentleman has done before coming to a conclusion about the matter.

10.39 am

Mr. Richard Ottaway (Croydon, South): I sympathise with Labour Members, who raised a catalogue of complaints; I cannot address them all because of time constraints.

It is the job of the Office of Passenger Rail Franchising to resolve such matters. The previous Government set up Opraf in passengers' best interests, to monitor the performance of franchisees and to ensure compliance with franchising agreements. We wanted rail privatisation to work then, and we want it to work now, which is why we gave the Secretary of State for Transport powers to set out objectives, instructions and guidance for Opraf's franchising director as he set about transforming Britain's railways.

In his latest annual report on the privatised network, Mr. John O'Brien, the franchising director, stated:

"Annual support from the taxpayer for the railways will fall over the next six years from over £1 billion to just under £1 billion. The franchisees are committed to investing over £1.5 billion into the rail business.

Franchise plan commitments include new rolling stock on 10 franchises, new services across the network, better security measures, new ideas in ticketing and improved information. I believe that these deals offer effective and innovative services to passengers as well as value for money for the taxpayer."

That is the answer to the central complaint about quality: Opraf's powers were made available before May 1997, but the director must put them into effect.

Guarantees were given for better trains, new services, better security, improved ticketing arrangements and more information for travellers, which is why we gave Opraf the duty to safeguard the existing strengths of rail travel. Mr. O'Brien recognises that

"network benefits such as connections, through ticketing, interavailability and rail cards are particularly important."

I could not agree more. Labour Members would also agree, although they might ask why problems are occurring.

Mr. O'Brien adds that

"it is now my highest priority to ensure that the benefits which the franchise deals promised are secured for passengers. Opraf has put in place a rigorous regime of data collection, review and audit to ensure the delivery of franchise obligations and to incentivise operators to perform better."

That is how he views his powers, all of which were in place before May 1997. He is an uncompromising regulator who is ready to use the powers given to him by the previous Government. His raison d'être is to provide a good deal for rail passengers.

We set up Opraf because we wanted a regulator who would make Britain's railways run better, and his powers were set out in the objectives, instructions and guidance. The November 1996 objective, which was the last to be set under the previous Government, was to

"Secure an overall improvement in the quality of railway passenger and station services available to railway passengers."

Ms Jean Corston (Bristol, East): Will the hon. Gentleman give way?

Mr. Ottaway: No. I shall not be able to complete my points if I give way.

The Government wanted to impose their own rules. The November 1997 objective was

"to secure progressive improvement in the quality of railway passenger and station services available to railway passengers."

The words are almost identical to those in the November 1996 objective, but the Government claim a great triumph over the change of shareholders in the franchises on the strength of that changed guideline.

In the Thames Trains franchise, the Go-Ahead group, which is already the majority shareholder, bought back 34.8 per cent. of the shares currently held by the management and employees of Thames Trains. The hon. Member for Cardiff, West (Mr. Morgan) set out the details of the FirstGroup takeover of Great Western Holdings. Before agreeing to the takeovers, the franchising director withheld his agreement to change of ownership until £75 million of passenger benefits and further investment were obtained.

The Government were quick to say that that was a result of the new guidance, which was introduced in November 1997. It was nothing of the sort. First, many of the improvements would have been achieved without the intervention of the franchising director and the change of ownership enabled the companies to confirm that further investment improvement was already going to take place. I agree with the hon. Member for Truro and St. Austell (Mr. Taylor): the companies knew that there

would be a price to pay the moment that they asked for the regulator's approval for the takeovers. They held back a bit so that they could make an improved offer.

Secondly, the improvements could have been achieved without any change of guidance. The franchising director already had powers in the 1996 guidance note and the changes in the November 1997 guidance note do not add up to a row of beans in the takeovers. A cosmetic operation was undertaken by the Government, who wanted to take credit for any long-term improvement in the privatised railways.

I believe that, in the long term, there will be an improvement in the privatised railways. It is easy to take a snapshot of the current situation and say that it proves that privatisation of the railways has failed. Investment is proposed by the Virgin group and an announcement was made yesterday by National Express: hundreds of millions of pounds of investment is going into the railways.

The travel time to Glasgow on the west coast main line will come down by nearly 90 minutes by 2005. Such improvements will take place in the long term. Labour Members who attended the meeting of the all-party west coast main line group heard directors say that 90 per cent. of delays were caused by outdated rolling stock and that there would be a faster, more reliable service when it was replaced.

Every privatisation that was carried out by the previous Government struggled at first. Hon. Members should read newspaper headlines from the mid-1980s, when we privatised British Telecom. The Labour party passionately opposed that privatisation and Labour Members gleefully came to the House with stories of telephone kiosks not working. Today, no one in their right mind would say that BT is a failure and should be renationalised. It is a British success story of which we can be proud.

Ms Corston: We are talking about trains.

Mr. Ottaway: I am discussing the general principle of privatisation, which is under attack.

The Government have difficult decisions to make over the next few weeks about the channel tunnel rail link, Eurostar and London Underground, and we wish them well. Labour Members should consider the fact that Railtrack would not be a central player in those matters, and the Government could not look to it to provide the investment and expertise required in those projects, if it were still in the public sector. That alone illustrates the success of bringing the private sector to the railways, which will be a success in the long term.

10.48 am

The Parliamentary Under-Secretary of State for the Environment, Transport and the Regions (Ms Glenda Jackson): I congratulate my hon. Friend the Member for Cardiff, West (Mr. Morgan) on securing the debate. There has been great interest in it, but all hon. Members in the Chamber, with the possible exception of the hon. Member for Croydon, South (Mr. Ottaway), wish with all their heart that there had never been a need to have it. The root cause of the problems that we have been discussing is rail privatisation. The hon. Member for Croydon, South praised privatisation.

Mr. Ottaway: Will the Minister give way?

Ms Jackson: No. The hon. Gentleman referred to British Telecom as a shining example of the success of such processes. We are, in fact, debating railways and trains and I was not aware that British Telecom received £1.8 billion every year from the taxpayer to subsidise its activities. That is certainly the case for our railways, yet as hon. Member after hon. Member has pointed out this morning, they and their constituents are experiencing difficulties in obtaining what the Government are committed to see that they obtain for those vast amounts of money—namely, a safe, reliable, affordable railway service throughout the United Kingdom.

Ms Corston: Would it surprise my hon. Friend to learn that last year, I tried to catch a train from Bristol Temple Meads station, which was not indicated on the departure board? I could not find anyone to give me information. Eventually, I found a man in uniform. I asked him when the train was leaving and from where. He said that he did not know, but that he was the driver so if I stuck with him, I would catch the train.

Ms Jackson: I wish that I could say that my hon. Friend's intervention caused me some surprise, but I regret to say that that story probably could be replicated throughout the United Kingdom.

This morning, my hon. Friends the Members for South Swindon (Ms Drown), for Stroud (Mr. Drew), for Newport, West (Mr. Flynn) and for Wansdyke (Dan Norris) all raised the issue of poor service on Great Western. My hon. Friend the Member for South Swindon spoke of her constituents' sense of outrage at the vast profits made via the takeover when their stations were poor and the service was bad. That point was also made about late arrivals by my hon. Friends the Members for Newport, West and for Wansdyke.

The hon. Member for Truro and St. Austell (Mr. Taylor) said that railway staff were fearful of losing their jobs if they complained about what they saw as a deterioration of services. If he or they wish to write to me, I will ensure that their concerns are passed forward without any possible comeback for the individuals who raise them. There should in every industry be a whistleblowing service so that no worker feels that he is under threat as a result of expressing concerns about the failure of the management to fulfil their obligation to provide a high quality of service to the travelling public.

Ms Julie Morgan (Cardiff, North): Does my hon. Friend agree that not only punctuality of trains, but the circumstances that prevail during journeys cause concern to passengers? I have found on the journey from Cardiff to London that the train shakes extremely on certain parts of the journey. When I was travelling up last week, I was drinking a cup of coffee that went all over me because the train was shaking so much. That is something that I have noticed on journeys especially in the past six months. Does my hon. Friend agree that that is another issue that causes a great deal of concern to rail passengers?

Ms Jackson: My hon. Friend raises a point that is, or should be, a cause of concern to all Members of the House—namely, the failure to make proper levels of investment in infrastructure, especially rolling stock. It is a scandal and a disgrace that the previous Government allowed the rolling stock companies to be outside any regulation. That is why my right hon. Friend the Secretary

[Ms Jackson]

of State for the Environment, Transport and the Regions has asked the Rail Regulator to look into the issue. We should be seeing new rolling stock appearing on our networks; we are not. We are, however, seeing the directors of ROSCOs turning themselves into millionaires virtually overnight.

A number of speakers in the debate have expressed concern about the substantial profits enjoyed by the directors of train operating companies as a result of the recent takeovers. Once again, the privatised railway has produced enormous profits for a few individuals, all as a result of the contracts awarded by the previous Government. I regret that there is nothing that this Government can do about those contracts, but what we can and have done is to ensure that the passenger gets the maximum benefits possible from any takeover deal.

Passengers on the privatised railway deserve the best service, and we are determined to ensure that they share the benefits of any takeover. That is what we mean by a passenger dividend. As my hon. Friend the Member for Cardiff, West said, last November, my right hon. Friend the Minister of Transport issued new objectives—a word that my hon. Friend, in a temporary aberration, could not remember—instructions and guidance to the franchising director. These scrapped the previous Government's guidance—to promote privatisation—and told him to put the passenger first. I am pleased that as a result of these new instructions, he has been able to secure substantial packages of passenger improvements as part of the recent takeover deals. My right hon. Friend the Deputy Prime Minister has also asked the franchising director to ensure there is a significant passenger dividend in any future takeover of a train operating company.

That dividend has been practically expressed in the franchising director's announcement of improvements worth in excess of £75 million for passengers of Great Western Trains, Great Eastern and North West Trains. Passengers can look forward to £32 million-worth of new rolling stock to be in service by June 2002, a week's free travel for Great Western season ticket holders and more bus-rail through ticketing on nine routes. For the first time, despite the protestations of the hon. Member for Croydon, South, there will be a performance regime for Great Western services under which the operator will pay penalties if trains are late or cancelled. That was not in the original agreement.

My hon. Friend the Member for Cardiff, West expressed his concern that the newly announced order for rolling stock was an old order that Great Western Holdings had announced, I believe, towards the end of last year. He was right in saying that a rolling stock notice appeared in the *Official Journal* of the European Union, but I understand that asking for a quote on rolling stock through the *Official Journal* does not imply any commitment to procure. There is no guarantee that following such an advertisement the rolling stock will be procured. I understand that the package negotiated by the franchising director has converted that possibility that rolling stock would be procured into a firm, contractual commitment. The franchising director must ensure that all such new commitments are met.

Opinions certainly vary about the appropriate level of payments made for late or cancelled trains—a point made by the hon. Member for Truro and St. Austell. However, if the franchising director had sought higher payments, it is possible that FirstGroup would have reduced other aspects of the passenger dividend, and there is a limit to the value that can be extracted in negotiations of this sort. Before the Great Western deal, there was no performance regime for inter-city services.

On Great Eastern services, all 96 slam-door vehicles will be phased out of service by no later than December 2002 and replaced by modern rolling stock, at an estimated cost of £35 million. On North West Trains services, the franchising director's provisional agreement included £1 million for additional passenger benefits, security improvements and—a point that I hope will be noted—better wheelchair access at core stations by the time new trains are introduced.

Since the franchising director announced on 6 March the package of passenger benefits provisionally agreed with FirstGroup plc, he has had further consultations and negotiations. As a result, additional benefits for passengers and passenger transport executives in the north-west have been secured and were announced by the franchising director on 30 March. These extra benefits include various payments by North West Trains towards the cost of refurbishing PTE vehicles in Greater Manchester and Merseyside, an additional £200,000 to the £1 million already agreed for additional passenger benefits, and a penalty regime in the event of late introduction of the new rolling stock already committed under the franchise agreement. I also understand that FirstGroup and North West Trains will give Greater Manchester PTE undertakings on bus-rail competition in the Manchester PTE area.

The other benefits agreed on 6 March remain as announced by the franchising director, with the addition of a similar penalty regime in the event of late introduction of the new Great Western rolling stock. The franchising director confirmed his approval of the change of control on 30 March.

My hon. Friend the Member for Cardiff, West referred to the meeting that he and other hon. Members had with the franchising director last week for him to explain the position and answer questions. The franchising director has a contractual power of approval or veto over change of control in franchise agreements. He has used this contractual power to negotiate passenger dividends. However, this does not amount to a full-scale renegotiation—

Mr. Deputy Speaker: Order. We must now move on to the next debate.

D'Oyly Carte

11 am

Mr. Martin Bell (Tatton): I promise to set an example of brevity, Mr. Deputy Speaker, both because I believe in it—I have seldom heard a speech lasting 60 minutes that would not have been better delivered in six—and because I know that many other hon. Members wish to speak. Indeed, this debate is in some sense a collective enterprise: by pure coincidence, I understand that several hon. Members asked for the debate in almost identical terms, but mine was the name plucked out of the opera hat, for which I am extremely grateful.

This is not the weightiest issue ever to come before the House, but nor is it negligible. It speaks to our theatre, our music, our tradition, our identity, our sense of history and our sense of humour. We British—I almost said we English; as we have had so many Scottish and Welsh debates lately, let us have an English one—we English have no Mozart, no Puccini, no Wagner but, my goodness, we have Gilbert and Sullivan, who have entertained and illuminated our country and the world for more than 120 years and whose legacy is now in danger. The D'Oyly Carte Opera Company is in danger of extinction unless we act to save it. The time is short, the threat is real; this is the place and this is the time to sound the alarm bells. If this seems to be an April fool's debate, it is an April fool's debate in terms of its timing only; its substance is serious.

To set the scene, let me give a little bit of history. Gilbert and Sullivan first worked together in 1871. In 1875, Richard D'Oyly Carte, a genius of stagecraft and the foremost theatrical manager of his time, founded the opera company that bears his name as a vehicle for their often conflicting talents; he brought them together and brought them back together when they quarrelled for more than a quarter of a century. The result was the extraordinary and unsurpassed tradition of English light opera. The music and the company survived through most of this century but, in 1981, it died for a little while and was only revived in 1988 thanks to a bequest from Dame Bridget D'Oyly Carte, the last surviving member of the family. Now it is in danger again and we should understand that there is no white knight, fairy godmother or family benefactor waiting in the wings this time. The company needs £500,000 before June and, if it does not get it, the dates it has pencilled in for an autumn tour will be rubbed out and the D'Oyly Carte Opera Company will be rubbed out as well and it will disappear from our cultural history.

The issue is important. In the absence of white knights or fairy godmothers, who can save the company? The obvious candidate is the Arts Council of England which, last year, contributed a one-off payment of £250,000, which enabled the company to put on two productions—a revival of "Iolanthe" and Franz Lehar's "The Count of Luxembourg" in English, of course, because we are speaking of accessible light opera. Those productions were critically acclaimed and a huge success with the public; the company toured the country and charged prices that people could afford and the people loved it. The Arts Council is therefore the obvious candidate to be the company's saviour. However, look at the proposed funding of opera in this country for this year and next: nearly £12 million is to be given to the English National Opera and nearly £8 million to the Royal Opera—about £30 million in all; but for the D'Oyly Carte, the oldest opera company in this country and perhaps the best known, nothing at all, not a brass farthing. It is orphaned and unfunded—a thing of shreds and patches.

What then of another possible source—lottery money? The same Arts Council is the sole channel for allocating lottery grants. Those were, until recently, available only for capital projects, but of what use is a capital project to a touring company? Its strength and its essence are its mobility. The D'Oyly Carte brings art to the people, yet it is threatened with going out of business because of the fiscal stringency and, dare I say, the prejudice of the Arts Council of England. Last year, the rules were changed and funding was allocated for something called stabilisation. Fifteen companies benefited, but all were already in receipt of Arts Council grants in aid, which is to say that to those who had was given more and to those who, like the D'Oyly Carte, had nothing was given nothing.

One has to wonder—we certainly wonder—what the Arts Council has against the oldest and most distinguished of our opera companies. Perhaps the D'Oyly Carte Opera Company is too popular; perhaps it is too accessible; perhaps people like it too much. Perhaps if it wrapped up bricks in muslin or islands in plastic, it would be deemed worthy of Arts Council funding. Perhaps if it cross-dressed the cast of "The Gondoliers" or had the crew of "HMS Pinafore" clad in black leather and chains, it would be deemed worthy of Arts Council funding. However, it does not do that: it brings light opera to the people and performs the magic of the stage in loved productions that people understand. Those productions are not frozen in time—the D'Oyly Carte Opera Company changes, innovates and brings things up to date. It does not break with its audience, but carries its audience with it. For this, it seems to me, the company is being penalised.

I sense cultural elitism and snobbery being deployed by the mandarins and Pooh-Bahs of the arts establishment. Their coded accusation is apparently that the company's repertoire is "unchallenging"—what a weasel word that is. Let us apply it to one of Gilbert and Sullivan's most famous creations, "Iolanthe", which was a parody of this institution, albeit more of the other end than of this. It reaches out to us across a century and more and speaks to us with relevance in the 1990s as it did in the 1880s. Last year's production was updated with material that spoke of the wonders of life in the new Labour age—and so it should have been, because Gilbert and Sullivan created something that is permanently updatable and which speaks to us now. Remember that "Iolanthe" was about a still unreformed House of Lords and one of its leading figures was—I must put this tactfully—a Lord Chancellor who had a certain sense of who he was in the order of things. All it lacks is a wallpaper song and, although I should be happy to abandon my parliamentary duties for half a day to try to compose such a song, I suspect that there are others who could do it better.

Gilbert and Sullivan, now as then, argue for a certain freedom and independence of spirit, which is healthy not only in our cultural life, but in our political life. We would do well to heed them in these days of three-line Whips, an entrenched party system and the

[Mr. Martin Bell]

unspontaneous nature of Question Time, which we shall again have this afternoon. Certain lines reach across the century:

"When in that House MPs divide,
If they've a brain and cerebellum too,
They have to leave that brain outside,
And vote just as their leaders tell 'em to."

The manifesto of the independent party in just four lines—if we had an independent party, Gilbert and Sullivan would be its wandering minstrels.

I promised to be brief and I shall be brief. English light opera is a great tradition which we must not let go. The D'Oyly Carte Opera Company has embellished that tradition, revived it and, in some cases, improved it and extended its repertoire. It is the keeper of the flame and the flame must not go out in our time. We must do what we can to save the D'Oyly Carte Opera Company—it is the very model of a modern major opera company.

11.9 am

Mr. Austin Mitchell (Great Grimsby): Mr. Deputy Speaker, I have a song to sing, O! I thought that you might break in at that point and say,

"Sing me your song, O",

but I will not bother to sing my speech. If I did, I would demonstrate a pathetic standard of amateur performance. We need the D'Oyly Carte in order to improve the standard of Gilbert and Sullivan performances in this country. The company is the main trunk of Gilbert and Sullivan provision in our society. It is fantastically popular with enthusiastic audiences. People like Gilbert and Sullivan: it is part of our heritage. However, maintaining that heritage depends on keeping the D'Oyly Carte, which is the professional core of that heritage, going.

As my hon. Friend the Member for Tatton (Mr. Bell) said—I shall call him that in this non-party political atmosphere—the future of the D'Oyly Carte Opera Company is under threat. Unless financial support is forthcoming by June—we are talking about a sum of less than £1 million—the structure will crumble and the company will cease to exist. Many hon. Members applied for this debate to plead with the Arts Council to do something to save D'Oyly Carte. It is irresponsible for the Arts Council to continue to pass the buck. The D'Oyly Carte Opera Company deserves support because it will never be fully commercial, yet it is more commercial than the alternative forms of musical endeavour that the Arts Council supports. In fact, that is its crime: because D'Oyly Carte is more commercial, the Arts Council will not support it.

In its letter to hon. Members—which contains a succession of excuses for doing nothing—the Arts Council shifts from one argument to another. First, it claims that the company is not run properly. However, when its management structures are examined and it is proved that the company is run properly, the Arts Council argues that its productions are not of a high standard.

Mr. Michael Fabricant (Lichfield): Is it not ironic that the Arts Council, which accuses D'Oyly Carte of not being run properly, should sink hundreds of millions of pounds into the Royal Opera house, which is certainly not well run?

Mr. Mitchell: I am grateful to the hon. Gentleman for stealing my next point—although he almost certainly puts it better than I could. That is exactly the case: the Arts Council would rather pour money into a bottomless pit at the Royal Opera house than provide the minimal amount that is needed to keep D'Oyly Carte going. In defending its position, the Arts Council continually shifts the argument. It claims that D'Oyly Carte's standards are not high enough, although it received positively rave reviews—which commented specifically about the very high production standards—for its last tour.

The Arts Council's letter to hon. Members contains a series of excuses for not doing its duty. Why is the Arts Council not doing its duty by the D'Oyly Carte Opera Company? I believe that there are two basic reasons. Reading between the lines, the Arts Council seems to think that, if it supports that company's operating costs—it does not need the sort of institutional support that is given to touring companies—it will open the door and everyone else will want the same kind of support. However, the Arts Council neglects the argument that, if it does not provide that support, the D'Oyly Carte will go under.

It is insane for the Arts Council to pour money into the Royal Opera house and invest in theatres and permanent facilities all over the country but not support those organisations that tour the country and can fill those theatres. D'Oyly Carte tours very economically. It costs less to put bums on seats with D'Oyly Carte than with grand opera, Opera North or other subsidised companies because Gilbert and Sullivan are more popular. D'Oyly Carte tours more often for longer periods and visits more places. Its costs are much lower than that of any other comparable form of musical entertainment or opera. It is right to support D'Oyly Carte in this emergency.

The Arts Council's argument becomes a vicious circle: it will not support D'Oyly Carte because it is not on the list, but the company cannot get on the list because it is a touring company that is not institutionally based, and therefore cannot be assisted with institutional funds. That brings us to the nub of the Arts Council's case. It never states its case explicitly—although it sometimes comes near to saying it—so we cannot attack and lampoon it. My hon. Friend was absolutely right to refer to the cultural snobbery on the part of elitists who view Gilbert and Sullivan as popular, middlebrow and beneath their gaze and their contempt. That is why the Arts Council will not support D'Oyly Carte.

Furthermore, the Arts Council will not support the company because it is commercial. If it were not commercial, the company would be eligible for the same Arts Council support that is poured into alternative entertainment. I came to know Gilbert and Sullivan's work at Manchester university. As a humble working-class lad, I considered it to be positively upper class. However, the Arts Council considers it to be middlebrow and down-market. It is as simple as that.

Today, we must say loudly and clearly to the Government and to the Arts Council: it is no use passing the buck; something must be done. Unless a minimal

contribution is made to assist this wonderful national institution, it will go under—and the country will be the poorer if it does.

11.15 am

Mr. Richard Spring (West Suffolk): I congratulate the hon. Member for Tatton (Mr. Bell) on securing this debate and on putting forcefully the case for re-examining funding for the D'Oyly Carte Opera Company. I do not know whether the hon. Gentleman has a rapport with a particular Gilbert and Sullivan character. Perhaps as a former, much-travelled BBC journalist, he relates to the wandering minstrel; or perhaps—and we shall never know—in some intimate moment in a far-off country, even to Little Buttercup.

I apologise to the House for having to leave the Chamber early, but I must attend the memorial service for Woodrow Wyatt, a former distinguished Member of both Houses of Parliament whose colourful and rich personality could have drawn inspiration from a Gilbert and Sullivan operetta. I also congratulate the hon. Member for Great Grimsby (Mr. Mitchell) on a good speech which made the point extremely well.

Hon. Members will no doubt speak in this debate about revenue funding and capital grants and about the distinction between grant in aid and so-called "stabilisation funds". They will not wish to be detained with the labyrinthine details of arts funding or with the stop-go economics of D'Oyly Carte's recent history. The blunt truth is that, however important those details are, the D'Oyly Carte company needs a significant injection of cash if it is to survive. If it is to get that money from public funds, it will be through the Arts Council of England.

I shall not beat about the bush. In my personal view, it would be a cause for national mourning if D'Oyly Carte were refused appropriate Arts Council funding. The company plays to packed houses around the country. Its productions have been seen by more than 1 million people since its revival in 1988, and it is the guardian of a valuable part of our theatrical heritage. Anyone who attended D'Oyly Carte's presentation in the Grand Committee Room in the Palace of Westminster before Christmas will certainly recall a singularly enjoyable and memorable event. The company has been remarkably successful in the arts world in attracting sponsorship and public support. I pay special tribute to Sir Michael Bishop, who matched a £1 million bequest to D'Oyly Carte to enable the company to be relaunched and who has supported it with his leadership and generosity ever since.

D'Oyly Carte provides an invaluable introduction to the pleasures of operatic performances for audiences and performers alike. It particularly affords an opportunity for young people to learn about light opera, and the stimulus provided may encourage them to enjoy other forms of opera as well.

D'Oyly Carte productions provide entertainment that transcends all age groups. It is a wonderful link to our cultural past—an expression of what has helped to forge us into the nation that we are today—yet, apparently, it is ineligible for an adequate grant because of the attitude of those in the Arts Council who decide these things. There can be no other fundamental explanation for the endless to-ing and fro-ing, false starts and fruitless meetings which have surrounded that funding problem over the years.

Apparently, D'Oyly Carte simply is not good enough. The Arts Council says that things have been better since it gave the company some money, but still, somehow, they are not good enough. Press reviews, on the other hand, have been overwhelmingly favourable. Nevertheless, "Could do better"—or, more likely, "We would rather that they did something else"—seems to be the message.

It has been suggested to me that light opera is not the sort of thing that the great and the good who run the Arts Council believe that they should spend money on. It does not cater to the taste of a sensitive minority. It is not expensive. It is not inaccessible. It is not experimental. It is not—well, new. In fact, D'Oyly Carte is more than 120 years old. It certainly does not need to be rebranded.

The crisis confronting D'Oyly Carte highlights an aspect of the current system of arts funding. Many people feel that, in that system, a cultural elite mysteriously decides what the public should want. Consequently, in order to remain in the charmed circle of so-called clients, theatre and opera companies, galleries and performers must negotiate a perpetually changing series of obstacles and requirements. Often the public feel that, the more obscure and irrelevant the offering, the better the chances of success.

Is it acceptable that the Arts Council should pay so little attention to popular taste? Gilbert and Sullivan is genuinely popular; indeed, a new CD of the most famous songs is currently a best seller. Today's debate is an interesting lesson for the Government in accurate terminology. I do not know how many things have been renamed "for the people"; I imagine that the Soviet Union still holds the record for that, if not by much. However, here is something that really deserves the people's name. The Secretary of State has talked about making the London opera companies more accessible to people, but here, surely, is the real people's opera—for the many, not the few.

The one refreshing departure in arts funding in recent years has been the introduction of the national lottery, yet, regrettably—this is part of the continuing problem—the proposed new opportunities fund is robbing money that would have gone into the arts, and undermines the core basis on which the national lottery was originally established.

An enormous number of people love light operatic music, and have as much right to a slice of the Arts Council of England's funding as have other minority interests that benefit from it.

There is now new leadership in the Arts Council. If money is not found by June, the D'Oyly Carte Opera Company may well cease to exist. That would be a tragedy for an enduring element of the country's cultural life. The changes currently being undertaken at the Arts Council provide a real opportunity to consider the company's plight sympathetically. After some of the Arts Council's more controversial decisions, the changes afford it the chance to reconnect with a large number of people in this country, in satisfying their true cultural interests.

I appeal to the new chairman of the Arts Council to consider carefully what has been said in the House this morning and the many representations that he has received. Let him cut through all the complexity and obfuscation of the past few years in a truly decisive way, like a real modern Major-General.

11.23 am

Mr. Barry Gardiner (Brent, North): I suspect that I am alone in the Chamber this morning in being entitled to wear a D'Oyly Carte necktie. It is given to those who have toured Gilbert and Sullivan opera abroad and played outside this country's shores; more than 20 years ago, the fact that I was able to do that gave me one of my introductions to performing music. I am sorry to say that those neckties are no longer given out by the D'Oyly Carte Opera Company—it can no longer afford to do so. Unfortunately, I am no longer able to wear mine because of the over-zealous support and enthusiasm of my wife for a local jumble sale some months ago. Otherwise, I would certainly have sported it in the Chamber this morning.

My hon. Friend the Member for Great Grimsby (Mr. Mitchell) started by singing that he had

"a song to sing, O"

and had you, Mr. Deputy Speaker, been Elsie, you might have responded by saying,

"Sing me your song, O".

The song that was sung was, of course, that of a lovelorn loon—the song of a forsaken love. If you look at the history of the relationship between the D'Oyly Carte Opera Company and the Arts Council of England, Mr. Deputy Speaker, I think that you will see, in that tale of rejected love, an example that might have been taken from the song.

I want not only to comment on the way in which the D'Oyly Carte Opera Company has provided sheer enjoyment for millions of people in this country, but to focus on the value for money that it has provided. Since 1988, the company has performed to more than 1 million people, giving 174 weeks of performances in 40 major touring theatres throughout the country. Crucially, it has earned more than £8.5 million at the box office. That has been done, not by charging exorbitant rates but, as the hon. Member for Tatton (Mr. Bell) said, by charging a modest entrance fee to hear and to be entertained for an evening of sheer joy.

In fact, almost 89 per cent. of the funding of the D'Oyly Carte Opera Company has come from its own efforts, not from public sector support. Slightly more than £11 million has kept the company going since 1988. Only 11 per cent. of that has come from the public sector.

Sir Geoffrey Johnson Smith (Wealden): I have followed the hon. Gentleman's argument closely. I warmly support the views that have been expressed, and agree that it would be a tragedy if the company were allowed to close. In the period in which the company earned that money, by how much did the Arts Council subsidise other operas and artistic productions?

Mr. Gardiner: I am happy to have that cue, because I was just about to consider the way in which the finances of the D'Oyly Carte Opera Company compare with those of other institutions sponsored by the Arts Council of England.

In just one year—1998–99—there is a spend of £31 million on a total of 11 opera companies, ranging from the Royal Opera, English National Opera and Opera North down to the very small and excellent opera groups, Pimlico Opera, Opera Circus and Opera Factory. In the eight years from 1989 to 1997 public sector support for the D'Oyly Carte amounted to just £1.25 million, and most of that was not from the Arts Council of England, but from other public sector support.

Mr. Anthony Steen (Totnes): To help the House, can the hon. Gentleman tell us how much the Arts Council gave the D'Oyly Carte during the period that he mentioned? Was it £50,000? Was it £30,000? I think that the company received £50,000 for that entire period. Only in the past year, by way of compensation, has it received a little more. Am I right in thinking that, in nine years, the D'Oyly Carte was given £50,000?

Mr. Gardiner: Yes. That demonstrates graphically the disparity of funding for a company which, despite moving its base twice during that period, has managed against all the odds to give sheer pleasure to more than 1 million people in this country. Its performances have been of a consistently high standard—one has only to read the reviews in *The Times* to note that—and it has branched out into other aspects of light opera over that period. The company is giving great enjoyment and providing great value for money. The Arts Council must now take it on board and give it long-term sustainable funding.

11.31 am

Sir Patrick Cormack (South Staffordshire): I am delighted to take part briefly in the debate. I begin by congratulating the white knight who introduced it with an elegant speech and who spoke passionately for us all.

I take issue slightly with my hon. Friend the Member for Great Grimsby (Mr. Mitchell), who spoke disparagingly about amateurs. I got my love for Gilbert and Sullivan at the Theatre Royal, Cleethorpes, when at the age of eight I was taken by my parents to see "The Mikado". The rhythm and tunefulness of the music, and the enthusiasm and spontaneity of the production, gave me a love for Gilbert and Sullivan that has never left me. I remember taking my own children to Wolverhampton to the touring D'Oyly Carte in the days before 1981. It was one of the formative experiences of their lives. Both my sons share the enthusiasm and delight that I take in Gilbert and Sullivan.

That is not unrepresentative of people in all walks of life all over the country. If the chairman of the Arts Council, who after all came to fame through his achievements with Granada, wants to help the people who have helped him, he should say to his colleagues on the Arts Council, "Here is a cause that is really worthy of support."

As I speak, I think of the D'Oyly Carte that was revived in 1988. I went to the two opening productions. I remember a wonderful production of "The Yeomen of the Guard". I was thrilled, as so many were, that the D'Oyly Carte was back on the road. It would be an appalling indictment of our arts subsidy if we all had to put on black ties—I certainly would—in June or July this year.

Arts Council snobs who think that poetry should not rhyme and music should not have tunes are on my list. As far as I am concerned, they would not be missed. If the Arts Council, for which I have some regard, is to deserve a reputation for helping the arts in all forms, and if heaps of scrap metal and daubs that are incomprehensible to the majority of the people of this

country merit major subsidies, and tinned turds at the Serpentine are worthy of public subsidy, surely Gilbert and Sullivan, that wonderful marriage of marvellous music and superb verse, deserves Arts Council help.

I hope that the Minister, who brings a United Kingdom dimension to the debate, will speak up for that quintessentially English duo when he replies. I know that many people in Scotland deeply appreciate Gilbert and Sullivan, and I am glad that the Minister is nodding. I hope that he will realise that throughout the United Kingdom and far beyond, if the flagship that is D'Oyly Carte is sunk without trace, many, many people will be sad. It must not be sunk.

I shall not continue, as many of my hon. Friends—we are all hon. Friends in the Chamber today—want to take part in the debate. Let the united message of parliamentarians go out to the Arts Council, emphasising that D'Oyly Carte is a thing of great worth. Sir Arthur Sullivan was a composer of high renown. We do not want a sad and plaintive playing of "The Lost Chord" this summer. Let the Arts Council follow the example of our white knight in the Chamber, and come to the aid and rescue of one of the most marvellous institutions that we have.

11.35 am

Mr. Ronnie Fearn (Southport): I have been a lover of Gilbert and Sullivan for many years. The hon. Member for Great Grimsby (Mr. Mitchell) said that amateurs were not performing it as it should be performed, but I agree with the hon. Member for South Staffordshire (Sir P. Cormack) that the D'Oyly Carte company has always been an inspiration to amateurs.

Last week I went to see "Iolanthe" by the Houghton players—the Southport Gilbert and Sullivan society—who have been going for 35 years. They gave a remarkable performance. At the end, the young gentleman who changes to the politician came forward in a white suit. I though that that was a good touch. They were certainly up to date with their choreography. That politician was supposedly half-man and half-fairy, but we cannot say that of the hon. Member for Tatton (Mr. Bell). However, we saw the triumph of the knight—the white suit.

I see many amateur performances and speak to the performers. They say that the D'Oyly Carte company inspires them because it tours so much. We have heard that it visited 40 towns and cities, but the true figure is 36, mainly towns. We know that the English National Opera and other major companies occasionally venture out at great expense into the sticks, especially in the north-west, so we rely on the D'Oyly Carte to bring Gilbert and Sullivan to us all.

Not many people know that the D'Oyly Carte has a music library, where music is computerised. There are 1,000 clients on its database. The advantages of computerised music are many: a clear and more modern image, greater consistency, and the elimination of copying errors accrued over time. That has huge benefits for Britain's professional and amateur musicians as performance standards inevitably rise. The company's revenue pays for the library—another item that D'Oyly Carte has given to the country.

Having acted in many amateur performances, I know that not all the seats are always filled. For D'Oyly Carte, we are talking about 80 per cent. bums on seats and a level of sponsorship that no other company has ever achieved. The D'Oyly Carte is a first again. I read last week that the Royal Opera had totted up 77 per cent. bums on seats, but the cost is high. Seats for the D'Oyly Carte are, at most, £23, which amateurs can afford. That is not the case with other opera companies.

Mr. Fabricant: The hon. Gentleman serves with me on the Select Committee on Culture, Media and Sport. He may recall that, during its period of touring, the Royal Opera was able to achieve an average of only about 45 per cent. bums on seats, as the hon. Gentleman—I nearly called him my hon. Friend—so eloquently puts it.

Mr. Fearn: That is correct. The Select Committee has criticised its failure to fill the seats.

With 80 per cent. bums on seats, the D'Oyly Carte is looking for only 20 per cent., which means about £500,000. That would take it out of trouble and lead it into a new era. The figure of £50,000 was mentioned before, but from all grant systems, the D'Oyly Carte has so far managed to raise a total of £350,000, but that is over the past four years.

Mr. Fabricant: Ten years.

Mr. Fearn: Yes, 10 years. Most of the other companies have received £31 million this year, so we can see that the figures are disproportionate.

Like many other hon. Members, I wonder whether the Arts Council needs a shake-up. We thought that there had been a shake-up last year, but there is obviously still some dead wood. Perhaps this is the time for a rethink on funding distribution.

Since 1985, the D'Oyly Carte Opera Company has been performing Gilbert and Sullivan operettas and has been the custodian of a unique British musical history. For the past 15 years, the Arts Council has resolutely refused to acknowledge the achievements of the company, which is now the largest and most prolific touring company in the United Kingdom not in receipt of any regular financial support. The D'Oyly Carte Opera Company is the national light opera company and should be saved. Nobody should say that the floodgates will be opened if the grant goes through because that will not happen. In fact, millions of people will say, "About time too."

11.42 am

Mr. Christopher Fraser (Mid–Dorset and North Poole): It is appropriate to be sitting in a green room given the theatrical nature of today's debate.

I want to deal with the D'Oyly Carte Opera Company and its mass audience appeal. As has been mentioned already, the D'Oyly Carte Opera Company, by virtue of being a touring company, has regularly visited more than 40 theatres the length and breadth of Britain. I should like to put in a plug by saying that it has visited Bournemouth on several occasions. I am proud to say that I visited the company there and appreciated what it performed. Its audiences do not have to take lengthy car journeys to London or elsewhere and stay in expensive hotels. That is the uniqueness of what it offers as a touring company.

The composers at the heart of the repertoire are British and all the foreign operas are sung in English. That is particularly refreshing for a philistine like me. The top

[Mr. Christopher Fraser]

price is about £23 and that is less than a west end musical. It is less than the top price for the Royal Opera's "The Merry Widow" at the Shaftesbury theatre, which is about £40. No one can say that the D'Oyly Carte opera is not cheap for all those who go. I know that one can get tickets for as little as £5. That makes it far more accessible. It is affordable and appealing.

The D'Oyly Carte has always had enormous appeal as the backbone for British audiences—family groups, works outings, groups of friends and many others attend. I should like to declare an interest by confessing to the House that, before being plucked from relative obscurity and talent-spotted to become a Member of Parliament, I performed in Gilbert and Sullivan.

We must look at the issues currently surrounding the D'Oyly Carte. We must have realistic funding so that it can survive and so that we can ensure that the people's opera can reach the public on a more regular basis with a wider and improved repertoire. As has already been said, there is a cultural prejudice. It has a low-brow appeal for some people. So be it. It is provincial, but that is what is wanted by the people who go to see it.

Mr. Gardiner: The hon. Gentleman mentioned the provincial nature of Gilbert and Sullivan. When I was in Russia last year, either at the Marinsky or the Bolshoi, I saw "Iolanthe" being performed in Russian. It is not simply a provincial British operetta, but is recognised throughout the world as being of great cultural value.

Mr. Fraser: I agree with the hon. Gentleman, it is provincial not just to this country but to other countries around the world. That gives it even more enduring appeal.

Mr. Fabricant: While hon. Members are talking about Russia, I must tell them that, when I was involved with re-equipping the studios at Radio Moscow, I thought that I was going to see "Iolanthe" at the Bolshoi. I sat through "Iolanthe" in Russian. There is, of course, "Iolanthe" by Tchaikovsky and I wonder whether the two have been confused.

Mr. Fraser: I am not sure whether that intervention was for me or for the hon. Member for Brent, North (Mr. Gardiner). The length of my performance might increase as I take more interventions, so I will press on.

Mr. Steen: My hon. Friend was touching on the provincial nature of Gilbert and Sullivan, and discussion has taken place. I am sure that he was going to talk about—if he was not, I am sure that he will now—the importance of D'Oyly Carte and Gilbert and Sullivan in schools. Many young people are introduced to classical music in that way. They may find Wagner and Shostakovich a little heavy, but Gilbert and Sullivan is their introduction to light music and classical music. Does my hon. Friend agree that the D'Oyly Carte company has been the flag carrier for that message in schools?

Mr. Fraser: I agree entirely with my hon. Friend. It does provide an introduction for many people to music generally as well as to light opera. It is palatable and, as I said earlier, if I can accept and understand it, I am sure that many others will.

We must look at what the Arts Council is doing. My fear is that the Arts Council finds it beneath itself to support this company. As my hon. Friend the Member for Lichfield (Mr. Fabricant) has already said, we can compare the D'Oyly Carte company with the Royal Opera house. I am also a member of the Select Committee on Culture, Media and Sport, which has just conducted an inquiry into the Royal Opera house, where generous funding lives alongside poor management controls on expenditure and the Arts Council could be regarded as having thrown good money after bad. As the Select Committee has already reported, that is not good enough. I should like to see more money going towards a touring opera company such as the one mentioned today, rather than into other projects which we know are inherently badly managed and where money is being wasted.

Those who enjoy light operetta have just as much right as those who prefer the more bona fide opera that is touring this country to expect their chosen form of entertainment to be subsidised. The D'Oyly Carte company has never received lottery money, yet the principle of the national lottery was to provide funds to restore our heritage and promote projects which will become a source of national pride. I argue that the work of the D'Oyly Carte Opera Company has achieved that over many years.

For the Arts Council, lottery money has been used to top up existing lottery grants to the favoured few. We must overcome that in the future. Hon. Members would surely rue the day if we, and those who love Gilbert and Sullivan and other composers, were to lose for ever some of the classical operas such as "Iolanthe", which is being plugged heavily this morning and in which a certain Lord Chancellor's lot is not a happy one. If I may, I should like to quote from it because its relevance today is particularly uncanny. I will not sing the words:

"When you're lying awake with a dismal headache,
And repose is taboo'd by anxiety,
I conceive you may use any language you choose
To Indulge in, without impropriety;
For your brain is on fire
The bedclothes conspire of usual slumber to plunder you;
First your counterpane goes, and uncovers your toes
And your sheet slips demurely from under you;
Then the blanketing tickles—You feel like mixed pickles
So terribly sharp is the pricking
And you're hot, and you're cross
And you tumble and toss
Till there's nothing 'twixt you and the tickling."

I have to confess that it took me a moment to realise which Lord Chancellor was being referred to in that piece. The parallels of the loss of sleep that both the Lord Chancellor in "Iolanthe" and the current Lord Chancellor are having in their private quarters will not be lost on the House. There are many other salutary reminders to the House of the work of G and S and the D'Oyly Carte Opera Company. The hon. Member for Tatton (Mr. Bell) eloquently used an example himself. Such classic lines and such classic opera should not be lost. We must support the D'Oyly Carte Opera Company and funds must be made available to ensure the continuation of the benefit that it brings to the whole country.

11.50 am

Mr. Anthony Steen (Totnes): I congratulate my hon. Friend the Member for Tatton (Mr. Bell) on his skill in obtaining this important debate and on his wonderful speech.

Why are we having this debate? I wonder if anyone has thought about it. It is simply because a unique British institution is on the point of being closed because the Arts Council, the custodian of the arts, is refusing to put it on its client status list, which allows regular and annual funding to artistic and opera companies. It has failed totally to respond to public demand. The important point is: why are the Government standing by and letting that happen?

Unlike any other opera company, the D'Oyly Carte takes music to the people. It is the only national touring light opera company to do that. All the other opera companies are administratively based in large buildings and have enormous overheads to meet, whereas the D'Oyly Carte is entrepreneurial, commercially managed and has survived on £50,000 from the Arts Council over nine years.

In fact, the D'Oyly Carte's problem is that it has been too commercially successful. Its innovations include recently doing a deal with a Harry Ramsden fish and chip restaurant in Nottingham, where every month Gilbert and Sullivan is performed by the D'Oyly Carte to people enjoying fish and chips. Harry Ramsden may become synonymous with Gilbert and Sullivan. Whenever people go to eat fish and chips, they will be singing a merry little tune.

D'Oyly Carte also has highly skilled management. The royalty rates of the D'Oyly Carte recordings have just been renegotiated.

Mr. Nick St. Aubyn (Guildford): My hon. Friend mentions trying to succeed commercially. In my constituency, I have a fine theatre, the Yvonne Arnaud, which has tried to succeed commercially and feels that that is exactly why it has such a hard job in getting any money at all out of the Arts Council.

Mr. Steen: Clearly, the Arts Council has come in for criticism. I hope to add a little more, but I am grateful to my hon. Friend for his intervention.

The D'Oyly Carte is an opera company with deep roots in what it is to be British—in our heritage and culture—retaining the original Gilbert and Sullivan qualities: it has the lyric sheets, song scores and choreography. It is more accessible to the people than any other. Perhaps most significant, it has lower production costs than any other national company and, I believe, higher artistic quality, so what is wrong with the Arts Council? Why are all of us in here today? What is happening there?

I fear that much has been happening. I suspect that, if the D'Oyly Carte were a Stockhausen quartet playing in a wine bar in Ludlow or Cheltenham, the Arts Council would be throwing money at it. There is some truth in the accusation that Gilbert and Sullivan is viewed by the Arts Council as low-brow, down-market, popular and not musically correct.

Having been trained for a short time as a pianist at the Royal Academy of Music, I know what it is to be musically correct. There is no doubt about it: Gilbert and Sullivan is not musically correct and Arts Council officials just do not like it. It is true that some Arts Council officials are on their own private trips to suit their personal idiosyncrasies. There has been blatant discrimination against Gilbert and Sullivan and the D'Oyly Carte.

I make a serious charge: the D'Oyly Carte has been badly misled by the Arts Council. As joint chairmen of the D'Oyly Carte Gilbert and Sullivan parliamentary group—I am not sure whether they are hon. Friends or hon. Members, but I am happy to say it in this case—my hon. Friends the Members for Great Grimsby (Mr. Mitchell) and for Southwark, North and Bermondsey (Mr. Hughes), we have seen what has been going on in the Arts Council for the past two years. The D'Oyly Carte has been misled by the Arts Council for so long that it has built up debts as a result. The Arts Council must repay the debts that it has allowed the D'Oyly Carte to build.

The D'Oyly Carte was led to expect that it had an excellent chance of obtaining funds under lottery stabilisation. I pay tribute to the Secretary of State for National Heritage in the Conservative Government, my right hon. Friend the Member for South-West Surrey (Mrs. Bottomley), who persuaded officials that they needed to change the lottery rules specifically to allow lottery money for touring. That was called stabilisation and it was to help pay off any debts or accumulated deficits. The lottery rules were changed.

Arts Council officials were told that that would allow them to help organisations that had built up some problems over the years. The problem, however, was that those officials were so arrogant in their selection of who should benefit from stabilisation that they totally disregarded the Government's intention and—this is perhaps significant for the Minister to understand—used the stabilisation fund, which they said would be limited to £5 million, but which they doubled unilaterally to get themselves out of a tight corner financially.

In its briefing paper to both Houses of Parliament yesterday the Arts Council said that

> "Arts Council for England stabilisation money is intended to stabilise so that organisations do not require further revenue funding from the Arts Council for England",

yet all the money from stabilisation has gone to those already on its client status list. It was totally deceptive as to what it was doing. It needs to make a statement today as to why it did that and to explain how it is that debts of £6.8 million that were faced by English National Opera were written off.

The House deserves a statement by the chairman of the Arts Council as to why his predecessor allowed stabilisation money to go to organisations that it was already funding, rather than do what it was told to do by the Government. We call for an explanation and the Minister should demand one. Perhaps he will give us an answer in his winding-up speech.

There is worse to follow. The Arts Council misled the D'Oyly Carte into believing that it was just a matter of time before it would find ways of funding it. In fact, the D'Oyly Carte was strung along. Because it was strung along, its debts have doubled. In the belief that it was a serious candidate for stabilisation, the company commissioned an independent report—by Bonnar and Keenlyside, approved consultants—on the company's

[Mr. Steen]

future. The report cost the D'Oyly Carte £30,000, but the Arts Council immediately rubbished it, as it did not say what the council wanted to hear.

Two months later, in April 1997, the Arts Council—as if by way of compensation—provided a one-off grant of £250,000 to enable the company to undertake an autumn tour. Why should the D'Oyly Carte put on an autumn tour, and why should £250,000 of public money be granted if the company was not to continue? The chairman of the Arts Council allowed that to happen. Why?

The Arts Council, contemporaneously with granting £250,000, insisted on yet another report, this time from a Richard Crossland, who was—Arts Council approved, of course—wheeled in to investigate. D'Oyly Carte had to foot another bill, this time for £15,000.

Richard Crossland was intimately connected with English National Opera. He failed to disclose that he was contracted to Newcastle city council at the time when the city was talking to D'Oyly Carte. As hon. Members will know, he had other connections with English National Opera.

The D'Oyly Carte company had a long and successful period working in conjunction with Birmingham city council. What drove the company out was very simple: the theatre in which it was working went into liquidation. It was a private company that went to the wall. It has been said that Newcastle wanted the D'Oyly Carte up north. However, the Newcastle theatre, and the man behind it, is in a position similar to that in Birmingham. That does not mean that the theatre will go bust, but—as it is not a charity—it would still be in a vulnerable position if the D'Oyly Carte went there.

As important, no extra money will be provided by Newcastle. The amount of money offered by the property developer who would like D'Oyly Carte to come to Newcastle is no more than is currently being offered in Wolverhampton, where the company is currently based. Therefore, that promised commercial sponsorship is no more advantageous.

Mr. Mitchell: That myth—which keeps coming back, particularly from the Arts Council, as part of a circular argument—about Newcastle should be laid to rest. It is that the Arts Council will not help the company because it should have gone to Newcastle. However, that was not a realistic offer and offered nothing more than was offered in Wolverhampton. It would not have provided the type of money necessary to keep the D'Oyly Carte going. It was not a reasonable offer.

Mr. Steen: In the past 18 months—perhaps the hon. Gentleman will forgive me if I do not comment further on this—the Arts Council has been in great turmoil. It has had no general secretary and little continuity or policy. The company is currently based in Wolverhampton, where it has considerable support. The Arts Council seems to want it to have a larger base and larger administrative costs, and keeps talking about the north-east. The council does not like the fact that 89 per cent. of the D'Oyly Carte's running costs come from the box office and private sponsorship. The council resents the company's independence, and has never cared for its music.

There is either gross incompetence in the Arts Council—which the Minister will undoubtedly be concerned about—or some conspiracy. The manner in which one of our most revered institutions has been allowed to reach the point of winding up—for the sake of less than £1 million—is almost a national scandal. The D'Oyly Carte has been bedevilled by excuses about why it cannot be put on the list. It was misled about stabilisation, and then its management was attacked. Its artistic standards were attacked, and now its management is again being attacked.

In a nutshell, the Arts Council wants to kill off the D'Oyly Carte, and it has nearly succeeded. I hope that the Minister will not offer platitudes in his reply, because they will come too late. Can hon. Members imagine the Italians allowing an opera company that is intrinsically linked with Verdi to go to the wall? Would the French allow a company involved in the light operetta of Offenbach to fail?

The D'Oyly Carte will go anywhere to save the Gilbert and Sullivan tradition. It is not against moving to Belfast, Newcastle or Scotland. The company will go wherever it is told to go. Those in the Arts Council are the ones who will not allow it to go anywhere.

The Government have to realise that, as they are from the people's party, they have to save the people's opera. There must be a future for something that we all love.

12.4 pm

Mr. Peter Brooke (Cities of London and Westminster): It is a pleasure to follow my hon. Friend the Member for Totnes (Mr. Steen)—whom I always think of as the hon. Member for South Hams—who has been a doughty champion of this cause over the immediate past years. I should declare an ancient interest, in that my grandfather illustrated published editions of Sullivan's songs.

This is a brief debate. I shall be even briefer than I usually am, and seek to avoid repeating hon. Friends and other colleagues. However, I know that all hon. Members will want to congratulate the hon. Member for Tatton (Mr. Bell) on his masterly opening speech. Without wishing any ill, or intending any read-across towards the relevant Minister in the current Administration, I remind the hon. Member for Tatton of that other continuing contemporary resonance—from Pooh-Bah's speech in "The Mikado", when he is illustrating the ironically Chinese walls in his Department—in the words that, as Paymaster General, he could so fix the accounts that, as Lord High Auditor, he could not work out what he had done.

I shall concentrate on a solution, rather than condemning those who have so far not been able to provide one. I was once the Arts Council's Secretary of State. I cannot plead innocent to the charge of having reduced its funding, although today's issue had not yet arisen when I took that decision.

I have sympathy with the Arts Council, which has fewer funds than it has sometimes had in the past. If the arm's-length principle means anything, it means that it is for those on the Arts Council to make the decisions. I will not substitute my judgment for theirs. However, I cannot help thinking that genuine public support for public funding for the arts is more likely to be forthcoming and sustained—such public support is very important to the

Department, for which the Minister will reply—if some of what the Arts Council funds has a welcome echo of recognition from the public. Not for nothing do we know that Oscar Wilde himself looked forward to the first night of "Patience".

I am not without confidence of a solution. The Minister is an enthusiast for British films. He arrived in office confronted by Treasury orthodoxy, and he has personally slain that dragon on behalf of British films, and has been widely saluted for having done so. I realise—I fear that his speech today might reinforce it—that his Department regards the problems surrounding Gilbert and Sullivan as every bit as daunting as those which confronted him in the context of films. However, I hope that he will confirm that, as part of our national culture, Gilbert and Sullivan means as much to him as the British film industry. I myself have profound confidence in his ingenuity.

One footnote is worth making in territory other than that of the Arts Council of England. The Minister is preoccupied with film distribution. In Northern Ireland, where I also served, the Arts Council of Northern Ireland looks after both Opera Northern Ireland and the Grand Opera house in Belfast. It is unfortunate—if, as I fear, it is true—that, in a manner worthy of Pooh-Bah, the Grand Opera house is being denied to the D'Oyly Carte company on the ground that it would threaten the interests of Opera Northern Ireland. That is a good example of the Arts Councils, collectively and in the plural, deflecting public support, rather than encouraging it.

12.7 pm

Ms Patricia Hewitt (Leicester, West): I apologise for not having been in the Chamber for the earlier part of the debate, particularly for the speech of the hon. Member for Tatton (Mr. Bell). I was detained in Committee, where we were taking important evidence. However, I look forward to reading the debate, with profit and pleasure.

I have never seen any contradiction in enjoying and believing in public support for both classical and light opera—for both so-called high culture and popular culture. I was brought up, musically at least, on both "The Mikado" and "The Messiah", and had the great good fortune as a schoolgirl to sing in productions of both. I shall not detain the House today with performances of either. That was in a different part of the British Commonwealth, Australia, where arts policy is not muddled up with class structures. I entirely agree with the hon. Member for Totnes (Mr. Steen) about the real root of the difficulties facing D'Oyly Carte: the snobbery of so much of the arts establishment, and so many members and staff of the Arts Council of England.

Arts policy and the Arts Council should be about supporting excellence across a wide range of artistic forms. The Arts Council should seek to promote the widest possible accessibility to excellent music and art among people from all communities throughout the country. What do we see when we look at the D'Oyly Carte company? We see excellence in production standards and musical performance. Many right hon. and hon. Members had a chance to enjoy some of that excellence when, for the first time in the history of this Parliament, some members of D'Oyly Carte performed for us in the Grand Committee Room. The excellent quality of the company's productions is testified to by several music and opera critics. The company is popular, commercially successful and accessible, as it is in essence a touring company, but it will not survive unless it can add to that commercial success a very modest amount of public support.

I hope that I shall win the Minister's support for my final comment: snobbery towards popular art forms and popular opera should play no part in a modern arts policy for this country. I hope that the Minister and the Arts Council, under its new direction, will ensure that D'Oyly Carte, which has enjoyed such a glittering career for the past 120 years and provided enjoyment for millions of people in this country and abroad, will continue to play a glittering part in this country's artistic life.

12.11 pm

Mr. Simon Hughes (Southwark, North and Bermondsey): I, too, will be brief in the hope that all those who want to speak will be able to do so.

If this were a trial by jury, the charge would be: found guilty as proved. It is probably as well that the debate was introduced by our independent friend, the hon. Member for Tatton (Mr. Bell), because that is evidence of the all-party, non-party, cross-party nature of the case. I thank him for his characteristically colourful and effective speech. I shall not repeat points made by others.

I am the product of a Gilbert and Sullivan upbringing. For a very high price I shall reveal a photograph of me at the age of 13 dressed in a costume as Katisha. When I was at school, I went to London to see D'Oyly Carte and found it inspirational. It was the first non-children's performance that I saw in the theatre. At home, we sung the scores round the piano with family and friends. It was an easy, accessible and enjoyable activity, but it was also educative—dare I say, it was my first introduction to politics. I learnt from Gilbert and Sullivan of the scepticism that one needs in politics.

In passing, I should like to thank Wolverhampton borough council for housing D'Oyly Carte in recent years. Long may it continue to be as supportive.

We are discussing a company that is local, amateur, regional and provincial. Its work is national but also goes beyond England. My school was in Wales, and over the border it was as valid an education as it was in England. Moreover, the company has said that it will perform not just Gilbert and Sullivan but Offenbach, Strauss, Lehar, Noel Coward, Novello and Stephen Sondheim. It is about light opera, which is a whole class of cultural activity, not a limited cultural island. Nor is it limited to this country. The great thing about D'Oyly Carte is that, unlike the Church of England, people know what they will get, but they always get more. It has a guaranteed minimum and one is often excited by the updating and the extras.

I wish to send a message to the Arts Council: please listen to us, because we were elected and the Arts Council was not. The elite and innovative are valuable, but the popular is equally valuable. One cannot have a diet of nouvelle cuisine without decent meals. We must have parity of funding—the famous level playing field. This company is the best of British—the best of British politics, law, establishment and music—and it tells us about Britain. The Arts Council's credibility is at stake if it does not deliver. We may not be the main players, but we are a mighty big chorus and I hope that the Arts Council hears us loud and clear.

[Mr. Simon Hughes]

I know that the Minister and his colleagues want to be helpful. There are ways forward. To use words from somewhere else, they could be "bloody, bold, and resolute" and tell the Arts Council what to do. That might have to be the solution. The Government could amend the lottery rules and, if they need the House to help them, we shall do so. They could afford the facility for a loan, which would provide an immediate solution. Alternatively, they could dip with a small hand into the Contingency Fund, which is regularly raided when there is a crisis and money is needed. The money exists, and £500,000 would not be noticed by 11 Downing street.

I urge the Minister to be positive. I know that the Secretary of State will want to help us. If he wants a summit over the weekend so that people can work out a solution, we are willing to attend. This House believes that the money is available, and it must be forthcoming soon.

12.16 pm

Mr. John Randall (Uxbridge): I am pleased to speak in this debate because we all seem to be singing from the same score. I just hope that the Minister will join in the chorus.

D'Oyly Carte has meant a lot to the culture of this country. When I was a young boy more than 30 years ago, I went to listen to D'Oyly Carte. My interest in opera has broadened since then, as has my waistline. I regard myself as an everyday young man

"who is fond of his dinner and doesn't get thinner on bottled beer and chops."

Opera has also held some interest for me in my new career in this place, and I recall the lines:

"I always voted at my party's call

And I never thought of thinking for myself at all."

I realise that times have changed.

The Arts Council made a one-off grant, a condition of which was that D'Oyly Carte would be subjected to a consultants' report. The report was pretty denigrating. I think that the consultants simply did not understand how good D'Oyly Carte's performances were. *The Sunday Times* compared its production of Lehar's "The Count of Luxembourg" with the Royal Opera house's "The Merry Widow", and D'Oyly Carte's performance came out well on top.

The Arts Council has chosen to ignore something as vulgar as public opinion in this matter. The council may consist of people with great brains; I do not say a word against brains—indeed, I have great respect for them and often wish that I had some. There can be no better way to encourage people to take an interest in opera than through encouraging accessible light opera, particularly Gilbert and Sullivan. People are fed up with the Arts Council and want to know why it can find £30 million to subsidise other areas of opera, but cannot find the relatively small funds needed to support a unique and very British institution. I sincerely hope that my rapid and unintelligible patter will be heard because, to many thousands of people, this does matter.

12.18 pm

The Minister for Film and Tourism (Mr. Tom Clarke): We have had a magnificent debate. We are all grateful to the hon. Member for Tatton (Mr. Bell). The voice of Parliament has come across loud and clear from both sides of the House. This is Parliament at its best, speaking with influence.

I agreed with almost everything that the hon. Member for Tatton said, but I have to let him down gently on one point. He appeared to detach himself from the rest of us who have been elected to this House. I have news for him—he is a politician like the rest of us now; he has joined the club. Even Gilbert and Sullivan would have recognised that. In "Iolanthe", they wrote:

"The prospect of a lot

Of dull MPs in close proximity,

All thinking for themselves is what

No man can face with equanimity."

I fear that the hon. Gentleman is part of that as well.

The serious issues that the hon. Gentleman raised were echoed by hon. Members from both sides. It is right that we have had this debate. The Government are fully aware of the support that the D'Oyly Carte Opera Company commands in both Houses. Its recent tour of "The Count of Luxembourg" and "Iolanthe", which the hon. Gentleman mentioned, gave great pleasure to many throughout the country. Sir Michael Bishop has brought strong leadership to the company and has clearly been a vigorous and dedicated champion.

I agree with almost everything that the hon. Member for South Staffordshire (Sir P. Cormack) said, except perhaps for his peroration. As I have had reason to reflect when visiting my local primary and secondary schools and operatic societies, appreciation of Gilbert and Sullivan is not confined to England. Indeed, it would be a tragedy if it were. The hon. Member for Southwark, North and Bermondsey (Mr. Hughes) originates from Wales and my hon. Friend the Member for Brent, North (Mr. Gardiner) clearly has his roots in Scotland. We have even heard about Russia during the debate. We should not limit the influence of Gilbert and Sullivan to England. The hon. Member for South Staffordshire looks suitably penitent. I accept that.

Sir Patrick Cormack: I did not mean to give that impression. When stressing the quintessentially English nature of Gilbert and Sullivan, one does not want to minimise their universal appeal.

Mr. Clarke: In the spirit of the debate, I am pleased with that clarification.

Many important points have been raised during the debate. If I do not have time to deal with all of them, I shall write to the relevant right hon. and hon. Members. My hon. Friend the Member for Great Grimsby (Mr. Mitchell) and the hon. Member for Lichfield (Mr. Fabricant) talked about the Royal Opera house. The two companies do different things. We have made it clear that we unreservedly want wider access to the Royal Opera house. Sir Richard Eyre's review, due to report in May, will examine that. The Arts Council has provided £4 million for a range of accessible touring operetta in the three years to March 1997. That funding continues.

I cannot dodge the clear messages to the Arts Council from hon. Members on both sides. My right hon. Friend the Secretary of State and I believe that there are two essential messages for the Arts Council. First, there is strong support across the House for the work of D'Oyly Carte. Any assessment of its value as a company should be based on the quality of its work rather than on preconceptions about the nature and worth of light opera. Secondly, I must tell the Arts Council candidly that it must support—and be seen to support—a range of artistic activities covering a variety of genres.

The hon. Member for Southport (Mr. Fearn) raised a number of important points about the principle of arts funding. Decisions on the funding of arts organisations, including D'Oyly Carte, are taken by the Arts Council and regional arts boards. Those decisions are taken at arm's length from Ministers—for a good reason. It would not be appropriate for me to intervene in those discussions.

The hon. Member for Totnes (Mr. Steen) raised a number of pivotal issues in his excellent and probing speech that require a response from the Arts Council and from D'Oyly Carte. We want clarification on the Newcastle offer. The hon. Gentleman's arguments lead me to conclude that there is a conflict of evidence. Although I have made it clear that it would be inappropriate for me to intervene on the general issue of funding, I shall seek a response from the Arts Council on that significant point.

Like the previous Government, we accept that D'Oyly Carte is an independent company, responsible to its board and backers for its operational decisions. The Government's role is to ensure the most appropriate framework to enable all the arts to flourish. Within that framework, the Arts Council of England is responsible for administering funds and support to arts organisations based in England. It is for the council to take decisions on the balance of support between art forms and the allocation of grants without the involvement of Ministers. The hon. Member for West Suffolk said that the Government bear the responsibility. That was the only discordant note from the score that the rest of us were singing from.

We were elected on a pledge to maintain public expenditure for the next two years at the levels planned by the previous Government. The £184.6 million allocation to the Arts Council announced in December reflects that commitment. Contrary to some of the comments that I have read, the Arts Council has been aware of that figure for 18 months. It is the responsibility of the Arts Council to decide on the balance of funding within that figure.

Mr. Steen: The Arts Council's lottery fund has £250 million. It goes on providing money to build more and more theatres. Will the Minister take action to stop that?

Mr. Clarke: I am sure that the Arts Council will pay careful attention to that point. I understand that it has difficult decisions to take on allocating the available resources, but that is its responsibility.

The House would expect no less than a full spirit of glasnost and open government. No one would be happier than my hon. Friend the Minister for Arts—who is unable to be here because of ministerial responsibilities—to see D'Oyly Carte put on a sound financial basis. I am sure that all hon. Members accept that he has done a great deal to further discussions. It is clearly up to the company to pursue all the options, including, if appropriate, resuming correspondence with the Arts Council—to which we would expect an urgent response.

Mr. Steen: Two months to go.

Mr. Clarke: Indeed. My hon. Friend the Minister for Arts has also offered the possibility of a further meeting with the all-party group, and I hope that that will be taken on board.

The Government are keen to see the great British tradition of Gilbert and Sullivan flourish in every part of the land and internationally. The tradition is inextricably linked with the name of D'Oyly Carte. The Government hope that D'Oyly Carte will be able to work with its supporters to identify viable ways of continuing to delight audiences all over the world.

I should make it clear that the arts in this country are funded, and have been funded over many years, on the basis of an agreed format involving important principles. I know that the Arts Council has strong views, but it ought to feel confident enough to debate them with us in public. I understand that, as a condition of the Arts Council grant in 1997–98, D'Oyly Carte commissioned—

Mr. Deputy Speaker (Mr. Michael J. Martin): Order. I call Mr. Tom Levitt.

Deaf Awareness Training

12.30 pm

Mr. Tom Levitt (High Peak): I first met a profoundly deaf sign language-using person 12 years ago. It is unusual that I should have gone for so long without doing so, since one in 1,000 people in this country have sign language as their first or only functional language. That experience was very moving—although not quite as moving as my speech, judging by the number of hon. Members leaving the Chamber, which I hope is not an indication of their interest in the issue. As a district councillor, I vowed from then on to promote the political cause of deaf people's access to services and information. I studied British sign language and I wrote a charter for local government. In collaboration with the—

Mr. Deputy Speaker (Mr. Michael J. Martin): Order. The hon. Member for Falkirk, East (Mr. Connarty) should not stand in front of an hon. Member who is addressing the House.

Mr. Levitt: In collaboration with the British Deaf Association, I went freelance and became a research consultant on access issues for people with sensory impairment. I even went so far as to write a book on the issue for the Local Government Management Board, and to deliver deaf awareness training courses.

Some 8.7 million people in this country are hearing impaired—one person in every seven, or one in every six adults, which reflects the high incidence of deafness among older people. Some are profoundly deaf; others are deafened; others are hard of hearing. Some are partially deaf; some have one-sided deafness; some are deaf in both ears. Some are pre-lingually deaf; others acquire their deafness as they get older, for one reason or another. Some have tinnitus with their deafness; others do not. For some, deafness is of genetic origin; for some it is caused by war, industrial damage, loud noise, loud music or accident. Some people's deafness is caused by diseases such as meningitis or rubella. Some deaf people are visually impaired as well. Others use sign language. Some lip-read. Some cope with their everyday life, but many do not, and effectively opt out of what we would regard as the mainstream. One could almost say that no two deaf people have the same communications requirements, yet we, the hearing majority, tend to bundle them together.

We talk about being deaf and dumb, which is an insult if one takes the pejorative meaning of the word dumb as stupid. We talk of being "deaf as a post" or use the phrase, "Are you deaf?" as an insult. We assume that deaf people are inadequate, suffer from their deafness or are alienated from the mainstream. Those are all self-fulfilling prophecies: the attitudes of the hearing majority often cause them to come true.

Such attitudes are born of ignorance—often among service providers, be they the Government, local government officers or the private sector. I suspect that such attitudes may even be shared by some hon. Members, although I hope that that is not true. I hope to use this debate—this dialogue with the Minister—to help Members and the nation to give people who are deaf, deafened and hard of hearing the respect and dignity that they deserve. I hope to return to related issues in later Adjournment debates.

There are many ways in which the communication needs of people with hearing impairments can be supported: sign language interpreters, text telephones or minicoms, loop systems to aid the use of hearing aids and lip-reading classes. I hope to talk about them on other occasions. None of those ways of assisting communication for deaf people addresses the problems of all deaf people. Each of them is only of partial assistance or a partial solution for a particular group. Only one thing helps all deaf people: increased awareness of their communication needs among the hearing majority. I shall give some examples of how communication problems can arise.

A common case occurs in the hospital waiting room. The name of the next patient is called out, but because he or she is deaf, the appointment is missed. No one checks; it is just assumed that the person is not present, and the staff move to the next patient. A deaf friend of mine is frequently affected when it is announced over the Tannoy on a railway station platform that the train that he is expecting will depart from a different platform: because he cannot hear the announcement, he misses his train.

I was at a party a little while ago, where I got talking to a building society manager. When he heard what I did, he said, "Oh yes, we have one of those purple signs with the ear and the bar across it on the door of the building society." It had been there for many years; unfortunately, the manager did not know what it meant. That clearly shows that the deaf awareness training that some of his staff had had was not appreciated, and had therefore probably not been used.

There are instances of loop systems failing to operate for months or years before somebody notices and can put them right. Deaf people are not renowned for coming forward to complain when things are not as they would wish them to be. Even background music in supermarkets, which may be pleasant for some, makes it very difficult for people who have a hearing impairment to hear what is being said to them and to conduct a normal conversation.

Hearing aids do not confer perfect hearing. There is an assumption among hearing people that hearing aids confer brilliant, pristine hearing—but they do not. Most hearing aids do not produce the high-quality audio signal that we as hearing people hope and expect to receive. If they are damp, dirty or ill-fitting, for example, hearing aids can be less than perfect. At best they assist some deaf people with their communication needs; they cannot be regarded as solving the problem.

I am sure that all hon. Members have been guilty at some time of taking deaf people for granted or ignoring them. We may have talked on the doorstep to a constituent and found that his or her hearing impairment made conversation difficult and tried our patience. We may have ignored the one in the group of constituents who says nothing—perhaps because they cannot hear what is going on.

We have all been taken aback when an apparently normal-looking person starts to speak in a funny voice—as we would define it, because we do not understand that, if a deaf person cannot hear his or her voice, it cannot sound like a hearing person's voice. We may all have dismissed sign language as mere mime and gesture, which is a major mistake. British sign language is a wonderfully expressive and rich language, and it is the first or only

functional language of 50,000 people in this country. That makes it the second most widely used endemic first language among inhabitants of these islands.

Recent research by the Royal National Institute for Deaf People exposes far too many examples of communication needs of deaf people going unmet.

As public figures, hon. Members need to be aware of the communication needs of their constituents. Shop assistants need to be aware of the needs of their customers. Waiters, council officers, swimming pool attendants, nurses, doctors and people in the voluntary service all need such awareness. Everyone who comes across members of the public in his or her work needs deaf awareness training to be able to break down the communication barriers that exist between themselves and those with hearing impairment.

We can start here. I am sure that whenever a deaf person is trying to communicate with you, Mr. Deputy Speaker, you are aware of five simple rules to follow that will make it easier for the deaf person to lip-read. If you face the deaf person, about 1.5 m away in a quiet place, he or she will get the best view of your face. If you keep your face still and in the light, the deaf person will be able to lip-read more effectively, and if you do not chew or smoke, do not shout, and do not have a beard—the Minister might pass that advice on to his boss, the Secretary of State—you diminish the possibility of misunderstanding even more. You must also be prepared to repeat yourself and write down phrases when necessary.

Above all, Mr. Deputy Speaker, the secret of assisting deaf or hard-of-hearing people to understand you through lip reading is to be patient. Those five simple rules, which are easy to understand, are all that is needed to assist communication with most, or at least very many, people who are deaf or hard of hearing and rely to some extent on lip reading.

Last year about 5,000 people took the brief experience of deaf awareness training that I have outlined rather further, and achieved a certificate of deaf awareness under the auspices of the Council for the Advancement of Communication with Deaf People. The number of those who do so has been doubling year on year recently, as employers, especially in the public sector, add that training to the portfolio of training opportunities available to their staff.

I have taught that course to voluntary workers in citizens advice bureaux, and I have never had a student fail. Deaf awareness training is an excellent course, which I recommend to all those who come into contact with the public in their work. I hope that the Government will continue to give the CACDP practical encouragement in making its work available to the widest possible audience.

In the House, many of our Committee Rooms, and the Chamber, have loop systems to help hearing aid users, but there is not a system in every Committee Room, and it is not clear to passers-by which Rooms have them and which do not. There are no signs, as one would expect, to let it be known that a loop facility is available.

I understand that should a profoundly deaf, sign language-using member of the public wish to use a sign language interpreter in this place, one can be provided for the Strangers Gallery—but I do not know how, or even whether, the service is publicised, and I do not know how one goes about booking an interpreter. I am sure that deaf people who require sign language interpreters do not, by and large, know that the facility exists.

Finally, there is no access to parliamentary information using the text telephone or minicom—the deaf person's equivalent of using the telephone.

I hope that right hon. and hon. Members will take up the recent generous offer by British Telecom to provide 100 minicoms for their constituency offices, to enable them to get in touch with some of their deaf constituents. I also hope that they will sign early-day motion 888, which congratulates BT and the RNID on their initiative and calls for minicom access to the House. I hope that Members will actively make contact with their deaf constituents, rather than simply assuming that social services will look after all their needs.

I am grateful to my hon. Friend the Minister for coming to reply to the debate. However, I am sure that the presence of a Health Minister does not suggest that the Government believe that deaf issues are merely health issues. They are not. It is essential that we approach all disability questions according to the social model of disability rather than relying on medical definitions. Deaf people have a right to access all the services that the hearing majority take for granted.

I hope that my hon. Friend will tell us that the national health service intends to lead the way in making its services accessible to deaf people. I believe that, as yet, there is no concerted strategy to do so. A profoundly deaf woman who had been injured in a car crash once told me that she found the casualty department more frightening than the accident, because she did not know what was going on.

A couple of years ago, the British Deaf Association and I tried to find independent funding to conduct research into deaf people's access to services and information within the NHS, but none was available. That is why I welcome this week's publication of the "Deaf Women's Health Project", produced by the Association of Greater Manchester Authorities, whose message is that all is not well with deaf access within the NHS. There is an example on page 7, where we read that when in-patients were interviewed on a hospital ward, more than one deaf woman did not know why she had had surgery, as information and communication support were not available. One said:

> "Ward rounds can be awful. Sometimes nurses will give information, but we never get full information like hearing people. The doctors shout at us, and all the ward hears about our problems, but we don't know what is wrong. Shouting does not help us."

Deaf awareness training is already being provided for the Employment Service officers dealing with young deaf people as part of the new deal. That is welcome, and I look forward to the same caring and positive approach being applied to the benefit integrity project and other aspects of the Government's front-line benefit and other services.

I understand that the RNID is contemplating offering deaf awareness training directly to hon. Members later this year. I know that the Government are committed to implementing part III of the Disability Discrimination Act 1995, and that, too, is welcome. We are also committed to establishing a disability rights commission, amid much evidence that deaf people at work continue to suffer discrimination in recruitment, retention and promotion.

[Mr. Levitt]

None the less, deaf people are growing anxious. They expect great things from the people's Government—and they are right to do so. It would be good news indeed if the Minister could give us today some idea of the timetable according to which progress towards those two aims will be made, and an assurance that the NHS will be in the forefront of that progress.

The Minister should rest assured that the experience of the Americans with Disabilities Act clearly demonstrates that reasonable access for deaf people, and disabled people generally, to services and information is not expensive. I have, I hope, demonstrated today how a little awareness goes a long way.

There are hearing-impaired Members of the House of Commons and of the other place. Those are the ones who can cope; nevertheless they know what I have been talking about. Too many others find that they cannot cope, and our awareness is literally their greatest opportunity for emancipation.

May I use British sign language to accompany my final comments, Mr. Deputy Speaker, so that I can address my friends who use it as their first language? Deaf people are people first and deaf second. Their communication needs are very important, and our awareness needs to be improved to help them.

12.48 pm

The Minister of State, Department of Health (Mr. Alan Milburn): My hon. Friend the Member for High Peak (Mr. Levitt) deserves the congratulations of the whole House on having secured time to debate this important issue on behalf of deaf people, and on the way in which he has raised the issue, which is profoundly significant to many millions of people in our country.

As my hon. Friend rightly said, the Royal National Institute for Deaf People has confirmed that, in Britain, one person in seven has a form of hearing impairment. Some were born deaf, some became deaf in later childhood and others were deafened or became deaf or hard of hearing in later life.

We all have personal experience of having aging relatives who are becoming increasingly hard of hearing and increasingly frustrated by our inability to communicate with them. Each hearing-impaired person will have developed his or her own specific communication, and we in the hearing community must learn to adapt our responses to them.

I agree with my hon. Friend that we need to do more to raise general awareness among the public of the difficulties faced by deaf and hard-of-hearing people. The important principle is that the initiative lies with the hearing world, not with people who are hard of hearing.

The Government regard disabled people—including those with hearing impairments—very much as full and productive members of society. We want people, regardless of their disability, to contribute to their local communities, to the wider society and, where possible, to the wider economy. All too often—we must be frank about this—they are hampered in their efforts by the barriers that the rest of society erects against them. Whether we do that deliberately or inadvertently, it is discrimination, which the Government are committed to tackling.

In addition to our overarching commitment to combat social exclusion, our manifesto promised, as my hon. Friend will recall, comprehensive and enforceable civil rights to protect disabled people from discrimination. Last October, the Government set out their three-part strategy for meeting that commitment. First, we established a disability rights task force, which is chaired by the Under-Secretary of State for Education and Employment, my hon. Friend the Member for Newport, East (Mr. Howarth), who is responsible for equal opportunities. The task force met for the first time in December. Half its members are drawn from disability organisations, and 12 members are themselves disabled. Its task is to report, by July next year, on how best to secure the comprehensive and enforceable civil rights that the Government have promised. Its early meetings have been extremely productive—so much so that it is now ready to make recommendations.

The task force's most urgent priority has been to consider the role and functions of a disability rights commission, which is the second part of our approach. We have always maintained that anti-discrimination legislation for disabled people needs to be supported by an enforcement body. A disability rights commission will help to make anti-discrimination legislation more effective; it will ensure that disabled people receive the protection to which they are entitled. It will also ensure that everyone—disabled people, people in business and their advisers and so on—can receive the guidance that they need.

My hon. Friend will understand that I cannot be specific about the final shape of the disability rights commission or exactly when it will be set up—that will depend on the parliamentary timetable—but he will know that it is a matter to which we attach great importance and on which we are determined to deliver as soon as possible.

The task force's next job will be to consider the wider framework of rights for disabled people. That is the third part of the Government's strategy, which may take longer to deliver than the commission. In the meantime, however, we are committed to implementing the outstanding duties created by the Disability Discrimination Act 1995. Although the Act is flawed—it is neither comprehensive nor easily enforceable—it offers some worthwhile additional protection for disabled people.

The remaining duties will require service providers to make reasonable adjustments to help disabled people to use their services. For example, they must take reasonable steps to provide auxiliary aids and services which would enable disabled people to use a service, such as installing minicoms and induction loops or providing British sign language interpreters. We hope to announce the timetable for implementation shortly. In the interim, it will make sense for many service providers to invest in deaf awareness training in preparation for their new duties.

My hon. Friend expressed concern about the lack of a comprehensive approach to deaf awareness, but he will realise that there is much good local practice on which to build. I note with interest that there have been several exciting initiatives in his constituency to raise the awareness of hearing people to the needs of hearing-impaired people. Deaf awareness training for staff

is currently a key focus in North Derbyshire health authority's hearing impairment strategy, and the authority is working jointly with the local social services to develop training programmes for staff throughout the district. The training is intended for key staff—such as those in the ear, nose and throat ward at the acute trust and those in general practice—precisely to address the concerns that my hon. Friend has raised on behalf of deaf people, who have had a far from happy experience of contact with front-line service staff.

I want other parts of the country to follow suit in implementing the good practice that exists in my hon. Friend's area. That is why a good practice guide, called "Equality for Disabled People in the New NHS", will shortly be produced, as well as a video about deaf and hard-of-hearing people's use of hospital and health care services and about how good practice can be achieved.

It is not only in the national health service that progress needs to be made. The social services inspectorate, for example, recently inspected local authority services for deaf and hard-of-hearing people. The inspections revealed inequalities of service and highlighted a need for more deaf awareness training.

To follow up that report, the Department of Health intends to produce positive practice guidelines on services for people who are deaf and hard of hearing. The social services inspectorate has produced its first video to inform deaf and hard-of-hearing people, who have additional difficulties, about current social service policies.

Our efforts will be targeted at front-line staff. For many people, the first port of call for support and information is the reception area of a general practitioner's surgery or of their local social services department. Those front-line staff are the initial service providers, and their reactions to hearing-impaired people can prejudice future relationships. That is why we attach importance to one of the most widely used mechanisms for encouraging training in deaf awareness for all front-line staff, both specialist and non-specialist, in local authorities—the training support programme, which is also used to support the development of national vocational qualifications for care staff.

My hon. Friend mentioned the Council for the Advancement of Communication with Deaf People, which receives support from the Department of Health in its role as an examiner and validator of training courses in deaf awareness and in interpreting, including British sign language. In a bid to raise awareness of training courses, the council has published, with Department of Health support, a directory of training opportunities and material for staff working with deaf people in the personal social services in England.

As my hon. Friend said, deaf awareness is not only relevant to health and social services but has implications for all walks of life and for all Government Departments. I understand that in the transport industries, for example, increasing emphasis has been placed over recent years on the need for disability awareness training for staff who work directly with the public. A number of videos have been produced, including one by the Department of the Environment, Transport and the Regions, and intensive training programmes are now used by rail and bus operators. All those programmes include material on deaf awareness.

All those steps are important; they signify a growing realisation by the Government and in public services generally that if public services are genuinely to serve all the public, they need to have greater awareness of those who are deaf or have hearing problems. The Government are committed to taking seriously deaf awareness training and the wider question of services for deaf and hard-of-hearing people. Much progress has been made, with the help of hearing-impaired people, their voluntary organisations and service providers, but we realise, of course, that we still have much to do to ensure that hearing-impaired people live their lives to the full and as independently as possible.

I have no doubt that my hon. Friend's comments will have concentrated minds in the public service, in Government Departments and in the House on the steps that need to be taken to make that vision a reality. I think that he has done a service both to the House and to the large community of people who are deaf or who have hearing problems. I very much hope that, jointly, we can make progress in the future.

Kingskerswell Bypass

12.58 pm

Mr. Patrick Nicholls (Teignbridge): I am grateful for the opportunity to raise the subject of the Kingskerswell bypass, which has had a remarkable history. It was first set down as a route in the county development plan as long ago as 1951, and my researches show that it was clearly mooted for 15 years before that.

For those hon. Members who are not here today, but will avidly read *Hansard* tomorrow, I am talking about the four-and-a-half-mile stretch of road between Newton Abbot and Torquay. It is called a bypass, and I suppose that when it was first thought of that might have been an accurate description, inasmuch as it bypassed the old village of Kingskerswell, but these days it effectively cuts the village in half.

There are many things that one could say about the bypass and people's attitude to it, but I am anxious to give the Minister time to respond, and I know that the hon. Member for Torbay (Mr. Sanders) will also want to play a part in this debate.

The most significant factor to explain what the bypass is all about is the traffic flow figures. I am reliably informed that about 35,000 vehicles a day use the road. It is customary in debates such as this to say that the traffic gets much worse in summer, but in fact it gets only slightly worse: there is no more than 10 per cent. more traffic. My plea, and the case that has always been made for the Kingskerswell bypass, cannot be misrepresented—or, to use a more neutral term, misunderstood—on the basis that the present road is a perfectly happy little road until the tourists come down and the traffic explodes. A huge volume of traffic uses the road, with only a slight increase in summer.

When the present road gets blocked, traffic backs up all the way from Torquay to the Penn Inn roundabout. Anyone travelling to Newton Abbot, let alone Torquay, will immediately feel the effects. The effect on people's quality of life is bad enough, when their community is divided by a steady stream of polluting traffic and they have to resort to using rat runs to get to and from work, not to mention how people feel in adjacent areas when that traffic goes through their locality—all that is true, and if time allowed one could say much more about it—but there are also effects on the area's economic viability to be considered.

The Newton Abbot-Torquay-Paignton area is defined as a main area of economic activity. The effect of not being able to travel sensibly from Newton Abbot to Torquay is completely to seize up the potential of the land that lies beyond where the end of the bypass would be. That says something about Torquay, and a great deal more about the other areas.

Devon's excellent county engineer, Edward Chorlton, said:

"The Newton Abbot to Torquay corridor already experiences severe congestion throughout much of the day and . . . is directly affecting the locational decisions of local businesses, with a number of local companies having relocated away from Torbay as a consequence of difficulties experienced in maintaining a reliable and predictable means of highway access . . .

From the above it can be appreciated that the Newton Abbot to Torquay corridor is not only of great importance in terms of accommodating movement within the area but also of strategic importance in terms of providing the principal connection between Torbay and the wider area of Devon and the rest of the Country. It is also crucial to ensuring that the development potential of the area is unlocked."

Anyone who knows Edward Chorlton's reputation will realise that he is a national figure in such matters. Obviously, he is concerned about a local scheme, but he has used his words carefully and precisely.

In terms of the social, commercial and environmental consequences, there is absolutely no case to be made against the bypass. It is often said, when Members of Parliament meet in the stilly watches of the night to say how much they appreciate the contributions that their constituents make from time to time, that there are no votes in bypasses. That is probably true, but the extraordinary fact about this bypass is that I could count on the fingers of one hand—with some to spare—the number of letters of objection to it that I have had.

The Kingskerswell bypass is unique for this reason, if for no other: that there is no opposition to it. There is no lesser crested aphid out there in the elephant grass waiting to reveal itself and hold up the scheme. Everybody, be they environmentalists, residents, holidaymakers or people with an interest in the commercial destiny of that part of the world, agrees that the scheme is vital.

It is not surprising that the Department of Transport took up the scheme in 1990, believing that the road should be trunked, and accorded it priority one status. When major schemes were halted—indeed, cancelled—in 1995, this scheme was not cancelled, but adjourned indefinitely.

When it suddenly emerged that the scheme was not to go ahead, there was an outcry. That is an over-used word, but there was an outcry none the less. The then Minister with responsibility for the west country, my right hon. Friend the Member for Skipton and Ripon (Mr. Curry), initiated a review to find out whether it would be possible to revive the scheme by other means. With all-party agreement, following visits from Ministers and meetings with Devon county council, the rules on the private finance initiative were altered so that it would be possible for the local authority to take over the scheme.

As the authority would be continuing work that had already been started, it had to be given assurances that it would not have costs dumped on it without recourse to Government help.

Mr. Anthony Steen (Totnes): I congratulate my hon. Friend on landing this debate. The issue is extremely important and concerns all his constituents and most of mine. I support him to the hilt, and I feel sure that the Minister will respond as helpfully as she possibly can.

Mr. Nicholls: That is certainly my expectation, too, for reasons that I shall reveal in a moment or two. I am grateful to my hon. Friend. That says it all: this is of infinitely more significance than a matter affecting merely one constituency.

The PFI scheme went ahead swimmingly. It received the support, as it had to, of the public-private partnership programme—the four Ps—and proceeded straightforwardly. It was attractive to those interested in PFI. The shadow tolling arrangements, which would have been the very basis of a PFI solution, are highly attractive to any company that might consider such a scheme.

The figure of 35,000 people a day speaks for itself. I was assured only this morning that there had been a great deal of interest in the scheme.

One can easily imagine the disappointment when, in February, the Department of the Environment, Transport and the Regions, in the person of the head of branch, local transport policy, wrote to Devon county council about the latest list of endorsed local authority PFI units:

"This does not include any new transport projects as Ministers have decided not to endorse significant transport schemes for the moment. In reaching this decision they were concerned that a decision to endorse such projects now would have to be taken outside the context of a strategic framework for the assessment of schemes of this nature."

That was it.

At that stage, Devon county council—quite properly—had to ask itself whether it could continue to spend substantial sums on preparation when it had been given the clearest possible indication that the matter would not go ahead. At a stroke, defeat was snatched from the jaws of victory. The scheme was tantalisingly close, but apparently it has now disappeared into the ether. That is not acceptable.

What do we do now? This is not any old bypass. There are Members of Parliament—I am not one—who will paint a picture of a local scheme as having global, international or cosmic relevance. However, this scheme is not one of those. The facts are clear—the scheme's significance goes far beyond Teignbridge, important though that is. The PFI scheme exists and is waiting to be used. Work has been done. If it is not taken forward, it will represent a substantial waste of money, apart from the disappointed hopes of those who relied on that work.

Even if today is the first part of the process, merely accepting the status quo is not an option. I am not expecting the Minister to say that she will reverse everything. That would be unfair to her, and I would not dream of doing that—I have been here too long.

I do not wish to embarrass the Minister—but if I do, I am doing so in the House of Commons, so it will get very little publicity. I have been impressed on two specific occasions in relation to constituency matters where I expected a stock reply from her, but I did not get one. The first part was a stock reply from a word processor, but the second part contradicted the first part, and showed that the Minister was keenly involved. It is clear that when hon. Members write to her about matters of real concern, she gets stuck in. Effectively, that is what I am asking her to do today.

I am not asking the Minister to reverse everything—I am asking her to take a personal involvement. She is responsible for road traffic matters, and whatever emerges from the overall strategic plan for roads, it is inconceivable that the Kingskerswell bypass will not form part of it. That would be common ground among everyone involved.

The Minister may say that the Government's position is what it is, and that the justification was as Mrs. Lister said. I hope that she will agree to meet a properly constituted delegation from the area—the names of whom will be given in advance—so that she can hear local people explain why this is so important. She can hear directly why the rules were specifically altered to allow the scheme to take place.

I am asking the Minister to come back to me in due course to consider the proposition that the project is unique, and to say that it can be looked at afresh. Merely saying that it is all very sad, but that nothing can be done, would give credence to an attitude I detect from many of her hon. Friends—although not from her. Their attitude is, "Does the west country matter? Will it be necessary to have Labour Members of Parliament from the south-west region to achieve a second term?" No, it will not.

That is not the attitude I have had from the hon. Lady, following correspondence. I am asking her to say, without criticising Government policy, that she will look at the scheme, and tell us how she might deal with it.

1.14 pm

Mr. Anthony Steen (Totnes): With the permission of my hon. Friend the Member for Teignbridge (Mr. Nicholls)—and, I hope, the Minister—I wish to make a one-minute intervention.

Mr. Deputy Speaker (Mr. Michael J. Martin): Order. Did the hon. Gentleman ask the Minister before the debate commenced?

Mr. Steen: No.

Mr. Deputy Speaker: As a courtesy, he should do so. Is the Minister agreeable?

The Parliamentary Under-Secretary of State for the Environment, Transport and the Regions (Ms Glenda Jackson) *indicated assent.*

Mr. Deputy Speaker: Perhaps in future the hon. Gentleman will make that arrangement before the start of the debate.

Mr. Steen: Normally, I would do so, Mr. Deputy Speaker, but I was heavily involved in the previous debate on the D'Oyly Carte. I am grateful to the Minister.

My constituency borders the Kingskerswell bypass, and I was delighted by the boundary changes which meant that my constituency did not include Kingskerswell—which is a nightmare. It is the one bottleneck in south Devon, if not the whole of Devon. The Minister may remember the Exeter bypass 20 or 30 years ago, where cars and caravans were blocked nose to tail throughout the year. The bypass is a blockage from morning to night.

One may try to avoid the bypass, but Torquay suffers badly because tourists cannot get in and out. I see the hon. Member for Torbay (Mr. Sanders) in his place: I am not suggesting that we should help him, but we do want to help Torbay. I have more than one third of Torbay in my constituency, and it would provide enormous help to tourists if some of this absolute nightmare could be relieved.

The strange thing is that, whatever time of day or night one travels on the bypass, it is full. There is always a blockage, with cars turning right or left, and one can never drive through, even at the 40 mph speed limit. It normally takes about half an hour to an hour, on a good day, to go on the Kingskerswell bypass. I am dispassionate, in the sense that the bypass is not in my constituency, but I receive letters virtually weekly from constituents who say

[Mr. Steen]

that it is the worst jam they have ever seen. They get furious; if one is concerned about road rage, one should be concerned with this bypass.

I agree whole-heartedly with my hon. Friend the Member for Teignbridge, who espoused his cause so well. He is well known as a tremendous and courteous fighter for the west country. I join forces with him today in saying that we are listening with keen interest to what the Minister has to say.

1.15 pm

The Parliamentary Under-Secretary of State for the Environment, Transport and the Regions (Ms Glenda Jackson): I congratulate the hon. Member for Teignbridge (Mr. Nicholls), not only on obtaining the debate, but on the passion and detail with which he espoused his cause. I say that entirely objectively, although I am grateful for his gracious words.

It is clear that this matter is of overwhelming concern to the local community, and I am sure that all hon. Members can understand the desire for a solution to be found. I say "the local community", but the hon. Member for Totnes (Mr. Steen) also pointed out the concerns of his constituents. Concerns have been expressed from as far away as Plymouth, Sutton. On 29 July, my right hon. Friend the Minister of Transport received a letter from my hon. Friend the Member for Plymouth, Sutton (Mrs. Gilroy), in which she raised the concerns of one of her constituents about the bypass.

The bypass is an important factor in the economic development of Torbay. On 17 June, the head of parliamentary affairs of the Federation of Small Businesses wrote to my right hon. Friend the Minister of Transport, highlighting the fact that the federation was involved in a campaign on the Kingskerswell bypass.

The hon. Member for Teignbridge claimed that this was a unique scheme, but Kingskerswell, regrettably, is not alone in suffering increased levels of traffic. Many towns and villages are damaged by the relentless increase in road traffic, and the revised traffic forecasts published in October 1997 show it increasing by nearly 40 per cent. over the next 20 years.

This is quite unacceptable, and it is therefore clear—there is widespread consensus about this—that, if current policies are not adjusted, congestion will worsen, the impact on the environment will be more severe, and those who do not have access to private transport will find it increasingly difficult to get around.

It is for that reason that the Government embarked on fundamental reviews of transport policies last year. It is important that we develop a sustainable and integrated transport system, which makes best use of the contribution that each mode can make and ensures that all options are considered on a basis that is fair and is seen to be fair.

We have three broad options for roads: first, to make better use of existing infrastructure; secondly, to manage demand; and, thirdly, to provide new infrastructure. Using existing infrastructure is the obvious first choice, because it has been provided at substantial financial and environmental cost and we must make best use of that investment. However, we must also seriously consider the two other, harder options.

Management of demand is a vast subject, which encompasses reducing the need to travel by land use planning, assessment of the extent to which a shift to other modes could be encouraged, and, inevitably, control of demand by pricing or rationing mechanisms.

Providing new infrastructure is a difficult option, financially and in terms of environmental impact. Our starting point is that we shall not proceed with major new road construction unless we are satisfied that there is no better alternative. Even then, there will be difficult choices to be made, because limited resources are available.

We have conducted a wide-ranging public consultation exercise on the development of an integrated transport policy, and a White Paper, which will be published in the spring, will set out the framework of our sustainable transport policy for this Parliament and beyond.

No final decisions on policy options have yet been taken, but underlying principles are already clear. We are committed to facilitating the mobility of the British people in a more environmentally, economically and socially sustainable way. We must provide choice between various modes of transport and aim to encourage people to use their cars less. We want better, more integrated transport systems, especially better public transport. The Government also want more responsible use of cars and lorries in terms of safety and of environmental performance, and greater emphasis on walking and cycling and on the particular needs of disabled people, the elderly and children.

We recognise that, in some circumstances, provision of new road infrastructure would be the best way of tackling transport problems. Bypasses in particular can have beneficial effects in certain circumstances, by removing through traffic from communities. The hon. Member for Teignbridge detailed the benefits that would accrue to his constituents if a bypass was built.

The hon. Member for Teignbridge also referred to the high volumes of traffic passing through Kingskerswell on the A380, and to the environmental damage it causes to the community. Traffic flows through Kingskerswell have increased considerably in recent years, from 20,000 vehicles a day in the mid-1980s to nearly 35,000 in 1995. Growth on such a scale is unsustainable, and shows graphically why we must tackle such problems with new policies and attitudes.

Mr. Adrian Sanders (Torbay): We have heard a great deal about jams today, but the Minister's remarks suggest that we shall have jams tomorrow. What specific measures could be taken now to reduce traffic congestion on that road? Even if she said today that a bypass would be built in the shortest possible time, we would face at least five years of increasing congestion. We need action to be taken now to reduce or remove the congestion. Could she give advice to the relevant highway authority—or take a specific measure—that would reduce traffic congestion now?

Ms Jackson: The Highways Agency published details of its tool kit and the range of methods for traffic management on our trunk network. Local authorities have powers of restraint, but there are particular difficulties with this stretch of road, because it is a single carriageway

that runs between two dual carriageways. I am happy to write to the hon. Gentleman in detail, if he will allow me to do so because of the time constraint that we are under.

Mr. Steen: Will the Minister send me a copy of the letter?

Ms Jackson: By all means. I should also be happy to furnish the hon. Member for Teignbridge with a copy, if he wants to be patched in.

I am aware that there have been proposals to bypass Kingskerswell for many years, and they were developed as a trunk road scheme in the early 1990s in association with a proposal to trunk the A380 once the bypass had been built. However, decisions to remove the scheme from the active trunk road programme, in 1995, and from the programme altogether, in 1996, mean that responsibility for developing solutions to Kingskerswell's problems now falls to the local highway authority, Devon county council.

That is not to say that the Government wash their hands of the problem: it is almost inevitable that implementing whatever solution the county council chooses to take forward will require central funding, but responsibility for developing a detailed solution rests firmly with the local authority.

Since 1996, the council has continued with preparation of the Kingskerswell bypass with a view to its becoming a candidate for funding under the private finance initiative. The hon. Member for Teignbridge referred to a recent letter to Devon county council from my Department which detailed the announcement in February by my hon. Friend the Minister for Local Government and Housing of the latest endorsed local authority PFI projects. The list did not contain any new transport schemes, and it may help if I elaborate on the reasons for that.

An important part of the integrated transport and roads reviews is the development of a new open and fair framework for assessing transport projects. It will embody the fundamental criteria that we have set for transport projects, such as environmental impact, economy, safety, integration and accessibility, and will cover the extent to which various options, including public transport provision, might resolve the problems.

The framework will enable us to take forward decisions about which schemes or projects should be funded within our new transport policies. We hope to publish details later this year, but thought it right and proper to advise authorities such as Devon county council which are working on PFI schemes that they might wish to postpone further development work until they know what the new framework involves.

Mr. Nicholls: The Minister makes a helpful point. If I have understood the county council's position correctly, it takes the view that it would be irresponsible to continue to spend money after receiving such a letter as Mrs. Lister's. Is she saying that councils should hold on and wait for the review, because the Government could say within a matter of months whether councils should go ahead? Is the position for the county as awful as that which followed the action taken by the previous Administration in 1995, or is it a temporary blip?

Ms Jackson: I understand that the Kingskerswell bypass would require several years of planned development work before it reached any possible date of contract signature. The new strategic framework will be in place in good time for any decision on whether it will have priority for PFI credit support. In the light of what I have said, Devon county council will be aware that it should hold on, and that it will know how to proceed when the new framework is in place.

The Government fully support appropriate use of PFI for transport schemes. We of course understand local disappointment that the Kingskerswell bypass was not on the list of endorsed PFI projects. However, our proposed solution—that transport problems should be assessed against a new, fair and open framework—means that it was only right to warn the county council about the risks of carrying out further work on the bypass scheme before the new framework is published. I trust that my answer to the question asked by the hon. Member for Teignbridge will assist it in any further consideration.

Tibet

1.28 pm

Mr. Harry Cohen (Leyton and Wanstead): I am delighted to have obtained this debate on Tibet. I am a member of the all-party parliamentary Tibet group, and I pay tribute to its members and officers, such as Lord Weatherill, a former Speaker of the House; my hon. Friend the Member for Stoke-on-Trent, South (Mr. Stevenson), the chairman; the hon. Member for Ruislip–Northwood (Mr. Wilkinson), Lord Avebury and Lord Willoughby de Broke, the vice-chairs; my hon. Friend the Member for Sunderland, South (Mr. Mullin), the secretary; and the hon. Member for Belfast, South (Rev. Martin Smyth).

Last month, my colleagues and I attended a wreath-laying ceremony at the monument to innocent victims of violence at Westminster abbey. Many Tibetans are innocent victims of violence, and the debate takes place at a good time, because the Asian leaders summit is taking place in London this week. China, one of the great powers in Asia, will be represented.

I have great respect for the progress that China has made, especially economic and social progress, but it should not expect to flout long-accepted international standards without serious criticism. It has flouted those established standards to a major extent in Tibet. I hope that the Government will tell the Foreign Minister that colonisation, imperialism—a word that they will understand—attempts to extinguish a unique cultural heritage and the denial of proper human rights in Tibet are unacceptable.

If China is to be a truly great player in the world and respected throughout the world, it now has to adopt internationally accepted norms of democracy, human rights and the tolerant acceptance of diversity, especially of cultures of long standing and of religious beliefs. China is not meeting those norms in Tibet.

The legal status of Tibet has a long history, but it was a de facto independent state between 1913 and 1950. Central Tibet was ruled from Lhasa. It demonstrated all the conditions of statehood generally accepted under international law. It was a people, a territory, and it had a Government who conducted their domestic affairs free from any outside authority. Then came the Chinese invasion. In 1951, a 17-point agreement between Mao Tse-Tung and the Dalai Lama was signed. The Dalai Lama had no choice but to sign it in the wake of the Chinese takeover. It was a fait accompli.

Even the 1951 agreement has been violated in main part by the Chinese. They undertook to maintain the existing political system in Tibet, to maintain the status and functions of the Dalai Lama, to protect freedom of religion and the monasteries, and to refrain from compulsory reform. They have not done so. They have proceeded with a policy of absorption of Tibet into China. That has been recognised and objected to by the United Nations in its resolutions of 1959, 1961 and 1965.

A report was published in December last year by the International Commission of Jurists, which has consultative status with the United Nations. The report is a 390-page indictment of Chinese rule in Tibet. It focuses not only on the entire period since the Chinese invasion of central Tibet in 1950, but on events in recent years. It finds that repression in Tibet has increased steadily since 1994. It refers to the third national forum on work in Tibet, a key Chinese grouping of senior officials. The forum has embarked on a campaign to curtail the influence of the Dalai Lama and to crack down on dissent.

The ICJ report says that, from the beginning of 1996, there has been further escalation of repression in Tibet, with a re-education drive in monasteries, and intimidation of monks and nuns. It says that, in 1997, the forum labelled Buddhism a foreign culture. That is in Tibet, the home of Tibetan Buddhism.

The report is damning in many regards. On autonomy, it says that there is a centralised dominance of the Chinese Communist party, and that Tibetans are excluded from meaningful participation in regional and local administration. Where Tibetans are in positions of nominal authority, they are shadowed by much more powerful Chinese officials. The ICJ says that that is not in keeping with the concept of autonomy.

The report refers to threats to Tibetan identity, and quotes the United Nations resolutions, which talk about the suppression of the distinctive cultural and religious life of the Tibetan people. The report refers to the 1991 sub-commission on prevention of discrimination and protection of minorities of the United Nations Commission on Human Rights, which expressed continuing concern at the reports of violations of fundamental human rights and freedoms which threaten the distinctive cultural and religious national identity of the Tibetan people.

The ICJ report refers to population transfers. Since 1950, there has been a large influx of Chinese into Tibet. Tibetan urban centres have been sinicised. It is estimated that Chinese people now account for one third of the total population of all areas within the Tibetan autonomous area.

Tibet's cultural heritage is also referred to in the ICJ report. It says that, in the early years of Chinese rule, there was a destruction of the monastic system, and that that was carried on in the cultural revolution. Few of Tibet's thousands of monasteries have survived. Traditional Tibetan architecture has been demolished, and entire neighbourhoods of Tibetan houses have been razed to the ground.

The report says that the Chinese language dominates in every walk of life, and that the Tibetan language has been marginalised. Even subjects such as Tibetan art are taught in Chinese. The report recognises that the Chinese have brought in modern technologies of health care, transport and communication, but says that development has marginalised Tibetans, excluding them from effective participation. The livelihood of most Tibetans has been neglected, receiving little of the Chinese investment.

The report says that, in the 40 years since the Chinese takeover, most Tibetan wildlife has been destroyed, and much of the forest has been cut. Watersheds and hill slopes have been eroded, and downstream flooding has heightened. Degradation of the rangelands has resulted in the desertification of large areas capable of sustaining both wild and domestic herds. The extent of the grassland deterioration threatens the long-term viability of nomadic Tibetan civilisation.

The report says that a primary stated goal of the justice system of the Chinese in Tibet is the repression of Tibetan opposition to Chinese rule. Many Tibetans, especially political detainees, are deprived of even elementary safeguards of due process.

The report refers to the low quality of educational facilities and teachers for Tibetans, and their difficulties in access to education. Their rate of illiteracy, which is triple the national average, is indicative of a discriminatory structure. Education in Tibet serves to convey a sense of inferiority in comparison with the dominant Chinese culture and values.

The report refers to discrimination and false evictions of Tibetans, and the demolition of their homes. On the right to health, the report acknowledges that important improvements have been introduced by the Chinese, but says that there are signs of discrimination in their application. The infant mortality rate of Tibetans is three times the national average, and there is a serious problem of child malnutrition. There is a shortage of trained village-level health professionals to help Tibetans in villages.

The ICJ report refers to arbitrary detentions. Tibetans are detained for long periods without charge, or are sentenced to imprisonment for peacefully advocating Tibetan independence or maintaining links with the Dalai Lama. It quotes the number of political prisoners as having risen in recent years to more than 600, and some Tibetan organisations put the figure at double that, which is an horrendous number.

The United Nations working group on arbitrary detention has criticised China and

"called . . . for the release of dozens of Tibetans detained in violation of international norms guaranteeing freedom of expression and freedom of religion."

However, there has been no response from China.

The report states:

"Nuns account for between one-quarter and one-third of known political prisoners . . . Torture and ill treatment in detention is widespread in Tibet",

involving the use of electric cattle prods and beatings with chains and sticks. The ICJ says:

"Women, particularly nuns, appear to be subjected to some of the harshest, and gender-specific, torture, including rape using electric cattle-prods and ill treatment of the breasts."

On extra-judicial and arbitrary executions, the report states:

"A number of unclarified deaths of political prisoners, including young nuns, have occurred in Tibetan prisons in recent years, allegedly as a result of torture or negligence . . . The imposition of the death penalty in Tibet—which was reportedly used 34 times . . . in 1996—is devoid of the guarantees of due process and fair trial."

The ICJ refers to freedom of expression being severely restricted, and says that the Buddhist religion is subject to "pervasive interference" by the authorities. What a damning report the ICJ's is.

The Panchen Lama is the second most important person in Tibetan Buddhism, and, by tradition, the Dalai Lama and the Panchen Lama verify one another's reincarnation. The Chinese decided to interfere with that process, and to draw lots for the choosing of the Panchen Lama.

A senior Tibetan abbot, Chadrel Rinpoche, sought a consensus between the Dalai Lama and the Chinese to get Gedhun Choekyi Nyima, the boy chosen by the traditional methods, accepted; but, for his pains and because he had consulted the Dalai Lama, he was imprisoned for six years. The Chinese returned to their system of drawing lots, and Gedhun Choekyi Nyima, his parents and all his family vanished, taken into so-called protective custody by the security forces in China.

In New Delhi, six members of the Tibetan Youth Congress are conducting a hunger strike. Their demands include that the UN resume its debate on Tibet based on its previous resolutions, and that a special rapporteur be set up to investigate the human rights situation in Tibet.

I pay tribute to the Dalai Lama and to his representatives and followers in this country—for example, the Tibet Society. The Dalai Lama is a Nobel peace prize winner, and anyone who has met him or heard him speak knows that he deserves that honour. He is a peace-loving, compassionate and wise man, who constantly opposes the use of violence in his people's struggle to regain their liberty. That non-violence is remarkable, in view of the suffering and injustice endured by the Tibetan people.

The Dalai Lama stresses the case for negotiation between him and his representatives and the Chinese Government to achieve a peaceful settlement, and, although that has not been taken up, it remains the way forward. The Chinese say that they moved in to get rid of feudalism, and that they were bringing Tibet forward. The Dalai Lama has moved away from feudal structures, toward a more modern democratic model. In that way, he has surpassed the Chinese in modernity.

The Foreign Secretary in 1947 wrote a memorandum that forms the basis of the United Kingdom Government's position on this matter. It states:

"Tibet has enjoyed de facto independence since 1911 and that the British Government had always been prepared to recognise Chinese sovereignty over Tibet but only on the understanding that Tibet is regarded as autonomous."

Well, Tibet is not truly autonomous. In a letter sent to the hon. Member for Ruislip–Northwood, the vice-chairman of the all-party group on Tibet, the Government say that they believe that human rights improvements in China could best be achieved

"through the EU's substantive human rights dialogue with China, supported by practical co-operation."

I ask the Minister to be specific about how and when he expects those discussions to result in human rights improvements in Tibet.

There should be a special co-ordinator for Tibetan affairs, either of the UK Government, or of the European Union. The US State Department has set up such a co-ordinator, and there is a European Parliament resolution calling for the EU to follow suit. I hope that the Minister will support such a move.

The special co-ordinator could argue for the human rights of the Tibetan people, and ensure that they were properly respected and monitored. He or she could press for human rights organisations such as Amnesty and the Red Cross to be allowed to operate freely in Tibet. It is shocking that even the Red Cross cannot work in Tibet. He or she could press for negotiations with the aim of achieving real autonomy for the Tibetan people.

The ICJ report's executive summary says:

"These abuses of human rights and assaults on Tibetan culture flow from the denial of the Tibetan people's most fundamental right—to exercise self-determination."

It states that the Chinese currently operate an "alien and unpopular rule", and that self-determination should be established.

To call what is happening in Tibet repression is the kindest way of putting it; one might call it an inexorable cultural and religious genocide; but, whatever one calls it,

[Mr. Harry Cohen]

it is not acceptable in a modern civilised world. It is Maoist fundamentalism—a form of nationalism that incorporates racism, insists that only Chinese standards are acceptable, and does not allow diversity or different cultural or religious beliefs.

That fundamentalism is not the modern way, and the Chinese need to be told as much. I hope that the Government will tell China that it needs to move away from Maoism in respect of Tibet, as it has already done in other respects. I await the Minister's reply with interest, and I hope that he will speak up for greater autonomy and human rights for the Tibetan people.

1.47 pm

The Minister of State, Foreign and Commonwealth Office (Mr. Derek Fatchett): I am grateful to my hon. Friend the Member for Leyton and Wanstead (Mr. Cohen) for raising the subject of Tibet and China and the related issues of human rights and the UK's relationship with China. I shall reply to his speech by making a few general points, then turning to human rights and China, and finally making more specific points relating to Tibet. In that way, I should be able to answer the points he raises.

We as a Government are deeply concerned about reports of human rights violations wherever they occur, not only in Tibet, but elsewhere in China and in other parts of the world. The House is fully aware of the Government's commitment to the promotion of human rights—indeed, it is a centrepiece of our foreign and domestic policies. We are committed to the principle of the universality of human rights: human rights—economic, social, cultural, civil and political—are for all people, regardless of their sex, age, ethnic origin or where they live. All human rights are interrelated and interdependent: as my hon. Friend says, people cannot fully realise their economic rights in those countries where their civil rights are consistently violated. We share with my hon. Friend a strong commitment to the promotion of human rights.

My hon. Friend also mentioned the fact that the Asia-Europe conference takes place this week. Asian leaders will be visiting the United Kingdom, and the conference marks the first overseas visit as Prime Minister of the new Chinese Prime Minister, Zhu Rongji.

My hon. Friend knows that, since the smooth transition in Hong Kong last year, the relationship between the United Kingdom and China has moved on to a new, more constructive footing. We hope that Premier Zhu's visit this week will strengthen that relationship.

We will continue to build upon that, but our desire for a better relationship with China does not mean that the Government will turn a blind eye to the many serious concerns about the observance of human rights in China, including Tibet—far from it. We believe that, in the context of a broad, co-operative new relationship with China, we will be able to address those human rights issues directly and to work with China to bring about concrete improvements on the ground. That will be a long process, but I believe that we are already beginning to see the first fruits of the policy.

As my hon. Friend asked a direct question about it, I shall list the areas in which we believe that the United Kingdom-China and European Union-China dialogues have led to some action on the human rights agenda. I shall then give way to my hon. Friend the Member for Stoke-on-Trent, South (Mr. Stevenson).

First, as part of the dialogue, we have raised human rights issues directly with the Chinese Government. Since this Government were elected on 1 May last year, Ministers have taken every opportunity to raise the subject of human rights with the Chinese Government. We have done so in eight separate Foreign Office meetings, and, most recently, my right hon. Friend the Foreign Secretary raised the matter during his visit to China in January. We shall continue to press the Chinese Government—as the Foreign Secretary and I have done—to live up to international standards. The Prime Minister and the President of the European Commission will address human rights issues in their meetings with the Chinese Premier tomorrow.

Secondly, in September last year, we established a bilateral human rights dialogue with China. In October last year, the EU resumed its human rights dialogue with China. There have already been a total of four rounds of talks, and three more are scheduled to take place this year.

Thirdly, in support of this dialogue, the European Union and China have agreed a package of practical assistance, which includes projects in the areas of civil and political as well as economic and social rights. Projects range from support for village-level democracy to help for orphans. Those projects are in addition to our own bilateral assistance programmes, such as the training of lawyers and judges, which are already in place. Before I talk about the results of that process, I give way to my hon. Friend.

Mr. George Stevenson (Stoke-on-Trent, South): I am grateful to my hon. Friend for giving way. He will know that the troika of the European Union is due to visit Tibet in May this year. Given that it has requested to sight and make contact with the imprisoned Panchen Lama, and that the Chinese authorities have noted that request, will my hon. Friend take the opportunity presented by meetings with Premier Zhu to repeat that request on behalf of the troika with a view to obtaining a definitive answer?

Mr. Fatchett: I shall come to the details of our relationship with China in terms of Tibet in a moment. My hon. Friend is correct to state that the troika wishes to see the Panchen Lama. We welcome the recent press reports that information about the child's whereabouts was given to the Austrian Foreign Minister when he visited Tibet in March. That is a step forward, and we hope to build on that move in terms of our relationship with China.

I shall briefly address the tangible results of the human rights dialogue and the approaches that we have made so far. I can cite nine positive results of that dialogue. That is not to say that that is the end of the story: we believe that it is a continuing process. However, it is important to recognise that there have been some results from the process so far. I shall list them for the benefit of the House.

First, the Chinese have signed the international covenant on economic, social and cultural rights. That is very much a step in the right direction. Secondly, the recent announcement by the Chinese that they are preparing to sign the international covenant on civil and political rights is a further step in an appropriate direction in the area of human rights.

Thirdly, we welcome the release of Wei Jingsheng, who, as hon. Members will know, met me two months ago and my right hon. Friend the Foreign Secretary last month. Fourthly, the Chinese have agreed to transmit Hong Kong reports under the United Nations covenants, which was one of our major objectives. That means that there will be separate reporting of Hong Kong human rights issues.

Fifthly, the European Union technical co-operation package has been agreed. I mentioned that earlier as part of the on-going process. Sixthly, and very importantly, the Chinese have invited the United Nations High Commissioner for Human Rights, Mary Robinson, to visit China later this year. We welcome that move. Seventhly, the UN group on arbitrary detention visited China in October last year, as part of the process of more open relations.

Eighthly, as my hon. Friend the Member for Stoke-on-Trent, South said, an EU troika will visit Tibet in May. That is a good and positive sign regarding the on-going relationship with China. Finally, the EU-China seminar on the administration of justice and human rights, attended by legal experts, academics and Government officials from both sides, took place in Beijing in February.

I make two points to my hon. Friend. First, we are addressing the human rights issue. Secondly, we have a strategy and a process that we believe are beginning to bear some fruit. I hope that I have set that out for my hon. Friend.

I turn now to the issue of Tibet, about which my hon. Friend the Member for Leyton and Wanstead has expressed such knowledge and his understandable concern regarding the situation in that country. Tibet is, rightly, an issue of special concern to both the public and Parliament. I think that every hon. Member regularly receives letters from constituents about that issue. We in Government share the deep concerns expressed by many inside and outside the House, and we are actively addressing those concerns with the Chinese through our human rights dialogue. The situation in Tibet features prominently in that dialogue.

My hon. Friend referred to the legal status of Tibet. I must remind the House that successive British Governments have regarded Tibet as autonomous, while recognising the special position of China there. That continues to be the Government's view. Tibet has never been internationally recognised as independent, and the Government do not recognise the Dalai Lama's "Government in exile". However, we strongly believe that Tibetans should have a greater say in running their own affairs in Tibet, and we have urged the Chinese authorities to respect the distinct cultural, religious and ethnic identity of the Tibetan people.

My hon. Friend referred at some length to the case of the Panchen Lama, Gedhun Choekyi Nyima. My hon. Friend is correct to say that that issue raises particular worries, which not only he but other hon. Members have raised with me several times. The boy is now aged only eight, but he was detained following his recognition in 1995 by the Dalai Lama as Panchen Lama, the second highest religious figure in Tibet.

The Government cannot and will not hold a view about the child's religious candidacy as the Panchen Lama, which we believe is a matter for the Tibetans alone to decide. However, he is a child, and therefore we are deeply concerned about his welfare. His is one of the individual cases that we shall continue to raise with the Chinese at each and every opportunity.

My hon. Friend the Member for Stoke-on-Trent, South mentioned the EU troika visit. In view of the special nature of the situation in Tibet, the European Union suggested that a delegation of EU troika ambassadors in Beijing should visit Tibet as part of the EU-China human rights dialogue.

I am pleased to announce today that the Chinese have now agreed to that suggestion, and the ambassadors of the EU troika will make a week-long visit to Tibet in May in order to assess the situation there. We welcome that development. The troika programme is not yet finalised, but the ambassadors are expected to have a range of meetings not only with the Government of the Tibet autonomous region but with religious leaders and ordinary Tibetans. I am sure that my hon. Friend the Member for Stoke–on–Trent, South will agree that that is very good news.

I hope that, in the brief time available to me, I have outlined the Government's policy on human rights, our dialogue with China and the special importance that we attach to the question and status of Tibet. I am sure that I have persuaded the House that we take those issues seriously. There is an on-going process, and I am sure that my hon. Friend the Member for Leyton and Wanstead will be pleased to hear about the EU troika ambassadors' visit. We look forward to that visit, and to their report.

It being Two o'clock, the motion for the Adjournment of the House lapsed, without Question put.

Sitting suspended, pursuant to Standing Order No. 10 (Wednesday sittings), till half-past Two o'clock.

Oral Answers to Questions

DUCHY OF LANCASTER

The Chancellor was asked—

Better Government Programme

2. **Mr. Derek Twigg:** If he will make a statement on the involvement of local government in his better government programme. [35802]

The Parliamentary Secretary, Office of Public Service (Mr. Peter Kilfoyle): Local government is a key partner in the better government programme. Our White Paper will address working across the organisational boundaries in the public sector so that all involved can deliver simpler, more effective, more coherent and more cohesive government.

Mr. Twigg: I thank my hon. Friend for that answer, and welcome the fact that the Government are involving local government in the better government programme. I am sure that he will welcome the enthusiasm and commitment of local government workers—the front-line workers. How is he involving those workers in the better government programme?

Mr. Kilfoyle: The commitment of front-line delivery workers is a sine qua non for the success of the better government agenda. To that end, I have conducted seminars as far north as Edinburgh and as far south as Southampton, meeting front-line workers and finding out their concerns and their priorities for the better delivery of service.

Freedom of Information

3. **Mr. Flynn:** What recent representations he has had on his freedom of information proposals. [35803]

9. **Mr. Jim Cunningham:** What response he has received to his White Paper on freedom of information. [35810]

The Chancellor of the Duchy of Lancaster (Dr. David Clark): I have received more than 550 responses to the freedom of information White Paper "Your Right to Know". The great majority of the respondents supported our proposals. I am today placing in the Library a list of those who responded and copies of the responses received, except where confidentiality was requested. Moreover, I shall place that information on the internet.

Mr. Flynn: Does my right hon. Friend recall that so neurotic were the previous Government in their intense 18-year denial of information programme that it was necessary for me to go to the United States Congress to have questions tabled about an accident that occurred in my constituency, and that information about a death from mustard gas in my constituency in 1943 was obtained only through the United States navy?

Now that a freedom of information Act is on the way, will my right hon. Friend tell the House what he intends to do, before the Bill is considered in the House, to ensure that we have improved freedom of information?

Dr. Clark: I well remember my hon. Friend's valiant efforts to obtain the information about his constituents. The fact that those efforts were required emphasises the necessity to introduce freedom of information legislation in this country, and the Government intend to do so. Meanwhile, we shall continue to operate the code, but we believe that there are other initiatives that we can take.

I have ensured that quangos make their annual reports publicly available, and that public appointments and Departments' plans for tackling the millennium bug are placed on the internet. We believe that the internet is a powerful tool for making government more open, and that the new technology now available goes hand in hand with open government.

Mr. Cunningham: I thank my right hon. Friend for that answer, but may I press him further? Given the tremendous interest in a freedom of information Act, when will he publish the Bill, so that there may be the fullest possible discussion about what should be in it?

Dr. Clark: We are currently considering the responses from the formal consultation. We have already issued instructions to parliamentary draftsmen, as it is our hope that a draft Bill will be published before the summer, so that we can have a further period of consultation to make sure that we get matters right.

Mr. Baldry: Does the right hon. Gentleman agree that this is all about more open government? Does not that become increasingly ludicrous when we see press stories of the Secretary of State for Social Security and her Minister of State being reprimanded by the chief press officer at No. 10 for going on "Woman's Hour" and other programmes without having cleared it with him first? Is it not a pathetic representation of Government when members of the Cabinet must get clearance from press officers at No. 10 before they are allowed to speak to the general public? I cannot believe that any Minister in any of the Governments over the past 18 years would have countenanced such a situation. How can one talk about more open government when that situation is allowed to prevail?

Dr. Clark: I thought that the hon. Gentleman would speak about more open government. The points that he made were nothing to do with freedom of information.

Sir Patrick Cormack: Further to that, have any of those who responded to the White Paper commented on the quality of information supplied by Government? Does the right hon. Gentleman believe that the way in which information and news management is handled by No. 10 in particular is compatible with his ideas of what true freedom of information should be?

Dr. Clark: There was very little in the responses that referred to the present Government's openness, which is certainly far greater than the previous Government's. While we await a more perfect form of freedom of

information legislation, we are using the previous Government's code, so that people still have some access to Government papers.

Charter Programme

4. **Dr. Desmond Turner:** If he will make a statement on the future of the charter programme. [35804]

Mr. Kilfoyle: The Government are committed to making real improvements to all aspects of public services and as part of that, we intend to relaunch the citizens charter programme. I shall provide full details on the shape of the new programme and how we plan to take it forward when it is relaunched later in the year as part of the wider better government initiative.

Dr. Turner: I thank my hon. Friend for his commitment to renewing the charter after the disrepute into which it fell under the previous Government, when it was left with about as much respect as the cones hotline. Does my hon. Friend agree that the best way in which to ensure that the charter systems meet the real needs of the public is to ensure that standards of service are met? Can he tell the House what proposals he has to ensure that?

Mr. Kilfoyle: I agree with my hon. Friend that it is important to ensure that standards are met. To that end, we have established the people's panel, to find out what the scientific view is of the quality of service that is being delivered. The charter mark, which is going from strength to strength, shows a marked correlation between better standards of service delivery and whether or not organisations obtain the charter mark.

Mr. Beggs: In seeking to achieve higher standards, has the Minister considered whether there would be benefit in providing incentives to civil servants for coming up with suggestions for savings in the public service?

Mr. Kilfoyle: The hon. Gentleman made available to me information about such schemes that proliferate in America. I made myself aware of similar schemes available in the United Kingdom, including one in the Ministry of Defence, which is extremely successful. That information is being assessed and evaluated by the charter unit, with a view to possible inclusion in the charter programme to be launched later this year.

Freedom of Information

5. **Dr. Starkey:** What provision he has made for people with disabilities to contribute to the consultation process on the freedom of information White Paper. [35805]

Dr. David Clark: I am grateful to my hon. Friend for giving me an opportunity to answer this question. Freedom of information is a right that should be enjoyed by all our citizens. The White Paper "Your Right to Know" is available in Braille and large print formats. We have also produced a freedom of information summary leaflet, which is also available in Braille and large-print formats and on audio cassette.

Dr. Starkey: I thank my right hon. Friend for his reply. I know, from speaking to disability organisations in my constituency in Milton Keynes, that they very much appreciate the ability to participate fully as citizens in consultation procedures such as this. What responses has my right hon. Friend received from disability organisations and what provision is he making to provide information in accessible formats?

Dr. Clark: I have received formal responses from the Royal National Institute for the Blind and from the Greater London Association for Disabled People. Their views are very welcome and will be fully taken into account as we develop our proposals. Under our proposals, wherever possible, applicants for information will be able to specify the form in which they would like the requested information or record to be supplied. Of course, that provision will extend to people with disabilities.

Mr. Fabricant: Will the right hon. Gentleman consider the situation that existed a few years ago when journalists were finding themselves gagged, unable to report on issues that were in the public interest, such as the dreadful affair of Robert Maxwell? Will the right hon. Gentleman consider including in a freedom of information Bill a freedom to allow journalists to investigate those things which are in the public interest rather than just matters of public salacious curiosity?

Dr. Clark: Having heard the earlier complaints from the hon. Gentleman's hon. Friends, I thought that that was exactly what the press were doing.

Mr. Robert McCartney: Is the Minister aware that the entire population of Northern Ireland suffers from the disability of being excluded from membership of the British Labour party? Is he aware of Government policy in a recent document whereby the Government will suppress information about opinion polls that might influence Government policy? Is he aware of a policy to suborn leading public figures to support Government policy without their knowledge? If he is, what steps will he take to allow the people of Northern Ireland to have full freedom of information about Government policy?

Dr. Clark: I am certainly not aware of that point. It seems a far cry from the question, which is about disability, but if the hon. and learned Gentleman writes to me, I will look into it.

European Union Regulations

6. **Mrs. Gilroy:** What discussions he has had on improving the quality of European Union regulations. [35807]

Dr. David Clark: Last month, I hosted a presidency conference on better European regulations in Manchester. Over 250 delegates attended, including Ministers, senior regulators, consumer representatives, business people and the social partners. The aim was to work together to find ways in which to improve European regulation. The event was a huge success, and we have drawn together the key messages into an action plan for better European Union regulation which I hope we shall be able to promote with the Commission and other member states.

Mrs. Gilroy: I thank my right hon. Friend for that reply. I very much welcome the drive to bring about

better-quality regulation for the benefit of business and citizens. I am glad to hear about the success of the conference. Can my right hon. Friend share with us any specific outcomes to reform European bureaucracy arising from that conference?

Dr. Clark: The whole House will share in our efforts to improve regulations emanating from Europe. I want to keep the issue high on the European political agenda, which is why I published a 10-point plan of action as a result of the Manchester conference. I have also reached an agreement with the Austrian Government, who take the presidency after us, that they will continue with this theme. We are playing a leading role in the European business test panel, which will improve consultation with businesses on regulations emanating from Brussels. I believe that Europe could also use the citizens first dialogue with the citizens service to learn more from ordinary people about the rules that they find too complex and bureaucratic.

Mrs. Ann Winterton: Will the right hon. Gentleman accept that businesses in my constituency would like to see not only better European legislation, but less of it? Will he tell the House whether, at the conference that he chaired in Manchester, there was any discussion about compliance with regulations, especially in member states other than the United Kingdom?

Dr. Clark: The hon. Lady is absolutely right. Unnecessary red tape is not only frustrating, but reduces trade and costs jobs. We are determined in our presidency and in succeeding ones to drive ahead efforts to simplify and to reduce the amount of legislation that comes from Brussels. It is clear that regulations need to be clear, focused and understood. It is also clear that compliance should be universal and on the same basis throughout the European Union.

Departmental Responsibilities

7. **Mr. Gordon Prentice:** If he will rename his office to reflect his public service responsibilities. [35808]

Mr. Kilfoyle: Ministerial titles and functions are matters for the Prime Minister.

Mr. Prentice: I was not expecting that reply but, in this day and age, is not the title Chancellor of the Duchy of Lancaster a complete anachronism, straight out of the pages of Gilbert and Sullivan? Should we not be trying to make government accessible to the people, rather than obscure? Even hon. Members are not entirely sure of the full range of important responsibilities that my right hon. Friend has, so people outside must be absolutely mystified.

Mr. Kilfoyle: As my hon. Friend knows, the Prime Minister technically is primus inter pares in the Cabinet and it would be extremely difficult, as well as unprecedented, for a Secretary of State to be subordinated to another Minister therein. If my hon. Friend is so concerned about redundant titles, may I suggest that he considers the title Leader of the Opposition? There certainly seems to be little leadership and even less opposition from the right hon. Member for Richmond, Yorks (Mr. Hague).

Sir Patrick Cormack: Does the hon. Gentleman agree that there is nothing more accessible than Gilbert and Sullivan, and will he direct the Prime Minister's attention to this morning's excellent debate on that subject in the House, when everyone sang from the same hymn sheet?

Mr. Kilfoyle: Which, as the hon. Gentleman knows, is exactly the function of the Prime Minister's chief press officer.

Freedom of Information

8. **Mr. Rhodri Morgan:** What representations he has received on his proposals to ensure the protection of privacy under his freedom of information proposals. [35809]

Dr. David Clark: The White Paper set out proposals to achieve a balance between personal privacy and freedom of information. About 40 respondents to the White Paper specifically commented on that. I am also aware of the evidence that the Data Protection Registrar gave to the Select Committee on Public Administration, which my hon. Friend chairs.

Mr. Morgan: I thank my right hon. Friend for that answer. Does he agree that one man's freedom of information can all too easily be another man's infringed privacy? Does he, therefore, agree that we need to ensure that, when the new data protection and freedom of information Acts are introduced, we do not need an ombudsman to resolve disputes between the Data Protection Registrar and the new freedom of information commissioner?

Dr. Clark: My hon. Friend raises a real problem. It is an issue that we have thought much about and that will be addressed in the draft Bill. We take the point that the right of personal privacy must be protected and we believe that that can be achieved, as it has been achieved in virtually every other modern society. I noted that, at a sitting of the Select Committee on Public Administration, the Data Protection Registrar ended her evidence by saying that she looked forward to working with a new information commissioner.

Better Regulation Task Force

10. **Mr. Efford:** If he will make a statement on the work of the better regulation task force. [35811]

Dr. David Clark: Since I appointed its members in September 1997, the better regulation task force has made an excellent start in its programme. Christopher Haskins is proving to be an excellent and valuable chairman. On 21 January, the task force published its principles of good regulation, which state that regulation should be transparent, accountable, targeted, consistent and proportionate. The task force will also soon publish the first of its sectoral reviews on consumer affairs.

Mr. Efford: I thank my right hon. Friend for that answer. I agree with his general aims in making the task

force's work more consistent and focused, and in making it easier for regulations to be understood. Will he share with the House which matters he is investigating and will be reporting on in future?

Dr. Clark: The Government are determined to cut all unnecessary red tape, but realise that some regulations are vital for protection of the citizen. Regulations should, first and foremost, deliver benefits to ordinary citizens. They should be fair, properly costed, simple to understand and practical to comply with. The task force is currently examining four key matters: consumer affairs, employment law, charities' funding and social care.

Career Exchanges

11. **Dr. Whitehead:** What proposals he has to encourage greater exchange of careers and experience between civil servants and local government officers. [35812]

Mr. Kilfoyle: Encouraging exchanges between the civil service and local government officers is a key part of the Government's interchange initiative. We are working with local government and other sectors of the economy to promote such exchanges of personnel and good practice.

Dr. Whitehead: Does my hon. Friend accept that the two services do, indeed, have a great deal to learn from one another, but also that, in the past, relationships between civil servants and local government officers have not been too good? Does he have long-term plans to encourage institutional exchanges between the two services?

Mr. Kilfoyle: The Prime Minister has stated his own vision of such a long-term objective, which will be considered soon within the Office of Public Service. Very good examples of current practice in exchange include Michael Bichard, permanent secretary at the Department for Education and Employment, who worked previously in local government at Gloucestershire county council; and Mr. Nick Gurney, who—in a reversal of the process—left the Department of Health to become chief executive officer of Portsmouth city council.

Mr. Maclennan: Will the Minister give an assurance that, after the devolution measures for Scotland and Wales are completed, civil servants serving the new Parliament and assembly will similarly exchange places with those working in local government, and that boundaries will not be erected within the United Kingdom that prevent the free exchange of such experience?

Mr. Kilfoyle: I assure the right hon. Gentleman that there will be no restrictions on the interchange of public servants within a unified civil service.

Millennium Compliance

12. **Mr. Ben Chapman:** If he will make a statement on progress towards resolving the millennium computer compliance problem in central Government. [35813]

Dr. David Clark: I am pleased to make a statement on that matter. The progress reports that I published on 3 March show that many central Government organisations have reached the testing stage, and in some cases completed work, for significant systems. Furthermore, my right hon. Friend the Prime Minister has announced the establishment of a new year 2000 team in the central IT unit in my Department, to follow progress and provide advice to Departments and the wider public sector. He has also extended the remit of the ministerial sub-group, which I chair, to promote action on year 2000 issues across central Government and the entire public sector.

Mr. Chapman: I thank my right hon. Friend for that answer. As getting our act together to beat the millennium bug is clearly vital, I greatly welcome the Minister's and the Prime Minister's commitment to achieving that goal. However, time is running away with us, and urgency is the order of the day. We will have to ensure that action is taken comprehensively and in a timely manner. Will my hon. Friend assure me that such action is being taken?

Dr. Clark: My hon. Friend is absolutely right to remind the House that we have to solve the problem for the sake not only of people in Britain, but of everyone in the global economy. No one is more aware than I am of the need for action. Since taking office, I have established a rigorous and totally open system for monitoring the progress of central Government in tackling the issue. *[Interruption.]*

Madam Speaker: Order. I cannot hear the Minister.

Dr. Clark: The role has been expanded to cover the wider public sector, with the remit to chase progress and identify solutions across Departments. The inaugural meeting of the new ministerial Committee, which I chair, will be held later this week. The new unit appointed to oversee that work will be based in my central IT unit and will be headed by Mrs. Mayer, who has just been recruited to the post. We have also selected Ernst and Young to carry out a risk assessment study for the key areas of our national infrastructure. I hope that the company will give me its initial report by May.

Yesterday, my right hon. Friend the Secretary of State for Health received returns from national health trusts throughout the country outlining progress on millennium compliance. I assure the House that the Government have a real sense of urgency in tackling and beating this problem.

Mrs. Gillan: In the light of the view of the chairman of Action 2000 that many organisations will not be able to solve the year 2000 problem in time, and the Prime Minister's admission that Government costs for millennium compliance are £3 billion and rising and that all costs will have to be met from existing departmental budgets, so cuts in services will take place, will the Chancellor now arrange for a Minister regularly to answer questions at the Dispatch Box about progress on millennium compliance? After all, if we can have a specific question session on the millennium dome, is it not more important that the House can ask specific questions on the millennium doom?

Dr. Clark: I have reported to the House regularly on the millennium bug problem and have appeared before

the House every month so to do. Had the previous Administration left us anything other than a skeleton approach to tackling the problem, we would have been well on the way to solving it. When we took over government, we found the cupboard absolutely bare. Not a single ministerial action or plan had been laid down to try to tackle the problem, which we all knew was looming on the horizon.

Small Businesses

13. **Jane Griffiths:** What measures he has taken to reduce the burden of bureaucracy on small businesses. [35814]

Mr. Kilfoyle: The Government are taking action on a number of fronts to minimise burdens on small businesses, not least in the excellent Budget that my right hon. Friend the Chancellor of the Exchequer put before the House on 17 March.

Half of our better regulation task force's members have small business interests, and I expect all task force reports to address business burdens. My Department has developed a direct-access Government internet site giving small firms instant access to the regulations, guidance and forms that they need.

Jane Griffiths: I thank my hon. Friend for that reply and welcome his determination to cut unnecessary red tape. In keeping with the Government's commitment to help central and local government work together better, will he tell the House how the business community has responded to local business partnerships being set up around the country?

Mr. Kilfoyle: The short answer is that the business community has reacted extremely well. Local business partnerships provide a forum within which local business communities and local authorities can discuss all regulatory and enforcement matters. We now have more than 100 local business partnerships and up to 100 more are in the pipeline. To that end, I have travelled the length and breadth of the country encouraging the formation of new local business partnerships.

Mr. Ian Bruce: Has the Minister assessed the impact on small businesses of the welfare-to-work proposals and the abolition of family credit, which was very simple for small businesses to administer? Is it because the new system is so complicated that the Government decided to delay introducing the policy until October next year, well after the date on which they had promised to do something for single mums?

Mr. Kilfoyle: My right hon. Friend the Chancellor of the Exchequer has set out in full the reasons behind his Budget proposals and the methods of implementation. Small businesses are enthused by his proposals and those of my Department on local business partnerships.

Lancashire

14. **Mr. Bayley:** If he will make a statement on his responsibilities in relation to Lancashire. [35815]

Dr. David Clark: As Chancellor of the Duchy of Lancaster, I am responsible to the Queen for the administration of the Duchy. My particular responsibilities in relation to Lancashire include the Duchy's estates in the county, the appointment of magistrates, the Keeper of the Rolls and four other appointments. I have appointed the lord-lieutenant of Lancashire and the chairman of Lancashire county council as trustees of the Duchy benevolent fund.

Mr. Bayley: Does my right hon. Friend, who formerly represented a Yorkshire constituency, believe that a case can be made for having a Minister answerable in the House on Yorkshire affairs?

Dr. Clark: My hon. Friend will be aware that our hon. Friend the Member for Pendle (Mr. Prentice) took an opposite view a little while earlier. As a result of the war of the roses—this may embarrass my hon. Friend—I have considerable responsibilities in Yorkshire, including appointing governors to schools, looking after a number of castles and appointing four Duchy church livings.

PRIME MINISTER

The Prime Minister was asked—

Engagements

Q1.[35831] **Mr. Flight:** If he will list his official engagements for Wednesday 1 April.

The Prime Minister (Mr. Tony Blair): This morning, I launched the Labour party's campaign for a yes vote in the coming referendum. In addition to my duties in the House, I shall this evening host a dinner for the Taoiseach to discuss the talks process and renew our determination to bring it to a successful conclusion.

Mr. Flight: Who requested that the Prime Minister make his call to the Prime Minister of Italy on Wednesday 18 March?

The Prime Minister: As I have said consistently, I am not going to disclose details of my conversations with the Italian Prime Minister or anyone else. As my press spokesman has pointed out, the call was made by the Italian Prime Minister to me.

Dr. Gibson: Is my right hon. Friend aware that they will be celebrating in the highways and byways of Norfolk tonight? Not only have we seen the demise of the East Anglian mafia, some of whom were more Bugsy Malone than Al Capone, but there has been clarification on the admissions policies for four-year-olds: they will all have the opportunity to go to a nursery, playgroup or school. Does my right hon. Friend welcome the renaissance of education after the death of the nursery voucher?

The Prime Minister: The nursery voucher was a disastrous idea introduced by the previous Government. We have removed it. We are ensuring nursery education for all four-year-olds. We shall then be well on the way

to getting nursery education for three-year-olds as well. That is a Labour Government delivering on their election promises.

Mr. Hague: When the Chancellor said yesterday that uncertainty over the single currency was contributing to the strength of the pound, what exactly did he mean?

The Prime Minister: Exactly as he explained. Of course, before the single currency is introduced, there will be a lot of uncertainty about whether it will work.

Mr. Hague: Is not the uncertainty of which the Chancellor spoke the danger of a weak and fudged single currency—a danger that the Prime Minister refused to recognise last week? Is that not contributing to driving up the value of the pound? Manufacturing is on the brink of a recession. As the current president of the European Union, the Prime Minister is one of the few people in a position to do something about the issue. When does he propose to make up his mind and take action to save British jobs and British businesses by taking a stand against a weak and fudged single currency?

The Prime Minister: First, may I point out that we have made it clear all along that the criteria should be adhered to? There are many reasons for the current strength of the pound. No Government actions that the right hon. Gentleman has suggested would have any consequence, other than probably an adverse consequence, on the position of the pound. The position that he is advancing is confused and economically illiterate.

Mr. Hague: How can the Prime Minister simultaneously say that the criteria must be adhered to, while looking at a range of criteria that are not adhered to, and say that this issue is not being fudged? Fudging of the criteria is contributing directly to the high exchange rate, damaging our exporting industries. Why does the Prime Minister not use his influence with the Italian Prime Minister? He uses it for everything else, and can probably even remember the telephone number if he thinks hard enough. Why does the Prime Minister not act in the interests of British jobs and businesses and of the whole of Europe and be clear about the fact that the single currency is being fudged and he should do something about it?

The Prime Minister: Let me point out to the right hon. Gentleman that there could be nothing more disastrous than the course that I assume that he is advocating, which is for Britain to stand up now and say that it would oppose a whole series of countries going into the single currency. [HON. MEMBERS: "Yes."] That is what the Opposition are saying. First, actually, Britain is not in fact in a position to veto that, since the matter is decided by qualified majority voting. Secondly, it would cause complete mayhem were we to advocate it. Thirdly, it would be utterly pointless. In other words, it would be a combination of all those things that once characterised Conservative Government foreign policy.

Mr. Kaufman: With regard to the snide asides in the Leader of the Opposition's supplementary question and in the question of the hon. Member for Arundel and South Downs (Mr. Flight), taking into account this over-the-top, hyped attack on the Prime Minister's press secretary—*[Interruption.]*

Madam Speaker: Order. I want to hear the question.

Mr. Kaufman: In responding to such attacks, will my right hon. Friend take into account the fact that Conservative Members above the Gangway are the party of Sir Bernard Ingham, who misused a letter from Law Officers against the right hon. Member for Henley (Mr. Heseltine), who described a member of the Cabinet as a

"semi-detached member of the Cabinet",

and who was described by John Biffen as

"the sewer rather than the sewage"?

That being so, will my right hon. Friend treat with the contempt that it deserves this pathetic apology for an Opposition, who do not deal with crime, jobs, welfare and all the issues about which people care?

The Prime Minister: Yes, I certainly will. There is one reason why the Opposition attack the press spokesman: he does an effective job of attacking the Conservative party. In all the Prime Minister's Question Times, the Leader of the Opposition has not once raised health, education or crime—not once. That is an example of a poor Opposition.

Mr. Ashdown: Surely the real issue is not who said what, when and to whom, but whether the Prime Minister understands why there is so much widespread concern about the seemingly unstoppable growth in media power and political influence of Mr. Rupert Murdoch.

The Prime Minister: Of course I understand the concerns that people have. The only issue is whether BSkyB is treated differently from any other media company or significant British company. The answer to that is no.

Mr. Ashdown: The Prime Minister's case seems to be that Mr. Rupert Murdoch is just an ordinary business man, who can be treated like every other ordinary business man. If the Prime Minister believes that, he is just about the only person left in Britain who does. The reality is that one cannot treat somebody who owns a media outlet in the same way as one treats somebody who owns a beans factory. The Prime Minister must realise—I do not understand why he does not—that we must do something about media ownership. The only way of doing so is to amend the Competition Bill, which is to come back before the House in the next few weeks. Will he now see that that is done?

The Prime Minister: I do understand why it is different, which is why the Competition Bill includes specific new powers to deal with a range of competition issues, including predatory pricing—the issue that has been raised.

As for newspaper proprietors, I meet all of them regularly; I know all of them. I regard that as a sensible part of being the leader of a major political party. As a matter of fact, I have no illusions about any of them.

They are all highly able, highly ruthless and dedicated to the success of their businesses, as I am dedicated to the success of mine.

Mr. Caplin: As it is 1 April, has my right hon. Friend had the same problems that I have had in distinguishing fact from fiction today? I am thinking of two stories in particular—one about the Liberal Democrats' numeracy courses and the other about a Tory truce on Europe, both of which appear to be wrong—while, for the Government, 1 April is a date on which we can put new money into health and education. Will my right hon. Friend comment on that?

The Prime Minister: I am delighted that the Secretary of State for Health has announced today that the pledge given last November, that there would be no 18-month waiters on the waiting list, has been delivered by the Government, as we said it would be.

Q2.[35832] **Mr. Prior:** The Prime Minister will know that many disabled people throughout the country, and their carers and relatives, are concerned about the benefit review that the Government are undertaking. Will he rule out today the possibility of taxing disability living allowance?

The Prime Minister: As my right hon. Friend the Minister for Welfare Reform said when he announced our proposals to the House last week, we have no proposals to tax that benefit. Obviously, all taxation matters are matters for the Chancellor, but there are no such proposals in the Green Paper. I think that disability groups have welcomed the Green Paper, because they know that reform is necessary. They know, for example, that it is right to make changes to incapacity benefit and disability living allowance to make the gateways fairer, clearer and better, as well as trying to get more help to those who are severely disabled. They also welcome the fact that we shall consult them on how to proceed. That is the right way to make radical reforms, while reassuring people who need reassurance.

Q3.[35833] **Mr. Crausby:** Has my right hon. Friend heard the rumour that the Conservatives may abandon their opposition to the national minimum wage, despite the fact that they kept the House up about it all night a few weeks ago? Does he not welcome their grudging conversion to one of Labour's big ideas?

Madam Speaker: Order. I remind Back Benchers that they should ask about Government policy at Question Time. The Prime Minister is responsible for Government policy, not for the activities of the Opposition. Mr. Quentin Davies.

Mr. Quentin Davies: When and where did the Prime Minister last meet Mr. Rupert Murdoch?

The Prime Minister: As I said earlier, I meet newspaper proprietors, all of them, regularly, and I shall carry on doing so—as, I have no doubt, every serious political leader does.

Q4.[35784] **Mr. Skinner:** May I congratulate—*[Laughter.]* April fools!

When does the Prime Minister expect to conclude the talks with the Confederation of British Industry about the vexed problem of trade union recognition rights and voting by a simple majority? Is he aware that, the way that they are going on, they will probably take longer than the Northern Ireland peace agreement? Does he accept that, when the political history of this century is written, the workers' struggles will spring from every page, whereas the CBI and the media moguls will finish up with a footnote in the appendix?

The Prime Minister: I have to say that that is not quite the new Labour authorised version.

Obviously, we are in a process of consultation, because the issue is important. In the manifesto we stated that trade union recognition would be given if a majority of the relevant work force wanted it. We said that in government we would consult and negotiate on what that meant, and that is precisely what we have done. It is important to strike the right balance between the right of an individual to be part of a union and to be represented by it, if that is what the individual wishes, and the need of an employer to run an effective business, and that is precisely what we will do. The introduction of the minimum wage now has considerable business support, and I want the other part of our fairness at work agenda to be implemented in the same way.

Mr. Randall: I understand that the Prime Minister has been busy launching Panel 2000, which is about rebranding the UK. What contribution does he think that the Foreign Secretary has made to promoting our image abroad?

The Prime Minister: The Foreign Secretary has done an immense amount for British business abroad. It is only a pity that, when he does so, he is attacked and undermined by Opposition Members. I believe that the Foreign Secretary's job is not only to promote business, but to stand up and do what is right—that is what he has done.

Q5.[35785] **Mr. McNulty:** My right hon. Friend will be aware that last night, thanks to the hereditary peers, the Government suffered their 18th defeat in the House of Lords. There is growing impatience among Labour Members about when we will reform the House of Lords and get rid of these historical throw-backs and hill-billy inbreds. Can my right hon. Friend ascertain whether the right hon. Member for Richmond, Yorks (Mr. Hague) shares our view on the House of Lords, or whether—on this, as on every other issue—he is still thinking about it?

The Prime Minister: We will of course proceed as soon as we can in reforming the House of Lords. It would be easier if we knew that we had the Opposition's support in doing so, but, as on so many other policies, their position remains completely shrouded in mystery. We keep saying to them that, if they will agree with us, we can remove the hereditary peers as quickly as possible, but they simply will not state what their position is.

Mr. Hague: Has the Prime Minister seen the figures that were produced by the House of Commons Library showing that, over the 18 years of Conservative

Government, national health service spending rose by 3 per cent. a year, and that next year it will rise by 2.2 per cent? Are those figures correct?

The Prime Minister: I am delighted that my earlier remarks have had such a swift effect on the right hon. Gentleman. The figures indeed show that to be the case over the 18 years, but in the two years before the election—during which he was a member of the Government—national health spending rose in real terms by less than 2 per cent. This Government have significantly improved on that.

Mr. Hague: The truth, then, is that this Government are not matching the previous Government's performance in increasing NHS spending. All that the Prime Minister has done is to do what all Governments have done—take money from the contingency reserve for the health budget, except that he has not been as generous as previous Governments. Will he acknowledge that, under his spending plans, the increase in spending is now less than it was under Conservative Governments over those 18 years?

The Prime Minister: No, I certainly will not agree with that, as it is plainly wrong. First, we are putting far more money into the NHS—now, more than £1.7 billion—than was proposed in the Conservative spending plans that were published before the election. Secondly, even this year, we are spending far more—more than £300 million—than the Conservatives were due to spend, and that money does not come from the contingency reserve. The right hon. Gentleman is wrong on every count.

Mr. Hague: The Prime Minister's answer bore so little resemblance to the truth that he could probably get a job in his own press office before long. He promised the British people so much on health: he promised to reduce waiting lists, but they are now bigger; he promised to increase spending on the NHS, but the Government have cut growth in spending; and he promised to keep open specific hospitals, but the Secretary of State for Health has been busy closing them. Is that not a step-by-step betrayal of the NHS?

The Prime Minister: What a cheek, honestly. We are spending more money—*[Interruption.]*—far more money, than the Conservatives would have spent, according to their spending plans published before the general election. Waiting lists were going up for two years while the right hon. Gentleman sat in the Cabinet doing nothing about it, and they will come down under Labour, as we promised. The British people know perfectly well that the Conservative party in government did everything that it could to undermine the national health service. The Labour Government not only are spending more money but have got rid of the internal market and will put the national health service back on its feet, as we promised.

Mr. Shaw: Today marks a new beginning for the Medway towns: 250,000 people in the largest conurbation in the south-east will have a new unitary authority, dedicated to better education and economic regeneration. Will my right hon. Friend join me in wishing that council success, on behalf of the people of Chatham, Rochester and Gillingham?

The Prime Minister: Yes, I have no doubt that the new plans will do an awful lot for the people in my hon. Friend's area, not only in education but in economic development.

Q6.[35786] **Mr. Andrew George:** Will the Prime Minister confirm the front-page report in today's *The Times* about an extra £3 billion for the national health service? Is so, will he ensure that the Secretary of State for Health intervenes to halt the closure of four Cornish hospitals, with the loss of up to 100 beds and the sacking of 300 nurses?

The Prime Minister: Obviously, I cannot confirm reports of spending figures that are matters for my right hon. Friend the Chancellor. I repeat: we are putting into the national health service far more money than not only the Conservatives but the Liberal Democrats were prepared to put into it.

The decision on the particular hospitals lies with my right hon. Friend the Secretary of State for Health, but it is fair to point out that the chief executive of the local health authority has said that the changes are being made not for cash reasons but for reasons of internal reform. That said, my right hon. Friend will consider in detail the points that are being made, and he will announce his decision in the normal way.

Q7.[35787] **Angela Smith:** Jobs paying £1.75 an hour have recently been advertised in my constituency. Research has shown that subsidies for such poor employers cost the taxpayer up to £7,000 a year. Does my right hon. Friend agree that the Conservative opposition to a minimum wage is wrong morally and economically and that his policies have the support of the vast majority of people?

The Prime Minister: One reason for a minimum wage is to reduce the benefit bill, running at £3 billion or more a year, which goes on subsidising low pay. Another reason is that it is better for employers to compete on the basis of skills and productivity, not lower pay. It is morally right that there is a threshold beneath which wages do not fall. I very much hope that, despite anything that the Conservatives have said in the past, they will join us in supporting a policy that is both economically and morally right.

Official Visits

Q8.[35788] **Mr. Bob Russell:** What plans he has to pay an official visit to Essex.

The Prime Minister: I am afraid that I have no plans to do so at the moment.

Mr. Russell: That is a big disappointment. [HON. MEMBERS: "Hear, hear."] I should have liked the Prime Minister to meet some of the staff of various training centres in Essex, who as of today have lost their jobs because the funding given to Essex county council is

insufficient. For those people, some of whom have been there for 20 years, that is not so much welfare to work as work to welfare.

Does the Prime Minister agree that all parties on Essex county council—Labour being the largest—would have liked to keep the centres going, but that closure was the inevitable consequence of the previous Government's underfunding of local government? Does he further agree that, if the present Government had funded local government properly, those jobs could have been saved?

The Prime Minister: I hope that, as his hon. Friends cheered him, the hon. Gentleman will not mind my pointing out the fact that the Liberal Democrat manifesto made it quite clear that his party was also pledged to keeping within the spending limits on local government. That point needs to be made.

The particular training centre to which the hon. Gentleman referred is the SEAX training centre. The decision to close it was made by a committee chaired by a Liberal Democrat. The reason why work under the welfare-to-work programme was not given to that centre was that it was due to close, but other activities that are funded under the welfare-to-work programme will directly benefit his constituents.

Mr. Ivan Henderson: May I tell my right hon. Friend how welcome the new deal initiative is to the people of Harwich, one of the unemployment black spots of Essex? Does he agree that it is nice to see the Liberal Democrats and Tories of Essex joining in and supporting the new deal for the Essex people? The people of Harwich have suffered 8 or 9 per cent. unemployment for the past few years. It is right that Opposition Members should notice that they were wrong not to vote for the new deal—

Madam Speaker: Order. I urge Back Benchers to put a question to the Prime Minister and not make a statement.

The Prime Minister: The new deal has resulted in more than 1,000 young people getting into work in different parts of the country. That is just in its initial stages. It is important because these youngsters are often being given the first chance to get a job in their lives. It will reduce the cost to the state and will give them opportunities. It is a £3.5 billion programme, funded by the windfall tax. It is extremely important that we get the scheme going throughout the country, where it is generating enormous enthusiasm—and rightly so.

Q9.[35789] **Miss McIntosh:** What plans he has to pay an official visit to the Vale of York.

The Prime Minister: I am afraid that I have no immediate plans to do so.

Miss McIntosh: May I express the disappointment of the Vale of York that the Prime Minister has no immediate plans to visit us? We would impress on him the distress caused to farmers and to manufacturing industry by the Government's failure to tackle the strong pound. What would he say to those workers who have lost their jobs at Samsung this week and to those farmers losing their living because of the inability of his party to tackle the strong pound?

The Prime Minister: Let us be clear about what the hon. Lady means when she says that the Government should tackle the strong pound. The only way of doing that would be to tighten the fiscal position of the Government even more than it has been tightened. The Government have tightened fiscal policy enormously, but that has been opposed every step of the way by the hon. Lady's party. If we had followed the policies outlined by the Conservative Opposition at the moment, we would have had a worse problem than we have. We would have had higher interest rates and our economy would have been deteriorating. As a result of the measures which we are taking, we have the best chance of avoiding the boom-and-bust scenario. It is vital that decisions in respect of the pound and economic policy are taken on a long-term and not a short-term basis, so that we never go back to Tory boom and bust.

Engagements

Q10.[35790] **Mr. Stephen Twigg:** Is my right hon. Friend aware of the widespread concern in all parties in the House about the latest developments in Cyprus? What action will the British Government take to get the Cyprus talks back on track?

The Prime Minister: It is an extremely difficult situation. Although we very much welcome the start of the accession negotiations with Cyprus, it will be far more difficult for the accession to take place properly within the context of a divided island. We have made sure that a settlement should not be a precondition of access, but we want the Turkish Cypriots to participate in the process. We are doing all that we can to make that happen and will continue to do so. In the end, we cannot make this work unless both parts of the island want to work together.

Q11.[35791] **Mr. Heald:** Will the Prime Minister give the same help to parents who stay at home to look after young children as he is giving to parents who go out to work and need help to afford child care?

The Prime Minister: What we will do, as we have done, is to raise child benefit substantially for that section of the population. We are raising child benefit for everybody, but it is important that those women who want to, and sometimes have to, work for their family income should be given help with child care. We need extended nursery provision and a tax credit for the cost of child care. That should be supported by the hon. Gentleman's party.

Fiona Mactaggart: What would the Prime Minister say to those employers who have not yet signed up to the new deal about how they can contribute towards providing jobs for Britain's young people, who were abandoned and left to unemployment by the previous Government?

The Prime Minister: I would say, "Sign up," because the new deal offers opportunities not only for young people, but for employers. Employers will get highly motivated, well-trained staff coming to work for them, so it is good not only for young people, but for employers. I hope that they sign up to it.

Q12.[35792] **Mr. Thompson:** Will the Prime Minister confirm the view expressed by the Secretary of State for Northern Ireland last week, that a referendum will be held in Northern Ireland only if agreement is reached by the political parties in the present talks? Will he also confirm that the supreme authority of this Parliament over all persons and matters in Northern Ireland will remain undiminished?

The Prime Minister: Of course any agreement that is reached, and the referendum on it, will have to be agreed and will have to pass through the House as the sovereign body. That is absolutely clear. The position in respect of the referendum, and the arrangements for it and for the talks process, which we outlined at the beginning of the process, remains in being. I urge the hon. Gentleman and others like him to help constructively in reaching a deal and a negotiated settlement. We have the chance to do that in Northern Ireland—an historic opportunity has come in this generation, but it may not come in future generations. Rather than shake his head, the hon. Gentleman should help us to get to where the vast majority of the people of Northern Ireland want to be.

Points of Order

3.30 pm

Miss Anne McIntosh (Vale of York): On a point of order, Madam Speaker. Last Thursday, the Government made an announcement by answer to a written question, but it had been trailed to the press that morning. The announcement, which was of great concern to people living in the Vale of York and elsewhere in North Yorkshire, was that the Government have allowed National Grid's proposal to transport electricity by pylon through the Vale of York and elsewhere in North Yorkshire. Is it proper to release such an announcement to the press, and for the constituency Member of Parliament to hear about it in telephone calls from the press? If so, how can a Back Bencher hold the Government to account and represent the interests of constituents?

Madam Speaker: It has been the custom of all Governments to issue such statements by written question. Indeed, the hon. Lady made the point that this announcement was made in such a way.

Sir Peter Tapsell (Louth and Horncastle) *rose—*

Madam Speaker: Order. I have not finished speaking.

As for accountability to the House, I remind the hon. Lady that she has just had an opportunity to question the Prime Minister about it. She had a specific question about her constituency, the Vale of York, to the Prime Minister, and she had the perfect opportunity to hold the Government accountable for their actions.

Sir Peter Tapsell: On a point of order, Madam Speaker. You will have heard the Prime Minister boasting a few minutes ago that his chief information officer does a good job in attacking the Conservative party. If I am right in thinking that the chief information officer at No. 10 is a civil servant, is it not most improper for the Prime Minister to encourage a civil servant to behave in a way that deserves to be disciplined by the head of the civil service?

Madam Speaker: It is not a matter for me, and I am not responsible for ministerial answers.

BILL PRESENTED

CRIMINAL PROCEDURE (INTERMEDIATE DIETS) (SCOTLAND)

Mr. Secretary Dewar, supported by Mr. Henry McLeish, presented a Bill to amend, with retrospective effect, the law in relation to intermediate diets in summary criminal proceedings in Scotland: And the same was read the First time; and ordered to be read a Second time tomorrow, and to be printed [Bill 168].

Legal Reform

3.33 pm

Mr. Austin Mitchell (Great Grimsby): I beg to move,

That leave be given to bring in a Bill to constitute a national community legal service; to create a right to legal services and legal representation; to establish a legal service of employed lawyers and legal advisers throughout England and Wales under the superintendence of a legal services commission; to set up a Ministry of Justice; to modernise the judiciary, legal services and the legal professions; to curtail the power of courts martial; and for related purposes.

I must emphasise that the Bill has nothing to do with the Lord Chancellor or any problems that he may have had, and I deprecate the media's efforts to make an association between it and the Lord Chancellor.

The Bill is concerned with the gap that is emerging between the people and the law. They need the law—it empowers them, and they need it to serve their purposes in all sorts of roles, ranging from employment, consumer and domestic affairs to the assertion of their rights against big organisations. They need the law more and more, but are less and less able to afford it, because, with constant escalation of costs, it is pricing itself out of the range of ordinary people. Any cut in public provision through cuts in legal aid, which seems to be available primarily to a few millionaires and to people on benefit, will make that situation far worse.

The problem that we face and that my Bill attempts to solve is how to provide a popular community legal service that is efficient, cheap and available, like the health service, to people as they need it. I propose to solve the problem by enacting a right to representation and by providing that representation through a public service of paid solicitors and barristers. That is the most efficient and cost-effective way of providing legal services, in competition with private practices, which would continue to serve the people as before.

The service would be established in law shops in each community, based on the law centres, which have done such successful work, but which now face drastic cuts in their services. High street law shops would provide a type of citizens advice bureau service to channel people to the advice service or legal service that they needed. That could be for civil or criminal matters. I hope that the criminal service of the law shops would grow as it developed into a public defender service, which we need in this country. It is the most efficient way of providing criminal law services to the mass of people in an urban society in which there is sufficient concentration and throughput of people.

I intend to finance the structure out of the money currently devoted to legal aid—£1.4 billion or £1.5 billion—plus fees in proportion to ability to pay, and local government grants to improve the service of the law shops in their area. The private sector would compete by charging contingency fees, which the Bill allows, and conditional fees, which the Government propose, and by cutting out restrictive practices, especially those at the Bar, which amplify the costs of legal services to everyone. I want to create competition to serve. That is the only way in which we can provide the service to the people. There would be two structures and people would choose which structure could best help them. That would improve the service in both sectors. The private sector would give

estimates as part of its competitiveness, exhibit charges in solicitors' offices, develop computer services and attempt to serve people more effectively than it has done until now.

The whole structure would be supervised by a legal services commission—an independent body that would provide finance for the service, so that it was independent of political control, and ensure that the service was up to standard. It would be backed by community legal councils rather like community health councils, supervising local provision of legal services in the community.

My other reforms are structural reforms of legal services. They are not dictated by any news items about the Lord Chancellor. Most of them come from the Labour party 1992 election manifesto and from work done by the Legal Action Group in the past decade. Those are proposals for which I and my hon. Friends have argued for the past decade.

The office of Lord Chancellor is in a sense a mediaeval relic, ripe for the modernisation that the Labour party is undertaking in so many other sectors of government. His three-in-one role could perhaps be performed by the Almighty, but it is something of a difficult role for a mere mortal, which I understand that the Lord Chancellor is. I propose to take away judicial appointments and set up a judicial appointments and training commission, responsible for the selection and training of judges. We need a judicial service that is more representative of the whole community. That would not be politicisation. Judges are, in effect, already political figures, in that their politics range from right to extreme right to lunatic right. The system of training and appointment would make them better trained and more representative.

I would also set up a Ministry of Justice, with a Minister here in the House of Commons and answerable to it. Here is where the problems and grievances of the people are raised and where complaints about the adequacy of structures and their operation need to be addressed. The Minister of Justice would also be answerable to a Select Committee of the House of Commons for performing the brief of modernising the whole system and ensuring that it serves the purposes of the people.

My Bill is a modest Bill. It sets out the framework of a modernised legal service, which we cannot achieve or provide through a programme of piecemeal cuts that is Treasury driven and designed to save money at the expense of unbalancing the legal system against the people if those cuts go through. We want a community service that comes from an employed public service framework competing with the private sector to serve the people, so that the people are empowered by the law and not deprived of it and so that that service industry serves the interests of the people and not its own pecuniary self-interest. I commend the Bill to the House.

Question put and agreed to.

Bill ordered to be brought in by Mr. Austin Mitchell, Mr. Tony Benn, Mr. Nick Harvey, Dr. Lynne Jones, Mr. Gordon Prentice and Mr. Alan Simpson.

Legal Reform

Mr. Austin Mitchell accordingly presented a Bill to constitute a national community legal service; to create a right to legal services and legal representation; to establish a legal service of employed lawyers and legal advisers throughout England and Wales under the superintendence of a legal services commission; to set up a Ministry of Justice; to modernise the judiciary, legal services and the legal professions; to curtail the power of courts martial; and for related purposes: And the same was read the First time; and ordered to be read a Second time on Friday 3 July, and to be printed [Bill 169].

Regional Development Agencies Bill [*Money*] (No. 2)

Queen's recommendation having been signified—

Motion made, and Question proposed,

That for the purposes of any Act resulting from the Regional Development Agencies Bill it is expedient to authorise any increase attributable to the Act in the sums payable out of money provided by Parliament under the Superannuation Act 1972.—[*Mr. Clelland.*]

3.41 pm

Mr. Eric Forth (Bromley and Chislehurst): I am slightly, but only slightly, surprised that we do not have a Treasury Minister here to speak to the resolution. It strikes me that it would be a courtesy to the House were a Treasury Minister to come here to explain to us what the words on the Order Paper mean. They read rather ominously to me, because I have not been given any explanation. The resolution that we are being asked to approve gives a completely blank cheque to the Government, the Department or the Secretary of State to spend any money under the auspices of the Regional Development Agencies Bill.

The wording of the resolution is:

"it is expedient to authorise any increase attributable to the Act in the sums payable out of money provided by Parliament".

At the stage of the money resolution—which is an important part of parliamentary procedure, when the House is asked to authorise the expenditure of taxpayers' money in the furtherance of the Bill's objectives—and when a Bill has returned from Standing Committee, where it has been scrutinised most carefully, surely it would not be unreasonable for the House to expect at least a range of costs to be given by a Treasury Minister. Given that the resolution stands in the name of a Treasury Minister, one might have expected a Treasury Minister to come and tell the House, fairly briefly, the sort of moneys that might be expected to be spent arising from the Bill and under the terms of the money resolution.

I say that because I suspect that the sort of costs that will arise from the Bill will fall into two broad categories. The first could be described as administrative costs, for example, those arising from clauses 1 to 3, in which reference is made to between eight and 15 members of each of the nine proposed development agencies. On reading that, one can immediately envisage the sort of structures and bureaucracy that might arise from such a provision. There are to be nine agencies spread across the country and, inevitably, each will have offices, staff, expenses and all the other things that go with such bodies.

Mr. Tim Yeo (South Suffolk): My right hon. Friend's concern is a proper one. He might not have had time to study the Standing Committee proceedings in detail, but I am sure that he would like to know that Conservative members of the Committee moved an amendment to place a cash limit on the pay that could be given to RDA boards, the pensions that could be paid to members of RDA boards and the compensation that could be paid to non-executive members of boards for loss of office. The Government rejected that amendment.

Mr. Forth: I am not surprised to hear that. My hon. Friend brings to this matter a sense of financial responsibility and probity of the kind that we expect from Conservative Benches. Equally, I am not surprised that the Government rejected his proposal. Within that vignette lies the fear that I am trying to express today: substantial expenditure could flow from the provisions of the Bill as it has emerged from Standing Committee. That expenditure could flow from the nine agencies, their staffing needs and so on. One has only to glance through the Bill to see the scope for expenditure that it provides.

I fear that the direct costs will be bad enough—and, given my hon. Friend's comments, I suspect that there will be little opportunity for effective control. Even worse than that, clause 4 outlines the range of activities that the agencies would undertake, all of which will require substantial expenditure. The House is being asked today to approve that considerable expenditure without having any idea of the range of costs involved.

I am now aware of your views regarding money resolutions, Madam Speaker. I believe that they should provide an opportunity for the House to consider, as part of our general scrutiny of legislation, the sorts of costs that would arise from a Bill. In this case, we must focus particularly on those financial aspects. It has been my experience—my hon. Friend may wish to correct me in relation to this legislation—that Standing Committees are not always able to examine the totality of costs that may arise from a Bill's provisions. That may not be the case with this legislation, but although my hon. Friend made a valiant effort to provide a mechanism for restraining the costs that might arise, the Government rejected his suggestion. Therefore, I think that we are entitled to be even more suspicious. My suspicion increases when I read clause 7, which states:

"A regional development agency shall—

(a) formulate, and keep under review, a strategy in relation to its purposes".

The formulation and review of a strategy suggests an on-going mechanism that carries with it a considerable cost. We are given no idea of the sorts of cost that may be involved.

In that context, I suggest that, when a money resolution of this or any other kind is put before the House, the Treasury Minister in whose name the money resolution is made should routinely seek to catch your eye, Madam Speaker, in order to explain the amount of money that might be involved. If we have no such explanation—and I am afraid that there is none in this case—the House must remain uninformed as to the nature of the expenditure and the general range of costs involved. Therefore, we are being asked to sign what I would characterise as a blank cheque. It is not the first time that this has happened.

Mr. Nicholas Soames (Mid-Sussex): Does my right hon. Friend remember the debate in which he and I participated on the morning after the House sat all night? He and I waited up to debate the money resolution on the Road Traffic Reduction (United Kingdom Targets) Bill, which both my right hon. Friend and I wholly support. That was one of the few occasions when the House had the opportunity to debate a money resolution. Hon. Members were able to debate how much ordinary taxpayers should spend on a legitimate and important piece of parliamentary legislation. The point is that the House had the chance to debate that important question.

Mr. Forth: I am grateful to my hon. Friend for reminding me of that, because he well illustrates the

fact that our eternal vigilance on money resolutions must never slack or cease. I remind my hon. Friend, in the same regard, that on that occasion we received no answers from the Minister to satisfy us about the amounts of expenditure that would be involved. I hope that this will be an important parliamentary occasion, in that it will be the first time since the general election when the House will be told by a Minister about the range of costs associated with a money resolution. I suspect that my hon. Friend will not hold his breath waiting for that to happen, but we must all travel hopefully, in the expectation that we may, eventually, arrive at a state of erudition.

My eye lit upon clause 10, which says:

"The Secretary of State may, with the approval of the Treasury, make to a regional development agency grants of such amounts, and on such terms, as he thinks fit."

We are being asked, in approving the money resolution, to approve that blanket provision without any idea of the range of costs involved. I should have thought that it would give rise to very considerable levels of expenditure.

Mr. Soames *rose—*

Madam Speaker: I hope that it is a shorter intervention.

Mr. Soames: It will be a very short intervention, Madam Speaker. Is my right hon. Friend aware that I hope to catch your eye, Madam Speaker, later in the debate—

Madam Speaker: In that case, turn your very pleasant face to the Chair.

Mr. Soames: I apologise. You know that no disrespect would ever be intended towards you, Madam Speaker.

Is my right hon. Friend aware that within clause 10 falls the whole logic of the point that he and I debated on that long, cold spring morning, when we debated how the Rio declaration would fit with the aspirations of the National Federation of Badger Groups? Does my right hon. Friend remember?

Mr. Forth: Yes, I do. It is burnt on my memory. The reference that my hon. Friend made—as only he could—to both the Rio declaration and the friends of the badgers, contributed significantly to that debate. I hope that, if the House is very lucky and behaves itself extraordinarily well, he might remind himself how both Rio and badgers are relevant to the money resolution—and if he managed to get that round you, Madam Speaker, I would admire him even more than I do now.

The simple point that I want to make about the money resolution is twofold. First, there is a procedural question: whether it should be mandatory for Ministers in whose name the money resolution is laid before the House to do the House the courtesy of coming here and setting out, briefly, the nature of the money resolution, its background and, most crucially, the range of costs that might be involved, so that the House may take a proper view of the matter and pass its own judgment.

The second matter, which flows naturally from the first, is the substantive point in the money resolution. I suspect that, in this case, the amount of taxpayers' money that may be spent as a result of the Bill and money resolution is significant and substantial. Surely it is right that we should be told of the range of expenditure that might be involved, so that the House might properly come to a conclusion.

If the House is not given that information, I and some of my hon. Friends—I do not know how many—might be sorely tempted to feel that it is our duty to express, in a Division, our view that we are entirely dissatisfied, not only with the procedural aspects, but with the lack of substance so far offered to the House.

3.53 pm

Mr. Nicholas Soames (Mid-Sussex): My hon. Friend and I—

Mr. Forth: Right hon. Friend.

Mr. Soames: My right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) and I appear to be the only two people in the entire House other than you, Madam Speaker, who really believe that is the job of Members of Parliament to hold the Executive to account, so it is a great moment for the House of Commons under the present Administration that we are entitled—indeed, permitted—to debate the money resolution.

I remember a morning not long ago: a cold, damp, spring morning, after the House had been sitting all night. Regrettably, Madam Speaker, you were not in the Chair; you were attending to other administrative matters. One of your incredibly efficient and excellent Deputies was in the Chair, and he will recall to you, Madam Speaker, the moment when my right hon. Friend and I thought it fit to draw to the attention of the House the opportunity that we had in our consideration of the Road Traffic Reduction (United Kingdom Targets) Bill to debate the money resolution. The scene that passed before our eyes was one from older days, when you, Madam Speaker, were on the Back Benches, when—

Madam Speaker: Order. I am much obliged to the hon. Gentleman. I must bring him back to the motion on the Order Paper. He is romanticising and taking me along with him, but I must attend to the business of the House. I bring him back to the motion which, he will notice, is a very limited motion. It deals only with superannuation costs. I am sure that he can read it correctly and will understand that. We will come back to superannuation costs now. Thank you.

Mr. Soames: It is because the money resolution deals with superannuation costs that I am able to remind you, Madam Speaker, of days that you will well remember, when Bob Cryer, a gentleman whose loss is much lamented and who was so sadly taken from us, often used to detain the House on the money resolution on superannuation motions for the greater benefit of the House, and the hon. Member for Bolsover (Mr. Skinner) used to support him. It is a source of great pleasure to me and to hon. Members on both sides of the House that Mr. Cryer's fine widow and splendid son are now in the House to deal with such matters.

[Mr. Soames]

As you rightly reminded us, Madam Speaker, we are dealing with the money resolution relating to the Superannuation Act 1972. I support my right hon. Friend in respect of clause 10 of the Bill, which states:

"The Secretary of State may, with the approval of the Treasury, make to a regional development agency grants of such amounts, and on such terms, as he thinks fit."

Whether those sums are voted by the Government on a superannuation basis or on any other basis, they are worthy of being debated by the House which, if it does not express the views of the ordinary electorate in the voting of Supply, has no right even to exist.

The points expressed by my right hon. Friend in relation to the motion should be taken seriously by Ministers. It is a matter of regret to me that the Financial Secretary—a woman who, for whatever reason, commands the universal admiration of Conservative Members—is not in her place. Her parents were constituents of mine, when I had the honour to represent the Crawley seat. Indeed, she is an esteemed alumnette of the Thomas Bennett community college in Crawley. It may be that her training in that previous existence led her to draft clause 10, which states—

Madam Speaker: Order. We shall deal with clause 10 in due course, when we come to it. For the moment we will deal with the money resolution. I am sure that the hon. Gentleman will be neither tedious nor repetitious, but will come to a conclusion now.

Mr. Soames: I will come to a conclusion, Madam Speaker, and it has never been an ambition of mine to be either tedious or repetitious.

Clause 10, which relates to the Superannuation Act 1972, states:

"The Secretary of State may, with the approval of the Treasury, make to a regional development agency grants of such amounts, and on such terms, as he thinks fit"—

or, in the case of the Financial Secretary, as she thinks fit.

It is wrong for a Government to have the right to make fit applications of that type to the House of Commons. It is wrong for it to be done without permission and without any estimate of the size of the request that the Financial Secretary will make. We are asked to pass on the nod a money resolution dealing only with superannuation, and we do not know how much money will be made available to the Financial Secretary.

Madam Speaker, like your predecessors were and your successors will be, you are all that remains of that thin gap between the Government and the outside world, which can hold the Government accountable and protect the right of the House to vote Supply. As we understand it, the House is being asked to vote an unlimited sum on superannuation.

The Minister for the Regions, Regeneration and Planning is ready to reply to the debate. He is a good and straight man and a good Minister. He will do his very best. As I have said on another occasion, he will have been furnished with a brief that is impeccably written by honourable civil servants who are charged with drafting legislation for the House with parliamentary clerks and parliamentary counsel. He will bring before the House the money resolution and ask us to vote, on the nod, for unlimited Supply on superannuation.

If I were to say to you, Madam Speaker, that you could have unlimited Supply for your pension, you would say to me, "I would like to have unlimited Supply, but that is quite wrong. I could not have such a thing without it being approved by the House of Commons." We are saying that the liberty that is given to you, Madam Speaker, should be given to Conservative Members, whose only job in life is to try, on the few brief occasions available to us, to deal in straight and open debate with the Labour Government and the amount of money that is voted on the nod on issues such as superannuation.

We have to ask ourselves—*[Interruption.]* I give way to my hon. Friend the Member for Brentwood and Ongar (Mr. Pickles).

Mr. Eric Pickles (Brentwood and Ongar) *rose—*

Madam Speaker: I am ready to put the Question. Does the Minister wish to reply?

4.2 pm

The Minister for the Regions, Regeneration and Planning (Mr. Richard Caborn): I must put some comments on the record. The hon. Member for Mid-Sussex (Mr. Soames) has had a very good lunch and seems a little emotional, if not a little tired. If hon. Members look at column 485 of *Hansard* on 14 January, they will see that there was a money resolution open for debate. I do not think that any Conservative Member rose to speak on that resolution. Indeed, it went through on the nod. I think that a little twinge of hypocrisy prevails this afternoon.

I will put the case for the money resolution. As you have said, Madam Speaker, it invites the House to authorise that part of the amendment to the Regional Development Agencies Bill on RDA pensions, to be debated later, which would create a charge on public funds. The amendment will have the technical effect of increasing the sums payable out of money provided by Parliament under the Superannuation Act 1972, if necessary. We are advised that the money resolution agreed by the House on Second Reading is unlikely to be wide enough to cover the additional sums.

The net effect on the public purse is likely to be minimal. By far the bulk of RDA staff are to transfer from Government offices, English Partnerships and the Rural Development Commission, some of whom have existing public sector pension entitlements, and all of whom are paid from the public purse. With that short explanation, I hope that the House will agree to the money resolution.

Question put and agreed to.

Resolved,

That for the purposes of any Act resulting from the Regional Development Agencies Bill it is expedient to authorise any increase attributable to the Act in the sums payable out of money provided by Parliament under the Superannuation Act 1972.

REGIONAL DEVELOPMENT AGENCIES BILL (PROGRAMME)

Motion made, and Question put forthwith, pursuant to Standing Order No. 82 (Business Committee),

That the Report [31st March] from the Business Committee be now considered.—[*Mr. Clelland.*]

Question agreed to.

Report considered accordingly.

Resolved,

That this House doth agree with the Committee in its Resolution.—[*Mr. Clelland.*]

Following is the report of the Business Committee [31 March]:

That it had come to a Resolution [31st March] in respect of the Regional Development Agencies Bill, which it had directed him to report to the House:

That each part of the Proceedings on Consideration shall, if not previously brought to a conclusion, be brought to a conclusion (in accordance with the Programme Order of 27th March) at the time specified in the following Table:

TABLE

Proceedings	*Time for conclusion of proceedings*
New Clause 2 and New Clause 1	5.30 p.m.
New Clause 3	7.15 p.m.
Remaining New Clauses and Amendments to Clauses 1 to 19	8.00 p.m.
Amendments to Clauses 20 to 23	9.00 p.m.
Remaining Amendments	10.30 p.m.

Report to lie upon the Table.

Mr. Soames: On a point of order, Madam Speaker. I would not want you to pass this moment by without agreeing that it is important that money resolutions are debated in the House. Do you agree that it is not to the advantage of the House of Commons that money resolutions are rarely debated? Do you further agree that, when they are, it is important that the Opposition be given a chance to lay before a greater public the arguments relating to that particular legislation?

Madam Speaker: The hon. Gentleman will know from his long experience in the House and certainly as a Minister that there is often opportunity to debate money resolutions. There was three quarters of an hour for today's money resolution debate. There has been ample opportunity for the Opposition: only two hon. Members sought to debate it in three quarters of an hour.

Mr. Soames: Further to that point of order, Madam Speaker. I am sorry to be a bore, but do you agree that there are few occasions on which a money resolution is capable of being debated because of a short-sighted act by members of my party when in government, who agreed to money resolutions on major Government business not being debated? Do you agree that it is an eternal failing of the procedures of the House that we do not debate money resolutions?

Mr. Barry Sheerman (Huddersfield): This is not a point of order.

Mr. Soames: It is a point of order. It was only because of people such as Bob Cryer and the hon. Member for Bolsover (Mr. Skinner) that money resolutions were debated—they always used to debate money resolutions as a matter of principle. Now that we do not, do you agree, Madam Speaker, that that is a deficiency in our life in the House of Commons?

Madam Speaker: The hon. Gentleman is never a bore; he always has something interesting to say. It was barely a point of order, but there was an opportunity today to discuss the money resolution. The Opposition have had an opportunity to do so and have done so. Whenever there is an opportunity to discuss a money resolution, no doubt hon. Members such as himself will seize that opportunity. That is as far as I can go with his point of order.

Orders of the Day

Regional Development Agencies Bill

As amended (in the Standing Committee), considered.

[Relevant documents: First Report from the Environment, Transport and Regional Affairs Committee, Session 1997–98, on Regional Development Agencies (HC 415) and the Government's Response thereto (HC 645); Fourth Report from the Education and Employment Committee, Session 1997–98, on The Relationship between TECs and the proposed Regional Development Agencies (HC 265).]

New clause 2

STAMP DUTY

'.—(1) Stamp duty shall not be chargeable on—

(a) a transfer scheme, or

(b) an instrument or agreement which is certified to the Commissioners of Inland Revenue by a Minister of the Crown as made in pursuance of a transfer scheme.

(2) No instrument or agreement which is certified as mentioned in subsection (1)(b) shall be taken to be duly stamped unless—

(a) it is stamped with the duty to which it would, but for that subsection, be liable, or

(b) it has, in accordance with section 12 of the Stamp Act 1891, been stamped with a particular stamp denoting that it is not chargeable with any duty or that it is duly stamped.

(3) Section 12 of the Finance Act 1895 shall not operate to require—

(a) the delivery to the Inland Revenue of a copy of this Act, or

(b) the payment of stamp duty under that section on any copy of this Act,

and shall not apply in relation to any instrument on which, by virtue of subsection (1), stamp duty is not chargeable.

(4) In subsection (1), "transfer scheme" means—

(a) an order under section 29 which includes provision for the transfer of property, rights or liabilities, and

(b) a scheme under any of sections 38 to 41 and paragraph 1 of Schedule 3 for the transfer of property, rights or liabilities.'.—*[Mr. Caborn.]*

Brought up, and read the First time.

4.7 pm

The Minister for the Regions, Regeneration and Planning (Mr. Richard Caborn): I beg to move, That the clause be read a Second time.

Madam Speaker: With this, it will be convenient to discuss Government amendments Nos. 13 and 14.

Mr. Caborn: New clause 2 is a technical change to the Bill. It exempts transfers of property that are made under the Bill from stamp duty. As such exemptions are allowed only in the case of transfer between public sector bodies, we have tabled amendments to clauses 39 and 41, which limit the use of those powers to transfers from the Rural Development Commission and English Partnerships to other public sector bodies.

It would clearly not make sense for stamp duty to be paid on transfers made from one public sector body to another, as the Exchequer would, in effect, be funding the payment of a duty to itself. In view of that, I hope that Conservative Members will agree to the inclusion of new clause 2 and to consequential amendments Nos. 13 and 14.

Mr. Tim Yeo (South Suffolk): Conservative Members have no objection to the new clause, which seems to be essentially technical in nature. However, I believe that it is grouped with new clause 1—[HON. MEMBERS: "No."] Is it not?

Madam Speaker: May I clarify the matter for the hon. Gentleman? We are dealing with new clause 2 and Government amendments Nos. 13 and 14.

Question put and agreed to.

Clause read a Second time, and added to the Bill.

New clause 1

ACTIVITIES OF AGENCIES IN RURAL AREAS

'(1) The Secretary of State shall cause an annual assessment to be made of the effect of the activities of each regional development agency upon the rural parts of its area (if any).

(2) The Secretary of State shall lay before both Houses of Parliament a report containing the assessments made under subsection (1) and his proposals (if any) to deal with any matters identified in the assessments.

(3) Any report made under subsection (2) shall also contain a statement in the respect of each regional development agency as to whether, in the opinion of the Secretary of State, it has fulfilled its purposes under section 4(2).'.—*[Mr. Yeo.]*

Brought up, and read the First time.

Mr. Yeo: I beg to move, That the clause be read a Second time.

Madam Speaker: With this, it will be convenient to discuss amendment No. 1, in clause 7, page 3, line 39, at end insert

'and

(d) the needs of the rural areas within any region.'.

Mr. Yeo: New clause 1 would require the Secretary of State to assess the impact of regional development agencies on rural areas, and to report the results of that assessment to Parliament. Amendment No. 1 would require the Secretary of State, when issuing guidance to regional development agencies on their strategies, to take account of the needs of rural areas within their region.

I very much regret the necessity for the new clause and the amendment. I had hoped that, after almost a year in power, the Government would have at least begun to realise that rural areas have special needs, and that policies that are tailored for the urban areas, which they so much favour, are not automatically suitable to be applied to the countryside.

We have had a year in which the Government have systematically removed resources from rural local authorities by changing the funding formula under which standard spending assessments are calculated and under which the revenue support grant is distributed. Changes to the methodology for calculating standard spending assessments have removed £94 million from rural local authorities.

We have had a year in which protection of the countryside through the planning system has been ruthlessly undermined. We have had a year in which respect for rural traditions has been steadily eroded, and in which the incomes of farmers and others who earn their living from the land have been steadily falling. Against that background, it is perhaps not surprising that the Government's Bill establishing regional development agencies has completely neglected the needs of rural communities.

The Government's policy on the countryside has moved from denial, to panic, and into confusion. Ministers started by denying that there was a problem. Subsequently, they panicked at the extent of public hostility to their attitude. They are now in confusion about what to do. They are not only confused about what to do: they are confused about who should do it. Only a month ago, at the time of the countryside march, there was an unseemly struggle over who was in charge between the Department of the Environment, Transport and the Regions and the Ministry of Agriculture, Fisheries and Food.

The same hostility towards the countryside which characterises the Government's general approach has been apparent throughout the Bill's consideration. During the Second Reading debate and the Standing Committee's 13 sittings, we looked in vain for a single sign that the Government appreciate the real fear—a widespread fear—that those regional development agencies will be urban-based and urban-focused, that they will have urban-dominated boards, and that—at the request of the Secretary of State—they will pursue an urban agenda.

At one point in the Standing Committee proceedings, the Minister for the Regions, Regeneration and Planning seemed to take on the part of an Agriculture Ministry mole. His ignorance of rural matters constituted a powerful argument for transferring responsibility for countryside policy from his own Department to the Ministry of Agriculture.

On 12 February, in the Standing Committee, the Minister managed to confuse the Rural Development Commission with the Countryside Commission. Last Friday, the Government announced the merger of those two bodies—a somewhat drastic solution to the problem of a Minister who had not done his homework.

The extent of the Government's determination to prevent regional development agencies from having to consider the rural dimension was shown when they argued against and defeated an Opposition amendment that would have required the Secretary of State to consult

"such persons as appear to him to represent rural interests in the agency's area."—[*Official Report, Standing Committee E*, 29 January 1998; c. 73.]

The amendment reflected the Opposition's concerns, but it also reflected the concerns of many organisations that had taken the trouble to respond to the Government's consultation exercise last year on regional development agencies. We know how much importance the Minister attached to that exercise, because he referred to it not only many times in Committee but right at the start of his speech on Second Reading. He said:

"our consultation paper received more than 1,500 responses, which universally supported the case for development agencies in England to match those which have worked so successfully . . . in Scotland, Wales and Northern Ireland."—[*Official Report*, 14 January 1998; Vol. 304, c. 373.]

Some of the organisations that responded to the consultation process found that their views were quoted in the White Paper. Unfortunately, the full text of their responses is not available to hon. Members in the Library of the House. The full texts are not even available to the organisations that the Minister quoted in the White Paper. They are available only to people who go to the Department of the Environment, Transport and the Regions in person and study them in its library.

4.15 pm

The full texts will repay study. People who take the trouble to study them will see how selective the Government were in the White Paper.

Mr. Jim Fitzpatrick (Poplar and Canning Town): On the subject of omissions, when the hon. Gentleman was discussing elements that affected the decline of the countryside and the problems faced by rural communities, I did not hear him mention BSE. Does he accept that BSE was caused by the Conservative Government's deregulation of the food chain?

Mr. Yeo: I regret having given way to the hon. Gentleman, given the limited time available. The idea that Ministers are directly responsible for diseases is patently absurd. If that were the case, I presume that the present Government continue to share exactly the same responsibility.

I was drawing to the House's attention the selective nature of the quotations in the White Paper, which is particularly apparent when it comes to rural issues. For example, the National Farmers Union is quoted on page 45 of the White Paper. The words chosen by Ministers are:

"There is clear merit in having one agency take a strategic overview of the needs and potential of a region"—

a supportive quotation, as one might expect given that it has been carefully hand-picked.

Elsewhere in the response from the National Farmers Union, in a part that is not available in the Library but is kept well out of sight in the basement of the Department of the Environment, Transport and the Regions, we find something rather different. I quoted the NFU in the Standing Committee on 29 January as saying:

"The legislation which creates Regional Development Agencies should require them to have regard to the needs of their rural areas and reflect those needs in their policies and programmes."—[*Official Report, Standing Committee E*, 29 January 1998; c. 74.]

Clearly, that quotation puts a different gloss on the matter from the quotation in the White Paper.

A similar example occurs in the case of the Country Landowners Association. The Minister was very ready to quote the CLA in the White Paper, and on page 16 he quotes it as saying:

"The test for RDA involvement must be when the issue is too big to be resolved by a single County Council or Unitary Authority, yet not of a scale requiring national intervention."

However, the CLA had much more to say about regional development agencies, although for some reason its other comments were not quoted in the White Paper, and, as in the case of the NFU, they were not available in

[Mr. Yeo]

the Library. In the same response from which the Government chose to quote in the White Paper, the CLA said:

"There is a real danger that Regional Development Agencies will be biased towards representing urban interests."

The CLA, the NFU and the Opposition share the same concerns as many other individuals and organisations outside the House. Those concerns prompted us to table new clause 1.

Mrs. Louise Ellman (Liverpool, Riverside): Has the hon. Gentleman considered clauses 7 and 8? Clause 7 says that the regional development agencies must follow a strategy in their work, and clause 8 says that a regional chamber must be set up in each RDA area and the strategy discussed with that regional chamber.

As the regional chambers are representative of all areas that fall within the region concerned, I should have thought that rural interests, as much as any other interests, would have a full opportunity to be consulted, to make observations and to participate in formulating the strategy.

Mr. Yeo: I assure the hon. Lady that I have considered those clauses in great detail. Clause 7 allows the Secretary of State to give directions to a regional development agency about its strategy—the formulation of that strategy, the subjects that it can consider and the other matters that it can take into account when making a strategy. The clause gives complete control over the strategy of every regional development agency back to the Secretary of State, whose record over the past 11 months has shown that he cannot be trusted on countryside issues.

Clause 8 gives the Secretary of State the power to decide which body constitutes the regional chamber. That is not a matter for the RDA, the local authorities or the people of those regions to decide; it is solely for the Secretary of State. Almost every decision on RDAs ends up on the desk of the Secretary of State, who has proved beyond doubt that he cannot be trusted with the English countryside.

Mr. Andrew Lansley (South Cambridgeshire): Will my hon. Friend consider new clause 4, which has not been selected for debate? It highlights the question whether regional development agencies should have regard to the general interests of rural areas and the agency to be created from the Countryside Commission and the Rural Development Commission when formulating their strategies. It would be highly desirable if RDAs should statutorily have regard to the general situation of rural areas.

Mr. Yeo: My hon. Friend is right. I heartily endorse the sentiments expressed in new clause 4, which has not been selected for debate. It contains much good sense. The Minister could show the Government's sympathy for it when he replies.

This afternoon provides an opportunity for clarification on the Government's merger of the Countryside Commission and the Rural Development Commission. The concerns expressed by the CLA, the NFU and the Opposition are widely felt outside the House. I hope that the House will show this afternoon that it shares those concerns.

It is difficult to understand why the Government may want to resist amendment No. 1. However, given their past form, I fear they may, so we are offering them new clause 1 as an alternative. It would force the Government to come clean about what regional development agencies are doing in rural areas. The need for the new clause is best illustrated by the tortuous history of how the Labour Government dismembered, and are now destroying, the Rural Development Commission.

Back in December, the Government announced that the rural regeneration work of the RDC would be transferred to the regional development agencies. That decision provoked the resignation of the chairman of the RDC in protest. Then came the publication of the Bill, which provides in clause 39 for the Secretary of State to wind up the RDC. That clause provoked questions about the Government's intentions towards what was left of the RDC—a rump of a body whose viability many people were questioning.

Initially the Minister was, perhaps uncharacteristically, rather coy. On 3 February, he claimed that, until the comprehensive spending review had been finished, nothing could be said about the future of the RDC. On 19 February, following the occasion on which he confused the Rural Development Commission with the Countryside Commission, he told the Standing Committee that the outcome of the comprehensive spending review might result in the retention of the Rural Development Commission.

Just five weeks later, we are being told that the RDC is to be merged with the Countryside Commission. That is a fast-changing policy, in which the only loser is the countryside. With this Government, the interests of the countryside always come last.

Will the Minister assure the House that all the existing functions of the Rural Development Commission will continue? Will he guarantee that a sum equivalent to the budget of the RDC will be added to the budget of the Countryside Commission, and will continue to be spent in rural areas? Will the Minister today end the uncertainty over the future employment of Rural Development Commission staff who have suffered protracted anxiety about their jobs for more than three months?

No amount of spin-doctoring has been able to prevent the public from realising what a miserable record the Government have in rural areas. Today's debate is yet another chance, after so many have been thrown away, for the Government to rescue their position. To regain a shred of credibility in the countryside, they merely have to accept the new clause and amendment No. 1, which I commend to the House.

Mr. Eric Pickles (Brentwood and Ongar): I did not have the opportunity to serve on the Committee, but, as a member of the Environment, Transport and Regional Affairs Committee, I had the opportunity to receive evidence on the most important issues facing the new regional development agencies.

My hon. Friend the Member for South Suffolk (Mr. Yeo) mentioned that the Government do not seem to realise the importance of the countryside. I think that I have found an occasion when they did. In their response to the Select Committee report, the Government say:

"It is the Government's aim to ensure that the rural and non-rural areas are treated equitably according to their needs, and that RDAs do not become urban-centred bodies that neglect the needs of their rural areas."

I am sure that we would all share that sentiment. However, the risk that the agencies become such bodies is very great. Given the size of the RDAs—they are giant; there is nothing about them that is even vaguely local—it is only natural that major urban centres will dominate, and that most of the expertise will come from such urban centres.

Given the shock wave that seems to have hit the Government, following two very large and important countryside marches, they have made a number of concessions to the countryside. Such concessions are against the backdrop of significant reductions in funds available to county councils and district councils in country areas.

We know that changes with regard to green-field sites came on the back of the two marches. We know that, apparently, no village school will close without the Prime Minister's decision. We know that the Government are looking at the future of cottage hospitals in rural areas. We are suggesting, in a fairly constructive way, that we pull together all the expertise and experience in order that we may see once a year what is happening to rural areas.

There is a need for a distinct voice for the rural economy among the new giant RDAs. The Select Committee is currently taking evidence about housing needs, and some would argue that there is quite a lot of pressure on urban areas, where various civic authorities want an uprating of the economy. They look to the provision of jobs and manufacturing, and want services largely to be supported from suburban areas and the countryside.

As one hon. Member said this morning, that is part of the process of civic uplift. If we are not to become a country dominated by the suburbs and ignoring the needs of the countryside, the countryside must have—and deserves—a distinctive voice.

The countryside was not set in aspic, in some rural dream, when we began passing Town and Country Planning Acts; it is a living place. We must understand that there are some real issues that need to be addressed.

Let me give a simple example. Because of changes in agriculture, there are now many redundant farm buildings, and one of the great challenges is how they should be used. The easiest solution, which is often favoured, is that they all be converted into dwellings.

However, several authorities have taken the sensible view that the most appropriate way to deal with redundant buildings would be to introduce some light industry, so that jobs start to come back into the countryside. Several authorities have tackled that question, but, given the size of rural England and the nature of the problem, even the giant regional development agencies will not be able to concentrate on such needs.

4.30 pm

That is why it is important that, once a year, we should receive a report outlining what is happening. After all, the restrictive nature of some of our present development plans would almost certainly have ensured that blacksmiths, for example, would never have been seen in the countryside.

We need to ensure that the regional development agencies do not take an anti-countryside view. Such a view was best expressed by Mr. Tony Travers, I believe, in a recent article in the *Evening Standard* suggesting that one way to deal with the problems of the countryside would be actively to ensure that the services available there deteriorated—reducing health and education services, for example, so that people would leave the countryside and return to the urban areas.

I do not believe that anyone sensible would suggest that we repeat some of the mistakes of the 18th and 19th centuries, when our countryside was depopulated. Nor would we wish to suffer the fate of some rural places in France that are becoming depopulated, in which smaller and smaller groups of people pay for increasingly restricted and decrepit services.

What would be the key task of the annual report? One of its responsibilities would be to reduce commuting in the countryside, and to bring back life with light industrial and high-tech developments. There are examples of that in and near my constituency, and I have seen how a dedicated local authority has intelligently tried to attract such development. We do not want isolated communities, because all the jobs are a long way away. We want communities in which people do not normally have to travel far to earn a living. We must see the countryside as a living place, not as a place to visit at weekends.

That is why the old Rural Development Commission was so useful, because it could bring in expertise from people in Essex, for example, and apply it to, say, Somerset or Gloucestershire. It could spread the cost of such work and of research. Breaking it up into nine areas will make that more difficult. That is why it is so important to have an annual report, to concentrate people's minds on the subject at one particular time.

I started by talking about the Select Committee report and the Government's response to it, and I shall finish with another quotation, from paragraph 27 of the Government's response:

> "It is envisaged that RDAs will design rural regeneration programmes targeted on the particular needs of their deprived rural areas. They will monitor, consult and report on rural programmes and how they are being tackled."

If the regional development agencies are to do that, it would make sense to gather the reports together and present them, as we suggest in the new clause. That would give us an opportunity to debate the subject every year. Our principal concern is that if the House does not accept the amendment, the countryside will be swamped by the needs of the urban sprawl.

Mr. David Taylor (North-West Leicestershire): The fact that regional development agencies need to address the real concerns of rural areas is unquestioned. I have the privilege of representing a middle England seat that is 50 per cent. rural—the urban areas of Ashby and Coalville have a population of 44,000 from a total in North-West Leicestershire of 88,000.

Rural villages deserve their share of attention, and would protest vigorously if they were neglected or overlooked. We need to monitor the progress of rural regeneration in the new RDA structures, but it would be costly and unnecessary to require yet another report to be laid before Parliament each year. Existing and planned reporting mechanisms are more than adequate.

Most of the North-West Leicestershire and South Derbyshire rural development area is in the two former mining areas of my constituency. I am pleased to say that

[Mr. David Taylor]

the Rural Development Commission has been an unqualified success in its local activities. It has pursued a strategic, needs-led economic and social development programme, led by local partners with strong local government involvement. Its emphasis has always been on a planned partnership approach to rural regeneration, catalysing public, private and voluntary sectors to secure lasting economic and social improvements that reflect local circumstances.

The local RDA strategy, which was first prepared in 1994, was thoroughly reviewed in 1996, and further changes were incorporated last year. Three of its reported key aims are to improve the local transport infrastructure, the skills of the local work force and the image of the rural development area, to attract more inward investment. The realisation of those objectives is urgently needed to prevent the former coalfield areas from becoming an offshore island of the east midlands economy—low-pay, low-skill, low-tech ghettos that are cut off from mainstream development and surrounded by the relics of two centuries of mining.

Recent Budget annouuncements on rural transport and welfare-to-work initiatives on training, and the more coherent approach to rural regeneration that the Bill will provide, will tackle the RDA strategy concerns that I have mentioned. They have been widely welcomed throughout the rural villages of my constituency, including the one in which I live.

We currently receive regular and helpful RDC reports, but we want continued action, in the form of projects such as the "Heart of the Forest" rural challenge at Moira, a large former mining village surrounded by derelict land and continually threatened by opencasting and landfill—the two ugly sisters of the minerals world.

That £5 million project—with an RDC contribution of £1 million—will create a major tourist attraction at the former British Coal Bathyard site, with the potential to encourage a further 150,000 visitors a year to our area. It will provide a visitors centre, training workshops, office accommodation and a forest experience trail. The "Heart of the Forest" project has, in many ways, levered in a further massive £6 million lottery grant towards a £12 million millennium scheme that will transform the immediate vicinity. I need no convincing of the virtues and successes of the RDC.

At the other end of the financial spectrum, the most recent RDA report referred to the £100,000 Concept network, which is a project to increase the supply and access of information technology and training advice and information through the establishment of four resource hubs in North-West Leicestershire. The Concept network will allow local people to take advantage of changing employment trends in rural villages, offering necessary training, access to information technology resources and on-site child care.

I am confident that such RDC successes will feature regularly in the annual reports of the new RDAs. The future East Midlands RDA will report to the Secretary of State, who will lay a copy before each House of Parliament, under clause 17. That is a more coherent channel of accountability than exists at present or would exist under new clause 1.

Our rural development area in North-West Leicestershire and South Derbyshire has been supported by both single regeneration budget and RECHAR 2 finance. English Partnerships has also contributed cash via the derelict land grant programme. My local village, Ibstock, won a national competition with a prize of £100,000 for development and improvements to our area, led by Ibstock Community Enterprise, of which I am a management committee member.

Co-ordinating all the agencies has been a real challenge. I am optimistic that the new East Midlands RDA will provide a more coherent strategy, tighter co-ordination and better reporting than currently exists, but it will have a hard act to follow in North-West Leicestershire, where the Rural Development Commission has been an outstanding success.

In Committee, Conservative Members expressed ad nauseam their alleged concern for rural areas, and said that they had been neglected by the new Labour Government. That belated concern apparently fuels the new clause. If there were regular reports to Parliament from the previous custodians of rural interests, I am wholly unaware of them.

Mr. Yeo: Is the hon. Gentleman not aware that the widely acclaimed White Paper "Rural England" was the subject of an annual update under the previous Government—a procedure that the present Government have stopped?

Mr. Taylor: I am aware of that, and I have read the report; but the debates that took place after its publication were most unhelpful, and scarcely critical of the previous Government's record.

Reports not actions, and words not deeds, would have been the order of the day from a party that in government closed 450 rural primary schools, built on vast tranches of green-field sites, and walked away from the 25 per cent. of the rural population who live in or on the margins of poverty. Under the previous Administration, we who live in the villages experienced an unacceptably indiscriminate approach to rural development in many areas, simply encouraging footloose businesses to abandon the towns and cities, and doing little or nothing to meet the specific needs of rural communities.

The born-again rural advocates in the Conservative party are urging on us the need for a new and separate reporting mechanism for rural areas. Had that existed at the end of the previous Government's term of office, the annual countryside report would have condemned them for incoherence, inertia and incompetence in policies for the rural areas, the majority of which are now represented by Labour Members.

Mr. Pickles: Would it be fair, then, to say that the hon. Gentleman is opposed to the annual report because he fears that it may be critical of the Government?

Mr. Taylor: We have nothing to fear on our track record so far. We are but 11 months into government. I am surprised that we have not had an eleven-twelfths-of-a-birthday card from the Conservative party. The Government will transform the prospects of rural areas in a way that was not their fate in the previous 18 years.

The deathbed conversion of the Conservative party to the need for a distinctive approach to regeneration in the countryside fools no one, least of all the rural voter. The Conservatives espousal of openness and accountability in rural reporting is absolutely at odds with their record in government.

I endorse the view that the momentum built up by the flexible and well-planned regeneration work undertaken by the Rural Development Commission must be maintained by the new RDAs. I welcome the new role that the RDC will undertake after its merger with the Countryside Commission, and I am sure that it will carry it out with distinction.

I am confident that the needs of the rural areas will be more coherently addressed in the future regional development agencies, whose reporting and accountability mechanisms, as spelt out in the Bill, will be more than adequate. The new clause is unnecessary and would be costly, so I do not support it.

Mr. Colin Breed (South-East Cornwall): When the Government announced the introduction of regional development agencies early in their programme, there was considerable optimism and support—particularly from rural areas, which felt that, for a substantial period, their needs and requirements had been ignored. The destruction of the public transport system following bus deregulation; the closure of many small businesses in our high streets because of the indiscriminate building of out-of-town shopping developments; and the reduction in the number of post offices and other services made many people in rural areas feel that their livelihoods and way of life were being attacked.

4.45 pm

Since then, the Bill has been published and some of the optimism has been eroded: people increasingly feel that some of the early hopes may not be fulfilled. I hope that the Government will press on. There is no doubt that one of the most important parts of the Bill and the strategy is to address the needs of rural areas in each of the regions. These areas are fundamental to the remit of the RDAs and to the strategies which each and every one of the RDAs will draw up. RDAs will need to ensure that rural areas and their needs are properly addressed.

In many regions, there are significant differences between the different areas. In the south-west, people are aware of the plight of Cornwall, as opposed to the more prosperous areas of Bristol and Swindon. Any large RDA will need to address clear disparities within its region. It would be wise to ensure that the RDAs address the issues not just by drawing up strategies or action plans, but by carrying them out. New clause 1 seeks to ensure that the Secretary of State can guide, direct and monitor the RDAs. We hear that great words have been spoken and great reports written, but people are looking for action.

Mr. Nicholas Soames (Mid-Sussex): Does the hon. Gentleman agree that what is so worrying about the Bill is that very point—the contrast between the prosperity of many of the towns and the great difficulties of the rural areas?

Mr. Breed: It is the RDAs' role to ensure that that disparity is properly addressed so that, no matter where people live, they have the opportunity to participate in the economic prosperity of their region and of the country.

New clause 1 seeks to ensure that the strategies, directions and policy papers of all the RDAs are translated into action. The Secretary of State will have the opportunity to review those programmes to ensure that action is taken. I understand that the view of the hon. Member for North–West Leicestershire (Mr. Taylor) was that the measure was unnecessary and costly, but that is not the case. I am sure that the Secretary of State and the Department will ensure that each and every RDA reports regularly—at least annually. That will happen anyway. It will not be beyond the wit of the Department—or cost too much—to bring the reports together into a formal report by the Department, under the Secretary of State, and to lay that before this House.

Mr. Pickles: The hon. Gentleman is exactly right. In their response to the Select Committee report, the Government stated that it is a responsibility of the RDA to monitor and to report annually. He is quite right—it will involve no extra expenditure to bring the reports together, as the RDAs have to report precisely on rural matters.

Mr. Breed: I thank the hon. Gentleman, who reinforces my point. I hope that the advantage will be that rural areas will continue to be considered regularly by hon. Members. We could ensure that plans drawn up and implemented by RDAs were working, and could compare the relative performance of RDAs. There should at least be a competitive edge between them, which would ensure that they do as much as they can and that best practice is used. I hope that the cost would not be huge and that the profile of rural regional affairs would be raised.

Rural areas clearly have special requirements. Firms operating in them are often small; employment is fragile at times, and often seasonal. They will need special assistance to ensure that employment generated by small firms helps those who are looking for new jobs.

Transport is important for people in rural areas. The issue of public transport must be tackled more vigorously if people are to be able to travel to work, visit people and enjoy a social life.

The cost of housing in rural areas must be considered. Although we agree with the Government that green-field sites should not be taken up, policies must address the cost of housing in smaller towns and villages and the problems of second homes.

The social side of rural life is becoming low grade. Low wages and the high cost of transport—or the lack of it—make it difficult for people who live in villages and small towns to lead an active social life.

Those issues, under the guise of sustainable development, must be addressed in the round. Pockets of deprivation, which exist in many rural areas, must also be addressed. The sparsity factor is connected to those issues and must be included in any calculations for provision of services in rural areas.

Overall, we support the principle of establishing regional development agencies. We want to ensure that they are introduced as quickly as possible to address the economic deficit. New clause 1 and amendment No. 1 would not impose additional cost and would raise the profile of the problems of regional rural areas in the House. The functions of RDAs, and their successes and

[Mr. Breed]

failures, could be properly examined so that the regions of England could move forward positively, not only in urban but in rural areas.

Mr. Fitzpatrick: On a point of order, Mr. Deputy Speaker. Although a number of hon. Members feel disquiet because Front Benchers are able to place their feet on the Table, I acknowledge the tradition. But is it appropriate for Back Benchers to place their feet on the Bench in front of them? I refer, with great respect, to the hon. Member for Mid-Sussex (Mr. Soames). Surely it is a bad example to set in respect of posture.

Mr. Deputy Speaker (Sir Alan Haselhurst): Whatever it is, it is not out of order.

Several hon. Members *rose—*

Mr. Soames: After that—

Mr. Deputy Speaker: Order. I thought that the hon. Gentleman was responding to the point of order. I have to strike a balance across the House. I was distracted for a moment. I must call an hon. Member from the other side of the House. I call Ms Jenny Jones.

Ms Jenny Jones (Wolverhampton, South-West): I wish to speak briefly to amendment No. 1.

Clause 7 charges regional development agencies with developing economic strategies for their regions. The problem with amendment No. 1 is that nothing in clause 7 suggests that the needs of rural areas will not be met by RDAs. Most, if not all, the nine regions will contain large rural areas. It is for the Secretary of State to ensure that RDAs do their job properly. Clause 7(3)(a) states that RDAs must develop strategies relating to "the agency's area". They cannot help but understand the needs of the rural areas and meet their needs. That is one of the major jobs of the RDAs.

Most regions have strong sub-regional identities. In my region, West Midlands, that is especially so. Last month I went to a large, well-attended conference in the midlands region on the proposed West Midlands RDA. The local authorities, businesses, voluntary sector bodies and colleges from the rural areas—there are large rural areas in the West Midlands region—were well represented and made their case. No one denied the needs of rural areas. There was no dissent. If anything, there was an acknowledgement that, if the West Midlands RDA was to do its job properly, it had to ensure that rural needs were not only properly represented on the board but represented in any strategies. Amendment No. 1 is unnecessary because clause 7 already makes it clear that a regional development agency has to make a strategy for its entire area.

Amendment No. 1 is also potentially divisive because it implies that an RDA will not understand the rural needs of its area. As I have said, if the boards are properly constituted and do their work well in representing the constituents within the areas, they cannot help but represent rural needs.

Mr. Howard Flight (Arundel and South Downs): I rise to support new clause 1 and amendment No. 1 especially in relation to new house building arrangements for rural areas. I am aware that a subsequent amendment deals with RDAs not acquiring specific planning powers, and that the Government intend to accept the amendment, but I am concerned that RDAs will acquire the present structural planning powers of county councils in a new and changed form. When we questioned civil servants in the Department as part of the housing review undertaken by the Select Committee on the Environment, Transport and Regional Affairs, they gave the distinct impression that that was the way in which they understood developments would occur.

Yesterday, the citizens of West Sussex presented a petition signed by 28,000 people against the well-known demand by the Department of the Environment, Transport and the Regions for the building of an additional 12,800 houses. The petition represented only a part of the county.

Mr. Soames: Is my hon. Friend aware that, last week, representatives of Mid-Sussex district council of all parties, led by myself, presented a petition signed by some 10,000 people, in addition to those who signed the petition to which my hon. Friend refers? It was addressed directly to the Prime Minister at No. 10 Downing street and expressed concern about the appalling consequences of the Labour party's proposals for the rural health of West Sussex.

Mr. Flight: I thank my hon. Friend. There are, indeed, more to come from all parties.

It is widely believed that the Deputy Prime Minister made the decision on this famous issue not out of the blue but on the advice of the south-east regional office. The advice was given on the ground that, if West Sussex was permitted to get away with it, other county councils within the south-east area would do likewise. It seems to me that the Government office for the south-east is indeed going to be the handmaid and bureaucrat of the new South East RDA. The Government's new-found intent to abolish plan, predict and provide and replace it with manage and consult—more of a bottom-up approach—risks being defeated by RDAs if they drive through broadly regional strategies for housing numbers and force them on county councils by using their increased power. I support the new clause specifically in relation to the subject of housing. The experiment in West Sussex of a bottom-up environmental capacity study is precisely what other county councils should be doing.

In housing and many other matters, citizens relate to their county councils or to their metropolitan districts. The danger is that, in future, central Government will say that they have devolved powers down to RDAs on questions such as the number of houses and where they are to go; county councils and metropolitan authorities will say that they have lost their real power to the RDAs in such matters; and a bureaucratic, undemocratic body in the middle will be driving forward that crucially important issue, about which citizens care passionately.

5 pm

Mr. David Taylor: Is the hon. Gentleman aware of the Conservative Government's rather threadbare record on the use of brown land for development purposes? Despite a 50 per cent. target late in the day, their achievement was 42 per cent. over their whole period in government.

The Labour Government are aiming to achieve 60 per cent. and will probably achieve an even greater proportion. West Sussex was more threatened in the 18 years of the Conservative Government than it will be under the Labour Government of the next 25 years.

Mr. Flight: First, I am talking about the future, not the past, and, secondly, I am talking about how decisions are to be made. As for the past, the House will be well aware that the proportion of green land that was being used declined. In their last two years in office, the Conservative Government realised the error of the country as a whole in building too much on green land and they went into the election with a specific target.

However, with all due respect, I am not making a party political point. I care passionately about the preservation of our countryside, as, I hope, do Labour Members. I do not want decisions about building on green land to be taken by unaccountable bureaucrats who cannot be got at in the House, or at county council level.

Mr. Lansley: I am grateful for the opportunity to contribute briefly to the debate on new clause 1. It is terribly important that we understand that we are talking about the establishment of a quango and that it is in the nature of quangos that, if one does not set out from the beginning what is intended in terms of their accountability for specific purposes established by Parliament, it is easy for them to pursue their own agenda. Notwithstanding the provision in the Bill for a regional chamber, we have to be clear that it should have particular regard to the purposes agreed by the House during the passage of the Bill.

In East Anglia, there is a substantial rural component, which will be reflected in the regional chamber and, I hope, in the membership of the regional development agency. Even so, there is a feeling that, when the RDA comes to consider the strategy to be established under clause 7, it will be under pressure to deliver targets and measurable outcomes—large numbers of jobs, good figures on inward investment and so on. The RDA's response to that pressure will be to target areas which have the highest concentrations of unemployment, which will tend to be urban areas; and to compete for some of the higher-profile inward investment projects, which, by their very nature, will come from large firms that are essentially interested in locating in or near urban areas and not in rural areas.

One example of a drift in that direction was seen in policing in Cambridgeshire. For a couple of years, Cambridgeshire's crime statistics were not dropping in the same way as other police force statistics from around the country. To restore its reputation as a police force that was succeeding in reducing crime in its area, Cambridgeshire's response was to target resources inside Peterborough and Cambridge—urban areas in which there are relatively high concentrations of crime. The net result is that we do not see police in villages. The same thing will happen in other areas if regional development agencies are allowed to proceed unconstrained to set their own strategies and report on them. They will concentrate on urban areas to the exclusion of rural areas.

Mrs. Ellman: In saying that regional development agencies must be accountable to the House, does the hon. Gentleman seek to relegate the importance of regional chambers in influencing the work of the regional development agencies? Is he aware that the regional chamber in the North West is due to meet this week and that it has the full support of all partners in that region, including many partners from rural areas?

Mr. Lansley: I am sure that you will stop me if I elaborate too much on that, Mr. Deputy Speaker, but it is an important point. The hon. Lady and other hon. Members must understand that it is not acceptable to establish regional development agencies on a relatively non-accountable basis, with the Secretary of State designating regional chambers as and when he chooses. It is not then sufficient to say that the regional development agencies are not accountable and that regional government is required in order to make them accountable.

Regional government is not desired in East Anglia—or, I suspect, in other regions of England. We require that the regional development agencies be accountable to the House. There must be a structure of accountability—we shall discuss that issue later—for regional development agencies to local authorities. That is my point. The hon. Lady has an interest in local authorities, as do I as an honorary vice-president of the Local Government Association.

Mrs. Ellman: Will the hon. Gentleman give way?

Mr. Lansley: No. I have given way once and time is pressing. Regional development agencies should be increasingly accountable to local authorities. Through that accountability, the agencies will place greater emphasis on rural issues. If they respond only to a regional chamber where rural interests will be once again submerged by a larger body, it will be difficult to identify from the aggregate figures and reports what is occurring in rural areas.

I hope that Labour Members understand that point—I know that my right hon. and hon. Friends do. We can often operate on the basis of aggregate statistics and larger numbers in urban areas, but we cannot do that in rural areas. For example, it is not satisfactory to say that there have been X number of successful projects or that certain organisations have come, by way of inward investment, into a rural area. Such factors tend to affect only one village. It is important to understand—it is a difficult, labour-intensive operation—what is happening in rural areas, village by village.

The requirements of each village may differ. I do not claim that the regional development agencies will be able to report village by village, but the mechanism in new clause 1 and other measures will require the agencies increasingly to have regard to the diverse needs of rural areas. That will involve relationships even with parish councils, because such bodies often have a distinct and entirely legitimate view about what is required in their areas.

I have one other general point. Even if regional development agencies do not have general planning powers, they will none the less be powerful in relation to the acquisition of land and the dispersion of industry. It is important that they understand that they cannot simply try to create jobs in aggregate numbers without recognising the need to balance those jobs in rural areas.

South Cambridgeshire is the fastest growing district in England where there is a heavy emphasis on technological development and high-tech industries. Left to its own

[Mr. Lansley]

devices—a regional development agency may view it as an attractive option—the Cambridge phenomenon could spread to most of the villages that surround the city, and thus create a relatively large number of jobs in those areas. However, those villagers would not necessarily feel that they had been well served if, 10 or 20 years later, the only jobs available were high-tech jobs that were filled by people who had moved into the area for that reason.

If we are to sustain the character of rural areas at a time when there is a relative reduction in jobs in agriculture and related industries, we need to ensure that a balanced set of other jobs comes into the area, such as service jobs and light industrial jobs—jobs that the young people will be able to take, to allow them to remain in the villages.

If we do not, young people without the appropriate skills or qualifications will move into urban areas, and people from urban areas with higher qualifications relevant to high-tech industries will move out into the villages. Once and for all, we shall lose the character of those villages; we shall lose those communities; and we shall lose many of the young people who have a deep understanding of the countryside, of the way in which it works, and of the jobs that have been taken in the countryside in the past.

On that basis, although the Government reject other options—such as a rural development agency, as suggested in new clause 4, or the Rural Development Commission—I find it difficult to see why they resist what is, on the face of it, a modest requirement that the regional development agencies should set out clearly, for report to the House and, if necessary, for debate, how they are responding to the specific and diverse needs of rural areas.

Mr. Caborn: This has been an important debate. Although we rehearsed quite a lot of its substance in Committee, it is good that matters have been raised on the Floor of the House, and I thank hon. Members, especially my hon. Friends, for their contributions. My hon. Friend the Member for North-West Leicestershire (Mr. Taylor) made an excellent speech, showing real understanding of rural issues.

The debate has given us a snapshot of the Conservatives' current thinking, as well as of the position that they adopted in government and the failures of many of their policies. The policies which they relentlessly pursued in government were effective only in creating divisions within the country. They broadened the gap between the rich and the poor, between those with work and those out of work, between the north and the south, and between themselves and the majority of the electorate. That was made clear on 1 May 1997.

The Conservatives' view of life is dominated by the conflict between seemingly irreconcilable opposites—left and right, wet and dry, pro and anti. It comes as no surprise therefore that, throughout, they have tried to base much of their opposition to the Bill on the division that they see between the country and the town—between urban and rural areas. Their amendments to the Bill would only perpetuate those divisions.

The Government, by contrast, believe in diversity, not division. We want to harness the different parts of each region so that they can contribute to increasing regional prosperity overall. We believe in an integrated approach. Of course, there are important differences between urban and rural areas, and our proposals will cater for them; but it is also important to look across regions as a whole. Rural and urban areas do not exist in isolation from one another, and should not be treated as though they do.

Mr. Soames: Will the Minister give way?

Mr. Caborn: No; I must continue. If the hon. Gentleman had spent less time on points of order earlier, we would all have had more time to contribute to the debate.

We need to understand the specific needs of rural areas and to address them within an overall framework for each region as a whole.

The Opposition always claim that we do not understand the needs of rural areas; nothing could be further from the truth. As Labour Members have said, we are getting on with delivering on our commitments to build a decent society and tackle the real problems of the rural areas. We are putting more money into health care in rural areas, to treat more patients and set up projects such as night nursing care and nursing and residential homes. The shire counties are receiving £447 million extra in the year ahead, to raise standards and tackle the backlog of school repairs left by the previous Administration.

We are linking every school, however remote, to the information super-highway. We are releasing £900 million from council house sales to provide new social housing and refurbish existing stock, to help to avoid young people having to move away from the village where they were born.

Mr. Soames: Will the Minister give way?

Mr. Caborn: In a moment.

Mr. Soames: On that point.

Mr. Caborn: No; I shall give way in a moment.

Our view of those living in rural areas includes rural workers, who will reap the benefit of the national minimum wage.

Mr. Soames: Does the Minister agree that the credibility of the RDAs will depend on who is appointed to them? Does he agree that part of the problem that the national parks have in their relationship with the wider area is that they do not have on their governing authorities people who command the respect and understanding of those who live in rural areas? Does he agree that it is extremely important that the RDAs have that full rural representation?

Mr. Caborn: When it comes to appointing the RDAs' boards—a subject which I shall discuss shortly—we shall factor in very much the concerns of the rural areas.

The countryside march was mentioned several times in the debate, but it was about ordinary people, from communities throughout the country, coming together to express their fears about the future and to help raise awareness throughout the country of the vital roles

that farming and the wider rural community play. To a Government built on belief in the community, that was very welcome. However, in the main the march was about joining up the towns and the country, about which the previous Administration did little.

5.15 pm

The RDAs will be regionwide bodies, responsible for economic development and regeneration of rural as well as urban areas. Those outside London will be given a specific remit to serve the rural areas of their region, and at least one member of their board will be a person with rural knowledge and expertise. By taking on the rural regeneration work currently carried out by the Rural Development Commission, and by having its associated staff transferred to them, RDAs will be able to take a broad view of regeneration needs throughout their areas.

In our White Paper, we said that our strong commitment to rural regeneration would continue to be reflected in the RDAs' funding for rural areas. The hon. Member for South Suffolk (Mr. Yeo) raised that point. Rural funds will be separately allocated, to ensure that rural areas' needs continue to be addressed. We shall give RDAs guidance on how they should use their budgets for the rural areas, including the determination of rural areas of need. At least initially, RDAs will take over the RDC's existing regeneration programmes, which are targeted at the priority rural development areas.

Earlier this year, the new chairman of the Rural Development Commission, Miles Middleton, wrote to me, offering the RDC's help in developing guidance to the RDAs. I was very pleased to take up the suggestion, and my officials have been in discussions with the RDC staff about how to take that forward. Despite what Conservative Members may say, we are receiving full co-operation from the RDC in setting up the regional development agencies.

Mr. David Curry (Skipton and Ripon): When the Minister said that there would be separate funding for the rural elements within the RDAs, what did he mean? Will the money that comes to an RDA be divided into two piles, as it were? Will there be one specifically earmarked for rural affairs? How will that be defined, and how will the Minister know that the money is spent on such matters? The hon. Gentleman said something that I have not heard him say before, and I should like an explanation.

Mr. Caborn: The right hon. Gentleman raises an important point. The RDC's budget is about £40 million, about £25 million of which goes into regeneration work in rural areas. When matched against what the single regeneration budget covers—we announced the fourth round of the SRB earlier in the week—that pales into a much smaller amount. About £150 million to £200 million of SRB money is going into rural areas, compared with £25 million from the RDC. I am informed that, following the RDC's regeneration work in the rural areas, the RDC's money will be specifically earmarked; I hope that it will be. I believe that the great success of the RDC has been, not the amount of money that it has been given, but the skill that it has shown in levering in public and private money.

We are committed to retaining a focus at national level for expertise, advice and information on rural matters. As has been said, as part of the comprehensive spending review it has been decided that the Countryside Commission will merge with the RDC, to create a new body. I spell that out specifically for the hon. Member for South Suffolk. The new body's remit will include the role regarding expertise, advice and information, and it will also have responsibility for conserving and enhancing the countryside. When it has been set up, the new body will take over from the RDC the role of advising Government on the content of any further guidance to be issued to RDAs in respect of the rural areas. It will also provide a national overview on rural economic and social issues, using information that the RDAs will be required to provide.

One of the main functions of the RDAs will be to produce a strategy for their region, reflecting the five purposes set out in clause 4, which form the heart of the Bill: to further economic development and regeneration; to promote business efficiency, investment and competitiveness; to promote employment; to enhance the development and application of skills relevant to employment in the area; and to contribute to the achievement of sustainable development in the United Kingdom where it is relevant to the area to do so.

One of the objectives of the Bill is wealth creation and tackling the weakness of our competitive base. It may be helpful if I inform the House of the statistics that were made available this week. We were challenged in Committee because we cited the 1993 figures to show that, of the 10 English regions, only two marginally came up to the average of the European regions in gross domestic product per capita.

In the past week, the 1995 figures have been released. Every region in the United Kingdom, and specifically in England, is performing worse than in 1993. The figure for the United Kingdom as a whole has gone down by three percentage points. Gross domestic product per capita has gone down in the north-east by 3 per cent.; in the north-west and Merseyside by 2 per cent.; in Yorkshire and Humberside by 1 per cent.; in the east midlands by 3 per cent.; in the west midlands by 2 per cent.; in the eastern region by 3 per cent.; in London by a staggering 8 per cent; and in the south-east and south-west by 1 per cent.

The hon. Member for South Suffolk said in Committee that, when the new figures came out, they would be considerably better in terms of wealth creation in our English regions, but they are considerably worse. I hope that the hon. Gentleman will comment on that, in the light of what he said so forcefully in Committee. Everything that we said in Committee has been borne out by the statistics, which show our under-performance. Now only London is above the average of the European regions. That is a pathetic performance, and it is the legacy that the Labour Government must address.

Mr. Curry: The Government made great play of justifying regional development agencies on the ground of the under-performance of British regions compared with those on the continent. Would the Minister be prepared to set a target for the relative performance of our regions compared with those on the continent, to judge whether the RDAs have been a success? Will he tell us

[Mr. Curry]

what he would expect that relative performance to be five years down the road, so that we can assess whether, by his own standards, RDAs have worked?

Mr. Caborn: As we are creating the RDAs to tackle the competitiveness weaknesses and wealth-creating potential of our regions, we obviously want a better performance than there has been to date. It would not be wise for any politician to set such targets. We must address the legacy of the previous Government and the fact that only London comes up to the average of the European regions in wealth creation. That is poor by any standards.

Mr. Paul Clark (Gillingham): In light of the up-to-date figures that are now available, it is worth reiterating that even in the region from which I come, the supposedly prosperous south-east, the figures show that there has been a fall. In Committee, the Opposition, particularly the hon. Member for South Suffolk (Mr. Yeo), argued that the up-to-date figures would show that the RDAs were not required. Perhaps the hon. Gentleman should withdraw his words, as the Opposition case now falls.

Mr. Caborn: My hon. Friend expresses the position succinctly. We shall no doubt return to the matter in our discussion of later clauses.

An RDA's strategy will provide a framework for economic decision-taking in the region and, to be effective, will have to command the support of the regional partners. Clause 4(2) makes it clear that the RDAs' purposes apply equally in rural and in non-rural areas. Therefore, it follows that RDAs' strategies will have to relate to all parts of the region.

Clause 7 provides for the Secretary of State to give guidance and directions to RDAs on various issues that the RDAs should take into account when framing their regional strategies. The clause makes it clear that that may include issues relating not only to an RDA's own area, but to the area of another RDA or to any part of the UK outside England.

Amendment No. 1 would add to that the needs of the rural areas within any region. The amendment is unnecessary. The Secretary of State would already have powers under clause 7 to issue guidance or directions to RDAs on the necessity to take into account the needs of the rural parts of its region, as rural areas will be part of an RDA's area. We do not wish to create a lengthy and all-encompassing list of issues on which guidance and directions might be issued. The Bill allows for flexibility on issues that might be covered in guidance, and we wish to retain that flexibility.

The amendment would not require the Secretary of State to give guidance on rural issues, nor is there any need for the Bill to do so. On 19 February, my hon. Friend the Under-Secretary informed the Committee that it would indeed be appropriate to give RDAs guidance on rural issues. We expect such guidance to cover matters such as how RDAs should assess and monitor rural needs, but there is no need to set that in statute. As I have already said, the RDC is involved in the preparation of draft guidance.

New clause 1 would require the Secretary of State to make an annual assessment of the impact of RDAs' activities on rural areas, and would require that assessment to be laid before each House. Again, that is an example of the Opposition singling rural areas out for special treatment, as if they existed in isolation from the region as a whole.

Clause 17 already requires RDAs to submit annual reports of their activities to the Secretary of State. I hope, therefore, that the hon. Gentleman will withdraw the motion.

Mr. Yeo: This has been a valuable debate, although not for the reasons that the Minister may have imagined.

My hon. Friend the Member for Brentwood and Ongar (Mr. Pickles) reinforced the fears that people have about the effects that regional development agencies will have on the countryside.

The hon. Member for North-West Leicestershire (Mr. Taylor) recognised the value of the Rural Development Commission's work, but I was sorry that he did not also recognise the value of the White Paper that the previous Government produced on rural England, and the value of the annual update of that White Paper that the previous Government started to produce and the present Government have discontinued.

The hon. Gentleman made an astonishing intervention on my hon. Friend the Member for Arundel and South Downs (Mr. Flight) about housing in West Sussex, apparently ignorant of the fact that the Labour party has joined the Conservatives on West Sussex county council to oppose the Government's decision.

The hon. Member for South-East Cornwall (Mr. Breed) rightly stressed the point that, contrary to some of the Government's claims, the cost of producing a report of the kind required by new clause 1 would be negligible.

My hon. Friend the Member for Arundel and South Downs referred to the impressive petition signed by 28,000 people, which is powerful evidence of the public concern about the Government's approach to building new homes in West Sussex. He also highlighted the sense of identity that many people feel between themselves and their county. That goes back for generations, or even centuries. It is hard to imagine that that will be replaced by a similar sense of identity between individuals and the South East regional development agency.

My hon. Friend the Member for South Cambridgeshire (Mr. Lansley) quoted from his direct experience in Cambridgeshire of how resources and effort can be diverted from rural to urban areas.

The Minister claimed that the Government were addressing the needs of rural areas. Let us consider law and order, an issue that is important to many people living in rural areas. This year, as a result of the Government's decisions and the changes that they have made to the formula, the standard spending assessment for the police has been cut in Lincolnshire, Nottinghamshire, Staffordshire and Wiltshire—all rural areas. It has been cut in dozens of shire districts, including the one where I am a resident and council tax payer—in Babergh. It has been cut in south Cambridgeshire, Chichester and Cornwall. In every case where the Government have a choice, they favour the urban area and neglect the rural area. This is a Government who are trying to berate their predecessor for creating divisions during their term of office. The Government have embarked on a systematic attempt to discriminate against rural areas.

Mr. Paul Clark *rose—*

Mr. Yeo: I am sorry, but there is no time to give way.

The Minister gave some assurances about the future use of funds previously spent by the Rural Development Commission. I should like to examine that to see exactly what he was saying. I am not sure that the House has had an assurance that the funds will continue to be allocated in full to the rural areas. If we have had such an assurance, we welcome it.

The Minister also referred to some 1995 figures for regional gross domestic product. I will examine those. However, it is scarcely up to date to say that 1995 figures can be used to judge the position in 1998. In any event, they are wholly irrelevant to the question whether the new clause is needed. Nothing that the Minister said has allayed the fear of Conservative Members that regional development agencies are likely to operate to the disadvantage of rural areas, unless the check that we—

It being half-past Five o'clock, MR. DEPUTY SPEAKER, *pursuant to the Order [27 March] and the Resolution [this day], put forthwith the Question already proposed from the Chair.*

Question put, That the clause be read a Second time:—

The House divided: Ayes 166, Noes 295.

Division No. 240] **[5.30 pm**

AYES

Ainsworth, Peter *(E Surrey)*
Allan, Richard
Ancram, Rt Hon Michael
Arbuthnot, James
Ashdown, Rt Hon Paddy
Atkinson, David *(Bour'mth E)*
Atkinson, Peter *(Hexham)*
Baker, Norman
Ballard, Mrs Jackie
Beggs, Roy
Beith, Rt Hon A J
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Body, Sir Richard
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Brady, Graham
Brazier, Julian
Breed, Colin
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Bruce, Malcolm *(Gordon)*
Burns, Simon
Butterfill, John
Cash, William
Chapman, Sir Sydney *(Chipping Barnet)*
Chidgey, David
Chope, Christopher
Clappison, James
Clark, Rt Hon Alan *(Kensington)*
Clarke, Rt Hon Kenneth *(Rushcliffe)*
Clifton-Brown, Geoffrey
Collins, Tim
Colvin, Michael
Cormack, Sir Patrick
Cotter, Brian
Cran, James
Curry, Rt Hon David
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice)*
Dorrell, Rt Hon Stephen
Duncan, Alan
Duncan Smith, Iain
Evans, Nigel
Faber, David
Fabricant, Michael
Fallon, Michael
Fearn, Ronnie
Flight, Howard
Forth, Rt Hon Eric
Foster, Don *(Bath)*
Fowler, Rt Hon Sir Norman
Fox, Dr Liam
Gale, Roger
Garnier, Edward
George, Andrew *(St Ives)*
Gibb, Nick
Gill, Christopher
Gillan, Mrs Cheryl
Goodlad, Rt Hon Sir Alastair
Gorman, Mrs Teresa
Gorrie, Donald
Gray, James
Greenway, John
Grieve, Dominic
Hague, Rt Hon William
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Harris, Dr Evan
Harvey, Nick
Hawkins, Nick
Hayes, John
Heathcoat-Amory, Rt Hon David
Horam, John
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Johnson Smith, Rt Hon Sir Geoffrey
Jones, Nigel *(Cheltenham)*
Kennedy, Charles *(Ross Skye)*
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Kirkwood, Archy
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lansley, Andrew
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lilley, Rt Hon Peter
Loughton, Tim
Luff, Peter
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
McIntosh, Miss Anne
MacKay, Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
Major, Rt Hon John
Maples, John
Mates, Michael
Maude, Rt Hon Francis
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Michie, Mrs Ray *(Argyll & Bute)*
Moore, Michael
Moss, Malcolm
Nicholls, Patrick
Norman, Archie
Osten, Mark
Öpik, Lembit
Ottaway, Richard
Page, Richard
Paice, James
Pickles, Eric
Prior, David
Randall, John
Redwood, Rt Hon John
Rendel, David
Robathan, Andrew
Roe, Mrs Marion *(Broxbourne)*
Roes, William *(E Lond'y)*
Rowe, Andrew *(Faversham)*
Ruffley, David
Russell, Bob *(Colchester)*
St Aubyn, Nick
Sanders, Adrian
Shephard, Rt Hon Mrs Gillian
Shepherd, Richard
Simpson, Keith *(Mid-Norfolk)*
Smith, Sir Robert *(W Ab'd'ns)*
Soames, Nicholas
Spellman, Mrs Caroline
Spicer, Sir Michael
Spring, Richard
Steen, Anthony
Stunell, Andrew
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Thompson, William
Townend, John
Tredinnick, David
Trend, Michael
Tyler, Paul
Tyrie, Andrew
Wallace, James
Walter, Robert
Wardle, Charles
Waterson, Nigel
Webb, Steve
Wells, Bowen
Whitney, Sir Raymond
Widdecombe, Rt Hon Miss Ann
Willetts, David
Willis, Phil
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Woodward, Shaun
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Ayes:
Mr. Stephen Day and
Mr. Oliver Heald.

NOES

Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Anderson, Janet *(Rossendale)*
Armstrong, Ms Hilary
Ashton, Joe
Atherton, Ms Candy
Atkins, Charlotte
Austin, John
Banks, Tony
Barnes, Harry
Battle, John
Bayley, Hugh
Beard, Nigel
Begg, Miss Anne
Benn, Rt Hon Tony
Bennett, Andrew F
Bermingham, Gerald
Blackman, Liz
Blears, Ms Hazel
Boateng, Paul
Bradley, Keith *(Withington)*
Bradshaw, Ben
Brinton, Mrs Helen
Brown, Rt Hon Nick *(Newcastle E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Buck, Ms Karen
Caborn, Richard
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Campbell-Savours, Dale
Canavan, Dennis
Cann, Jamie
Caplin, Ivor
Casale, Roger
Caton, Martin
Chapman, Ben *(Wirral S)*
Chisholm, Malcolm
Church, Ms Judith
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clark, Paul *(Gillingham)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Cohen, Harry
Coleman, Iain
Colman, Tony
Connarty, Michael
Cooper, Yvette
Corbyn, Jeremy
Corston, Ms Jean
Cranston, Ross
Crausby, David
Cryer, Mrs Ann *(Keighley)*

Cryer, John *(Hornchurch)*
Cummings, John
Cunliffe, Lawrence
Cunningham, Jim *(Coventry S)*
Darling, Rt Hon Alistair
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Davies, Rt Hon Ron *(Caerphilly)*
Davis, Terry *(B'ham Hodge H)*
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dewar, Rt Hon Donald
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Drew, David
Drown, Ms Julia
Dunwoody, Mrs Gwyneth
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Fatchett, Derek
Field, Rt Hon Frank
Fitzpatrick, Jim
Fitzsimons, Lorna
Flint, Caroline
Flynn, Paul
Follett, Barbara
Forsythe, Clifford
Foster, Rt Hon Derek
Foster, Michael Jabez *(Hastings)*
Fyfe, Maria
Galloway, George
Gardiner, Barry
Gerrard, Neil
Gibson, Dr Ian
Gilroy, Mrs Linda
Godman, Dr Norman A
Godsiff, Roger
Goggins, Paul
Golding, Mrs Llin
Gordon, Mrs Eileen
Grant, Bernie
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Gunnell, John
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Harman, Rt Hon Ms Harriet
Healey, John
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Hesford, Stephen
Hinchliffe, David
Hodge, Ms Margaret
Hoey, Kate
Home Robertson, John
Hood, Jimmy
Hoon, Geoffrey
Hope, Phil
Howarth, Alan *(Newport E)*
Howells, Dr Kim
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Ingram, Adam
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Mrs Fiona *(Newark)*
Jones, Helen *(Warrington N)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Jon Owen *(Cardiff C)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Jowell, Ms Tessa
Kaufman, Rt Hon Gerald
Keen, Alan *(Feltham & Heston)*
Kelly, Ms Ruth
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kilfoyle, Peter
King, Ms Oona *(Bethnal Green)*
Kingham, Ms Tess
Kumar, Dr Ashok
Ladyman, Dr Stephen
Lawrence, Ms Jackie
Laxton, Bob
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Terry *(Worsley)*
Liddell, Mrs Helen
Linton, Martin
Lloyd, Tony *(Manchester C)*
Love, Andrew
McAllion, John
McAvoy, Thomas
McCabe, Steve
McCafferty, Ms Chris
McCartney, Ian *(Makerfield)*
McGenagh, Siobhain
McIsaac, Shona
McWalter, Tony
McWilliam, John
Mallaber, Judy
Mandelson, Peter
Marsden, Gordon *(Blackpool S)*
Marshall, David *(Shettleston)*
Marshall, Jim *(Leicester S)*
Martlew, Eric
Maxton, John
Meale, Alan
Merron, Gillian
Michie, Bill *(Sheffld Heeley)*
Milburn, Alan
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morgan, Ms Julie *(Cardiff N)*
Morris, Ms Estelle *(B'ham Yardley)*
Morris, Rt Hon John *(Aberavon)*
Mudie, George
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Naysmith, Dr Doug
Norris, Dan
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
O'Hara, Eddie
O'Neill, Martin
Palmer, Dr Nick
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Pond, Chris
Pope, Greg
Pound, Stephen
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Prescott, Rt Hon John
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quin, Ms Joyce
Radice, Giles
Rapson, Syd
Raynsford, Nick
Reed, Andrew *(Loughborough)*
Ross, Ernie *(Dundee W)*
Roy, Frank
Ruane, Chris
Ruddock, Ms Joan
Russell, Ms Christine *(Chester)*
Salter, Martin
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Southworth, Ms Helen
Spellar, John
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stewart, David *(Inverness E)*
Stinchcombe, Paul
Stoate, Dr Howard
Stott, Roger
Strang, Rt Hon Dr Gavin
Straw, Rt Hon Jack
Stringer, Graham
Stuart, Ms Gisela
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Thomas, Gareth *(Clwyd W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Vis, Dr Rudi
Walley, Ms Joan
Ward, Ms Claire
Watts, David
White, Brian
Whitehead, Dr Alan
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Wills, Michael
Wilson, Brian
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Woolas, Phil
Wray, James
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Noes:
Mr. Clive Betts and
Mr. John McFall.

Question accordingly negatived.

New clause 3

ACCESS TO MEETINGS ETC. OF REGIONAL DEVELOPMENT AGENCIES

'.—(1) In the Schedule to the Public Bodies (Admission to Meetings) Act 1960, there shall be inserted—

"(l) regional development agencies."

(2) In subsection (1) of section 100J of the Local Government Act 1972, there shall be inserted—

"(g) a regional development agency".'.—*[Mrs. Ballard.]*

Brought up, and read the First time.

Mrs. Jackie Ballard (Taunton): I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker: With this, it will be convenient to discuss the following amendments: No. 20, in clause 7, page 3, line 27, at end insert—

'(1A) In formulating a strategy under subsection (1), a regional development agency shall have regard to regional planning guidance for the agency's area.'.

No. 21, in page 3, line 27, at end insert—

'(1B) In formulating a strategy under subsection (1), a regional development agency shall have regard to local authority development plans for the agency's area'.

No. 29, in clause 9, page 4, line 17, after '9', insert—

'( ) It shall be a duty of a regional development agency to set an annual budget before the beginning of every financial year.

( ) An annual budget shall be set under subsection (A1) only after the regional development agency concerned has consulted each local authority within its area.'.

No. 30, in page 4, line 20, after 'the', insert 'other'.

No. 2, in page 4, line 36, leave out 'him' and insert 'the local authorities in the region concerned.'.

No. 3, in clause 10, page 4, line 40, at end insert—

'(2) No grant shall be made under this section in any financial year in which the standard spending assessment of any local authority in the region of the regional development agency concerned has been or is proposed to be reduced.'.

No. 17, in clause 18, page 8, line 19, at end insert—

'(5) As soon as reasonably practicable after a public meeting has been held for the purposes of subsection (2), the regional development agency concerned shall publish a record of that meeting, setting out how it will take account of points raised at the meeting in its activities in the following year, and shall send a copy of the record to the Secretary of State, who shall lay it before each House of Parliament.'.

Mrs. Ballard: The new clause would add regional development agencies to the list of public bodies in the schedule to the Public Bodies (Admission to Meetings) Act 1960 and to the appropriate section of the Local Government Act 1972. Amendments Nos. 20 and 21 are about the need for RDAs to have regard to regional planning guidance and to local authority development plans.

The Liberal Democrats voted for the Bill on Second Reading and broadly welcome it, but we have always had some concerns, which we voiced in Committee. They include the constitution of the boards, the need for RDAs adequately to represent rural areas, which we have just debated, the link with local authorities and regional chambers and the need for openness in the work of RDA boards.

Accountability has informed every one of our concerns. New clause 3 and our amendments attempt to deal with that issue by ensuring that RDA board meetings are as open as possible, given the need to respect commercial and individual confidentiality, and that RDAs have regard to the views and policies of people with a local mandate in planning matters. No one who wants RDAs to succeed—as the Liberal Democrats do—would wish them to come into conflict with the aims of local communities. Amendments Nos. 20 and 21 would ensure that the chances of that were reduced.

New clause 3 is important in ensuring that RDAs pay real regard to openness. The Under-Secretary of State for the Environment, Transport and the Regions, the hon. Member for Wallasey (Angela Eagle), said:

"Different RDAs may have different ways of reporting back to their regions; some may want much closer contact with the population."—[*Official Report, Standing Committee E*, 10 February 1998; c. 255.]

That is not good enough. RDA boards may decide that they do not need to consult regional chambers or local authorities to any meaningful extent.

That is why we believe that it is important that the public should be entitled to attend board meetings when appropriate. It is a small measure of openness, but its presence in the Bill would signify that RDAs should pay regard to the principle of accountability and openness in advance of the Government's introduction of a freedom of information Act.

5.45 pm

The new clause does not mean that RDAs would be unable to conduct confidential business without an audience of local people and the press. The Public Bodies (Admission to Meetings) Act makes it clear:

"A body may, by resolution, exclude the public from a meeting (whether during the whole or part of the proceedings) whenever publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons stated in the resolution".

What is important is that there is a presumption that meetings should be open. If the new clause is not accepted, the opening of RDA board meetings will be in the gift of board members, and local electors could do nothing to change the composition of a board that might be unnecessarily secretive. People have a right to know about decisions that are taken by a body that spends public money and which is not directly democratically accountable, but which will have a significant influence on their region's development.

In opposition, the Labour party opposed quangos—we still do—because of their secretive nature, the difficulty of finding out what they were up to, not knowing how appointments were made to quangos and, above all, their lack of a democratic mandate. I know that the Minister for the Regions, Regeneration and Planning has expressed his new-found enthusiasm as a member of the Government for quangos. He said:

"There is nothing wrong with quangos."—[*Official Report, Standing Committee E*, 29 January 1998; c. 71.]

I am surprised at the speed of his conversion.

Mr. Caborn: I hope that the hon. Lady will quote what I went on to say in Committee—that we were proud to put on the statute book in 1975 both the Scottish and Welsh Development Agencies, on which we are modelling RDAs. In the early days, they were also quangos until we were to get an elected Scottish Parliament and Welsh assembly; well, I hope that we shall get them. It is in that context that I said that quangos were useful. We did not misuse them, as the previous Administration did, by making them political toys.

Mrs. Ballard: I shall come to political toys in a moment.

There is a precedent for non-elected public bodies to hold meetings in public. Indeed, the Secretary of State for Health has already signalled that hospital trust boards should hold their meetings in public. If they should, why not regional development agency boards? I hope that the Minister will be able to tell us what he thinks is the radical difference between the two.

Amendments Nos. 20 and 21 concern the RDAs' impact on the planning system. Again, they are concerned with the accountability of RDA boards. The Bill as originally drafted would have allowed RDAs to assume planning powers that usurped the role of democratically elected local councillors. Liberal Democrats warmly welcome the Minister's damascene conversion in Committee, and we are pleased that clauses 24 to 27 will be consigned later this evening to the ministerial bin,

[Mrs. Ballard]

but I hope that it will not be the recycling bin. However, Liberal Democrats are still worried that proposals for RDAs could seriously disturb the plan-led system.

In their response to the report of the Select Committee on the Environment, Transport and Regional Affairs, the Government said that there would be

"no hierarchy between Regional Planning Guidance and RDAs' regional strategies"

and that, apparently,

"they will be parallel and complementary regimes, the one influencing the other in an iterative way".

The Government also said that it will

"be open to Ministers to issue guidance or directions".

What form will that guidance take, and will such guidance address the potential for conflict if RDAs promote sites for development that do not conform to policies in regional planning guidance?

Despite lacking a statutory framework in which to develop, regional planning guidance has established some consultation with local people and local representatives. There is a danger that the policies of RDAs—which have not established and demonstrated their accountability to local people—will destabilise that system.

As I said, regional planning guidance has developed through practice rather than a statutory framework. I am concerned that it could be vulnerable to tensions caused by the establishment of RDAs. Amendment No. 20 is designed to address that issue. Today, I should like to hear from the Minister the Government's view on the issue. How will the Government ensure, in their guidance to RDAs, that those potential conflicts do not occur? Do Ministers plan to put RPG on a statutory footing?

Amendment No. 21 deals with the RDAs' potential for conflict with local authority development plans. The Council for the Protection of Rural England has given examples of problems in the north—where, it says, inward investment agencies have promoted sites for economic development with no regard to the agreed regional or local planning framework. Those sites have included green-belt and green-field sites.

RDA regional economic strategies, regional planning guidance, structure plans and local authority development plans each serve different purposes, which means that the potential for conflicting with one another may be even greater. Reliance on "having regard to" or "informing each other" may not ensure compatibility or consistency.

I live in hope that the Government will accept new clause 3 and our two amendments. If not, I hope that the Minister will be able to assure us that the plan-led system will not be overridden by secretive, unelected RDA boards.

Sir Norman Fowler (Sutton Coldfield): I very much agree with the spirit of the comments made by the hon. Member for Taunton (Mrs. Ballard). Two issues are raised by the new clause and the amendments in this group, tabled by the Liberal Democrats and by ourselves. The first issue is the openness of meetings and the matter of accountability, and the second is the position of local authorities, particularly in financing RDAs.

As the hon. Member for Taunton said, accessibility and accountability are the crucial issues. RDA members will be appointed by the Secretary of State. We do not have to go into all the arguments on that, but that is the position. RDAs will not be elected or directly accountable to the public. If a member of an RDA board is a councillor, for example, he will continue as a board member even if he loses his council seat. Even those who support RDAs deplore the "democratic deficit" implicit in them.

Opposition Members are not convinced by the arguments to establish RDAs. Nevertheless, because of the Government's majority, we accept that the Bill will be enacted. However, if we are to ensure that RDAs are directly accountable—as councillors are to their own electors—it is vital that every opportunity is taken to ensure that the agencies' proceedings are as open and transparent as they can be.

The public have an absolute right to know what is going on in the RDAs, for two reasons. First, RDAs are being financed by public money. It therefore must be right that the public should receive the maximum information about what is being done with their money and in their name. Secondly, RDAs' entire purpose is to serve the public in the regions, not to serve the Secretary of State or the Government—although all the levers of power seem to be exercised by the Government. We want to monitor the agencies' success as they develop.

We have tabled amendment No. 17 in an attempt to ensure that there is some accountability in RDAs' public meetings. We ask that, after a public meeting has been held, the RDA

"concerned shall publish a record of that meeting, setting out how it will take account of points raised at the meeting in its activities in the following year, and shall send a copy of the record to the Secretary of State, who shall lay it before each House of Parliament."

Now, we also have new clause 3, which deals with section 100 of the Local Government Act 1972—which is particularly well known, especially to anyone in local government. Section 100 enables openness in local government, and information to be given to the public and the press—which will disseminate the information to a wider public. As an hon. Member and as a journalist, I support both those objectives.

Section 100 is basically about the right to information in local government. One of our objections to the Local Government (Experimental Arrangements) Bill is that it will curtail section 100. The House requires a Second Reading debate on that Bill, so that the issue can be dealt with.

We support new clause 3 because of its effect on regional development agencies. If RDAs are to be appointed bodies—which they will be, at least for the lifetime of this Parliament—they should act openly. Their real responsibility should be not to the Secretary of State but to the public in the regions, which will require the maximum in openness, frankness and accessibility.

Mr. David Ruffley (Bury St. Edmunds): Given Ministers' support for the principle of a freedom of information Bill, does my right hon. Friend think that it would be sensible for Ministers—in the spirit of openness, transparency and freedom of information—to accept new clause 3?

Sir Norman Fowler: I rather hope that, like us, they will accept new clause 3. It would be perfectly sensible

for them to do so. If Ministers were still in opposition and we were in government, they—like many Labour Back Benchers, I suspect—would be urging us to accept it. I very much hope that, in the spirit of openness, Ministers will sustain and accept our argument.

My hon. Friend the Member for Bury St. Edmunds (Mr. Ruffley) made a serious point. Regional development agencies are bodies appointed not locally but by the Secretary of State, Whitehall and the Government. It is therefore incumbent upon the Government to make RDAs' proceedings as open to the public as possible. If they do not, not only accountability but openness in RDAs' proceedings will be denied.

Mrs. Ellman: The right hon. Gentleman seems to have had a draconian change of mind. No public access was allowed to the quangos established by the previous Government, which were shrouded in great secrecy. I ask him directly—after his comments, with which I agree, on the importance of regional development agencies in serving the people of the regions—whether he would support direct elections either to the agencies or to the chambers that will hold those agencies to account.

Sir Norman Fowler: This discussion is going far beyond the scope of the new clause. We have already stated our opposition to the agencies. I am arguing that if we are to have agencies, which we clearly are, given the Government's majority, they should operate as openly as possible. The Government have made it clear that they will do nothing during this Parliament to alter the position. That enables us to monitor closely the agencies' success, which is what we shall do.

Amendments Nos. 29, 2 and 3 seek more definition from the Government of where the money for the agencies will come from. The fear that lies behind the amendments is that elected local authorities' resources will be top-sliced to finance the agencies, which should be separately and discretely budgeted. We are anxious to underline the primacy of local authorities in that respect. It would be wrong for local authorities, and therefore the public, to suffer because the RDAs were taking money away from them. That would disadvantage local people and the regions that the RDAs are meant to serve.

6 pm

Amendment No. 29 would ensure that, before RDAs set their budgets, they consulted their local authorities. Amendment No. 3 would ensure that no grants were made to RDAs in regions where the local authority's standard spending assessment had been reduced that year. The amendment is basically designed to protect the interests of local government, which the Bill threatens in any event. The work carried out by local government will be reduced if the agencies use resources that would otherwise be used by local government. This year, more than 80 local authorities are having their provision cut in cash terms, yet the Government are introducing a new layer of unelected quangos.

Mr. David Watts (St. Helens, North): Will the right hon. Gentleman explain why, when he was in government, he supported top-slicing and quangos meeting outside the public gaze with no record of their meetings, but has now changed his mind on those issues?

Sir Norman Fowler: This is a new proposition about which I am sceptical. If the hon. Gentleman wants to join us in voting against regional development agencies on Third Reading, I should be happy to see him in our Lobby. We are starting from the premise that the Government are introducing regional development agencies. I am never impressed by such an argument. Now that the Labour party is in government, it has perpetuated certain issues that it opposed when in opposition. For the past 18 years, we have not had regional development agencies—had we had them, the Bill would not have been necessary. We had a better system, which brought a record amount of inward investment into this country.

This discussion may go a little beyond the scope of the new clause and amendments. I am happy to continue it, or to return to the matter on Third Reading. Before the hon. Gentleman crows about RDAs, he should recognise the Conservative Government's tremendous achievement in bringing inward investment to this country.

The amendments aim to get clear guidance on the financing of the RDAs. Do the Government accept that RDAs should not be financed at the expense of local authorities? We are not the only ones to be interested in the answer to that question; local authorities and the general public are interested.

Mr. Lansley: Will my right hon. Friend give way?

Sir Norman Fowler: I see consultation taking place on the Government Front Bench, so I shall give way to my hon. Friend and allow it to go ahead.

Mr. Lansley: Does my right hon. Friend agree that the Government have been at pains to suggest that the RDAs would not simply take unto themselves the responsibilities of local authorities? Does not it follow that they should not take the money from local authorities? I presume that local authorities' responsibilities remain unchanged, and that their financial requirements therefore remain unchanged.

Sir Norman Fowler: That is exactly what I am trying to get a clear statement about on the Floor of the House. It is a matter of concern in local government and on the part of the general public. If the Minister can make a clear statement that under no circumstances will local government suffer financially and say precisely where the money will come from, everyone will be reassured. It is a double-barrelled question.

The amendments have two themes: first, the financing of the RDAs and the position of local authorities along the lines that my hon. Friend the Member for South Cambridgeshire (Mr. Lansley) described; and, secondly, the arrangements for the openness of RDAs. Over the years, many people have taken tremendous steps in making local government more open, not least the noble Lady Thatcher when she introduced a series of reforms. We should like to see the spirit of that openness in regional development agencies.

Mr. Ian Pearson (Dudley, South): As a former joint chief executive of a regional development company, I have taken a great deal of interest in the Bill's progress through the House, although other commitments meant that I could not serve on the Standing Committee.

[Mr. Ian Pearson]

Although the Bill is not as far-reaching or radical as I or some members of the Government would have liked, it is a much-needed, solid piece of legislation, which will help to bring about a more strategic approach to economic development in England's regions, and it must be widely welcomed. Nobody who has seen the activities of Scottish Enterprise or the Welsh Development Agency in the past 20 years or more can deny the impact that they have had. In 20 years' time, people will find it unimaginable that the Conservative party could have opposed the establishment of regional development agencies in England.

In my region, the west midlands, all the leading business organisations, local authorities and voluntary organisations have warmly welcomed the Bill. We are now in the business of getting on with making the legislation a reality. Last month, we had a major conference, at which more than 300 organisations were represented. I am doing all I can to ensure that the west midlands has an effective regional development agency.

I share the sentiments behind new clause 3, as it is important that RDAs are seen to be open and accountable. However, I remind the House that RDAs will still have to conform to the code of practice for public bodies. I hope that a freedom of information Bill will be enacted later this year. Other means of accountability are stipulated in the Bill, particularly in clause 18.

I do not want RDAs to be transformed into the equivalent of local authority economic development sub-committees. They should be fleet-footed, commercial, entrepreneurial organisations. They need to be accountable, because they are spending public money, but there are sufficient safeguards in the Bill and the directions and guidelines that Ministers can offer.

Mrs. Ballard: Does the hon. Gentleman agree that the fact that a meeting is open to the public and the press will not stop those involved being fleet-footed and efficient in the conduct of their business? Will the Government's proposed legislation on freedom of information come into force before the RDAs are up and running?

Mr. Pearson: The timing of Government legislation is not a matter for me. We are debating whether there should be a requirement in the Bill, or whether it should be left to RDAs and ministerial guidance. The latter is the preferable route.

The White Paper says on page 54 that some board meetings will be held in open session. It is clear from the White Paper and what was said in Committee that Ministers lay great emphasis on the need for partnership, accountability and consultation. I do not see the problem. Inserting a specific requirement in the Bill is overly restrictive. When they are up and running, RDAs will have a number of open meetings, including open board meetings, but they might also want to hold closed board meetings in which they deal with confidential business. The new clause would create barriers to that.

Mr. Ruffley: How would the freedom of information Bill or the provisions set out in the White Paper deliver transparency and openness? The hon. Gentleman seems to be suggesting that that legislation will take into account what we are asking for.

Mr. Pearson: The freedom of information Bill, the requirements in this Bill and the code of practice that public bodies must adhere to will provide sufficient accountability even for the hon. Gentleman.

Sir Norman Fowler: Local authorities are also governed by legislation on openness for meetings. Would the hon. Gentleman be content with simple generalisations of good will for them, with only an aim for openness that was not governed by legislation?

Mr. Pearson: That is a spurious question. The right hon. Gentleman is talking about completely different organisations. I have absolute confidence that Ministers will be extremely vigilant in ensuring that the public get the information they need on the operation of RDAs, bearing in mind the policy directions and guidance that are issued to other public bodies.

Mr. Pickles: Will the hon. Gentleman give way?

Mr. Pearson: Not at the moment. I have already given way three times, and the time available for debate is limited.

Liberal Democrat amendments Nos. 20 and 21 would require RDAs to have regard to regional planning guidance and local authority economic development plans. That is a statement of the obvious. It is almost the equivalent of saying that night follows day.

It is an insult to any economic development professional working for an RDA to remind them to take notice of local authorities or regional planning guidance. The Bill is based on partnership. The RDAs will work closely with other regional bodies and local authorities. The planning process will be iterative. I hope that RDAs will influence local authorities' planning processes, and perhaps local authorities will influence RDAs' planning processes.

6.15 pm

Conservative amendment No. 17 is similar. It would require a record of a public meeting following an annual report to be published and laid before Parliament. I hope that every RDA will adopt consultation procedures to keep Members of Parliament informed of its activities regularly. We might consider setting up regional Select Committees in the House.

The amendment is unnecessary, and misses the point, which is that we are decentralising. Accountability mechanisms should focus primarily on the regional and local level. I am sure that Members of Parliament will want to know what RDAs do.

The other four amendments relate to money. Amendments Nos. 29 and 30 also state the obvious. They would require an RDA to consult local authorities before setting its budget. We want a partnership approach. Of course local authorities will be consulted. We do not need such a requirement in the Bill.

Amendment No. 2 provides for the unlikely circumstance of an RDA producing a capital or revenue surplus, which a Minister decides should be transferred to the Government.

Mr. Pickles: Will the hon. Gentleman give way?

Mr. Pearson: In a minute. Let me explain to the hon. Gentleman what the Conservative amendment says. It says that a surplus of an RDA may be transferred—not back to the Government, which provided the money in the first place, but to local authorities.

That may be a convenient peg on which to hang the whinge of the right hon. Member for Sutton Coldfield (Sir N. Fowler) about local authorities, but it is bare-faced cheek for a party that spent 18 years trampling on the interests of local authorities to have the gall to say that any RDA surplus should go to local authorities. That is a pathetic attempt to show that the Conservatives are interested in local government when they clearly are not.

Mr. Pickles: Talking of pathetic attempts, the hon. Gentleman has talked about trusting the Minister and being sure that he will not do anything wrong. What is the point of having a Bill? Why do we not give complete power to the Minister? If no provisions should be added to the Bill, what is the point of the debate? What is the point of trying to protect people's freedom?

Mr. Pearson: The hon. Gentleman has been a Member of Parliament longer than me. I am sure that he knows that primary and secondary legislation and policy guidance and directions from Ministers are part of the way in which this country is governed.

It is our duty as Members of Parliament to scrutinise legislation. We must be confident that legislation is robust and transparent, and that it has proper mechanisms of accountability. That is true of the Bill as it stands. The hon. Gentleman seems to be suggesting otherwise. The amendments merely state the obvious. They are wrecking amendments.

Mr. Lansley: Will the hon. Gentleman give way?

Mr. Pearson: Not at the moment.

Amendment No. 3 demands that the Government should not give RDAs any money if, for whatever reason, any standard spending assessment of any local authority has to be reduced. I understand the debating point behind the amendment, but I cannot imagine that, as a Minister, the right hon. Member for Sutton Coldfield would ever have countenanced such legislation.

Mr. Lansley: Will the hon. Gentleman give way?

Mr. Pearson: I shall finish my point, and then I will gladly give way to the hon. Gentleman, if he persists.

SSAs could conceivably change over time for a number of reasons. There might be changes in SSA methodology or in local authority boundaries and responsibilities. To put such a requirement in the Bill would—

Mr. Pickles: We should trust the Minister.

Mr. Pearson: No, the issue is that such a requirement would shackle an RDA if any Government—this one or any subsequent one—changed the SSA funding formula or local authority boundaries and responsibilities. The whole basis of legislation for grant-aiding and funding RDAs would fall. That is obviously ridiculous.

Mr. Lansley: The hon. Gentleman's argument against the amendments comes down to one word: partnership. Does he not understand that there are circumstances in which the RDA may be in conflict with local authorities in its area? That is why we want to lay statutory duties on the RDA to consult on, for example, its budget. Does he not understand that we want to do so because we want to regulate relationships between different statutory bodies?

Mr. Pearson: It is quite true that RDAs may, from time to time, fall out with local authorities, just as local authorities, from time to time, fall out with each other. That does not mean that the requirement to consult, which will be in ministerial guidelines and is already in clause 18, or the code of practice for public bodies will suddenly disappear. There are sufficient mechanisms for consultation to reassure even the most sceptical Conservative Member.

In the west midlands, we have been competing head to head as a region with Baden-Württemberg in Germany and Emilia-Romagna in Italy. In comparison, our gross domestic product per head has declined. They now have a 40 per cent. advantage over us. We stand at 90 per cent. of the EU regional average. That is not good enough; it is an appalling legacy of 18 years of Conservative neglect of the regions. This Government want to change that. I have no doubt that the Bill will play a major part in helping to narrow the gap between GDP in the west midlands and other English regions and our European competitors. I commend it to the House.

Mr. Curry: If anyone else mentions an iterative process in this debate, I shall take an early recess. [HON. MEMBERS: "Hear, hear."] The Minister and I may be the only two people in the House who are not quite sure what it is. All I can say is that it is not much used in Yorkshire, and I hope that it will not become much used in the House. Management-speak has crept into the Chamber. Why does not the hon. Member for Taunton (Mrs. Ballard) say "discussion" instead of "iterative process", if that is what she means?

My right hon. Friend the Member for Sutton Coldfield (Sir N. Fowler) was correct to raise the issue of local authority funding and its relationship with regional development agency funding. The RDAs, as such, will have very little money; the funding streams diverted to them are relatively small. Therefore, unless they are able to work as part of a broader strategy with local authorities, their impact will be quite minimal. It follows that there needs to be some stability in funding flows, from wherever they come.

There is a great deal of uncertainty at the moment about local authority funding, over both how and in what shape it will be delivered. We all know the basic facts about what is happening. My right hon. Friend the Member for Sutton Coldfield and my hon. Friends are right in saying that there has been a diversion of funding effectively towards northern metropolitan local authorities.

In fact, however, funding has been diverted from inner London as well. That is due to adjustment in economic factors and indicators for elderly residential care and

[Mr. Curry]

social services. That has meant—we debated this in relation to the countryside—in North Yorkshire, for example, a 13.4 per cent. increase in band D council tax bills. If the Government raise the capping limit but do not provide the money to follow, as night follows day council taxes will increase.

Local government finance is very much at a watershed at the moment. The Government have issued a series of papers on the future of local government. Three more papers—a slightly ambitious trilogy—were published at the beginning of this week, the most important of which was about the future of funding and the Government's decision in practice to fund capping. They are proposing to make no change to SSA methodology for two years and to divert staff resources into a more fundamental view of the way forward in SSAs. That opens the way eventually for some quite radical changes in the way in which funding is directed toward local government, which are bound to have an effect on the way in which strategies can be delivered between local government and development agencies.

We are supposed to have regional chambers in order to monitor, work in partnership and keep an eye on RDAs. We will have a regional chamber in London if the people of London vote for a mayor and an authority. The Government say that, in future Parliaments—if they are still in a position to do so—they will introduce regional chambers elsewhere, but for the moment, such regional chambers will effectively be quangos at one remove from the electorate.

Two other Government policies are crucial. The first is that the Deputy Prime Minister wants us to develop on what we can no longer call brown-field sites—we must use some more euphemistic expression. If he is to be logical about that, he must recognise that it costs a great deal more to develop an inner-city brown-field site than a suburban or green-field site. There would be intellectual and financial logic in funding flows that reflect that increase, because it is bound to have an enormous impact on the relative distribution of funding in, for example, Yorkshire, Humberside and the north-east in comparison with the south-west, simply due to the geographical positions of those regions.

The second policy concerns the fact that the Government, like their predecessors, have spent much time trying to solve the riddle of the area cost adjustment. If they were to do so, it would have a significant impact on where money is directed in local government. It would, for example, cause a tremendous cut in resources—I use the word "resources" although I prefer the word "money" because it is more direct—going to Cornwall, which would be a major sufferer. That would impact on the ability to deliver the regeneration programmes of the partnerships about which we are talking. The degree to which RDA spending and local government complement one another is important.

The pattern of local government expenditure in the shires is fairly consistent. Local authorities tend to underspend on highways, which is, after all, quite an important development matter, but tend to spend above their SSA on education, simply because many choose that as a priority. Many of us would not quarrel with that.

In addition, there is not only a review of local government expenditure and a review of regeneration policy expenditure—the Minister for the Regions, Regeneration and Planning, who is in charge of that, is no longer in the Chamber—but a fundamental spending review. That review will have an impact on the funding available for other parts of local authority expenditure that, although they do not flow through the revenue support grant, are none the less crucial to regeneration and to the broader development process. Housing expenditure, including funding for the housing benefit system, is one example.

My right hon. Friend the Member for Sutton Coldfield is therefore correct to say that one cannot discuss the development agencies in their own right as autonomous bodies, without reference to their immediate hinterland in terms of governmental and financial institutions. They must work under a common strategy, yet there is much uncertainty associated with local authority funding now, and a real possibility of quite a radical change.

There may well be justification for a change; I do not condemn it in advance. There may be a good argument for redirecting the flows of local authority funding. However, the regional development agencies would then be set up on a foundation that could begin to change almost immediately they were established. The House needs to take note of that possibility, and I am grateful to my right hon. Friend for tabling an amendment that has enabled us to do so.

6.30 pm

Mr. Pickles: The hon. Member for Dudley, South (Mr. Pearson) made an interesting speech. At a certain stage of our political careers we all go through a toady phase—although I would like to think that even when I was going through mine I would not have made such a speech. I do not mean that rudely, but the hon. Gentleman would have been wise to duck out of the Tea Room when the Whips were looking around for a Labour Member to make a speech.

The hon. Gentleman's arguments were the same as those that were used to support the idea that local authority and health authority meetings should not be open to the public. The essence of the argument is, "Trust the Minister; he will do no harm," but I do not favour that argument. *[Interruption.]* I see that my Whip is leaving the Chamber.

There is much criticism in the press these days about the role of the Chamber and the new presidential style of government. People say that the House of Commons does not matter any more. If the House is to mean anything, we must be able to hold the Executive to account. Therefore, we must be able to put things on the face of the Bill.

We should not start from the proposition that we may occasionally have the odd open board meeting, with members of the public being brought in, given a cup of tea and allowed to sit down and listen to our deliberations, like an open day at a hospital or school. It is not acceptable to say that we can take care of the democratic deficit in that way. We should not start from the idea of holding meetings in secret but with certain exceptions, when meetings will be held openly. We should turn the argument around and say that meetings will be open to the public unless there is a compelling reason why people cannot observe them.

What could those compelling reasons be? Commercial confidentiality is obviously one, but a sensible authority could organise business so that the discussion about economic regeneration would be held in public, while the names of the firms were kept private. What other reason could there be? There could be a need to protect the rights of individuals and to keep confidential information private—but in a sensible process, that too could be planned for, so that the substantial discussion could take place in public, and private matters concerning individuals would be dealt with in private.

A few years ago, when I was a councillor, I, with others, started the experiments that eventually led the Government to legislate on opening our deliberations to the public. Now there is a tendency for local authorities to rest on their laurels and to try to ensure that, as well as the official power structure through the committees, there is another power structure inside local authorities.

Most people looking at the structure of a council would see the full council on the top, with the various committees and sub-committees underneath. Section 100 of the Local Government Act 1972 provides that members of the public can almost always attend the sub-committees, the committees and the full council. As my right hon. Friend said, one of our concerns about the experimental local government arrangements is that they will deny the public access to deliberations.

However, inside local authorities, as is the case inside most political parties, there exists an informal power structure whereby, by the time matters arrive at a sub-committee, they are already determined and set in concrete, so the sub-committee has no chance of making a substantial change. We believe that it is time to open up regional development agencies and local authorities to ensure that the public have access to wherever the informal discussions take place.

Mr. Curry: Does my hon. Friend agree that the Government's proposals for modernising local government, with the talk of Cabinet government and of different structures of government, may, depending on how they are managed, tend towards more closed government rather than more open government?

Mr. Pickles: My right hon. Friend is right. That is why my right hon. Friend the Member for Sutton Coldfield (Sir N. Fowler) said that we should have a Second Reading debate on the Local Government (Experimental Arrangements) Bill, so that such matters could be discussed on the Floor of the House as a matter of principle.

Dr. Doug Naysmith (Bristol, North-West): I agree with what the hon. Gentleman says about opening up meetings and open government, but as he mentioned health authorities, may I ask him whether he protested when a previous Government introduced changes into the health service that had the effect of closing meetings of health authorities and trusts?

Mr. Pickles: Yes, I did. That is a matter of public record; I have a record of supporting freedom of information, and I believe that it is important. Just because a Conservative Government had approved something, I would not stand up when we were in government and say, "Trust the Minister; he is a nice person; he will do nothing wrong." That essentially is the argument that Labour Members have advanced.

Mr. Stephen Day (Cheadle): My hon. Friend did not have, as I had, the privilege and honour of serving on the Standing Committee. Is he aware that the Government originally took a different position on some parts of the Bill? Is not the fact that Ministers and the Government have changed their minds on key clauses a prime reason to ask why on earth, if they cannot make up their minds and settle on a policy while the Bill is in the process of going through Parliament, we should trust such a Minister?

Mr. Pickles: My hon. Friend is right. We cannot rely on individual Ministers' discretion to look after everything. There are individual rights. After all, the Government are about to legislate on the declaration of human rights. If they do not think it important to enshrine rights in law, perhaps we should simply go back to the proposition supported by the hon. Member for Dudley, South, and simply trust the Government.

Mr. David Clelland (Tyne Bridge): Why not table an amendment to that effect?

Mr. Pickles: As the Whip, from a sedentary position, says, no doubt the Government would welcome an amendment to that effect. Every clause would simply say, "This House unreservedly trusts the Government to do the right thing." There would be no scrutiny and no consideration of individual rights.

Yet contained within the Bill are immense powers over economic affairs, and powers to take away individuals' property. Those powers should be out in the public domain. Public bodies should be open. We are setting up what will probably be the most powerful quangos ever set up by the House, yet essentially they will be poodles of the Secretary of State. Moreover, we shall soon see regional assemblies that are also poodles of the Secretary of State.

Mr. Day: My hon. Friend has hit upon an important point, closely bound up with the new clause. The truth about the Bill, which came through to me strongly in Committee, is that, rather than being based on the idea of creating new development in different areas, it is an excuse for foisting regional government on this country. The Bill is a blind, designed to hide the facts from the people of this country. Is that not what it is all about?

Mr. Pickles: After the sensible decision to remove the planning powers and some of the provisions on employment and education, little is left in the Bill—the measures will have to operate through other players. All that is left is a form of regional government.

Mr. Curry: My hon. Friend suggested that the RDAs would be mighty quangos, but I suggest that he has not read the proposals for the Food Standards Agency. If he were looking for a position of real power, he might choose to serve on that body.

Mr. Pickles: My right hon. Friend is right to tick me off. As soon as the debate is through, I shall read up on

[Mr. Pickles]

the Food Standards Agency—perhaps he will spend some time taking me through the major points. I shall rephrase what I said: the RDAs are the most powerful quangos of which I was aware. However, I do not think that it matters whether they are the most powerful or the second most powerful—they are still powerful.

The hon. Member for Taunton (Mrs. Ballard) made a particularly important point about the appointment of members to the agencies—that they will rely on the Secretary of State's good will. If elected councillors who are members of the agency are defeated at an election, they can remain as members.

I have some experience of such situations; regardless of how diligent or conscientious councillors are, their primary purpose in serving on a board—to represent their electors or their authority—disappears when they lose an election. I believe that a defeated councillor should step down. It is ridiculous to trust the Minister to decide whether such a person should remain in power.

Open government is also important in this instance, because we are establishing new quangos. RDAs should be set up on the basis of good principles—on the presumption that their meetings will be open to the public. As we are starting something, we should at least get it right.

The relationship between economic regeneration and planning will be anomalous. The various planning conferences will, we are told, have a much longer planning horizon than the RDAs—they will have to look 10 to 20 years ahead. The RDAs will operate under them, and the local authorities will operate more practically under the RDAs. If the regional planning and local authority meetings are open, why should RDA meetings, which lie in the middle, be held in secret, especially as RDAs will have enormous powers over individuals in terms of compulsory purchase and land assembly?

As my right hon. Friend the Member for Sutton Coldfield said, we should also be clear where the money will come from. I think that top slicing has already occurred; the money for shire and district authorities has been reduced. I hope that the Government will accept new clause 3, to ensure that the RDAs are put on a proper democratic footing.

Mrs. Caroline Spelman (Meriden): I want to deal with some of the points made by Labour Members about openness. The hon. Member for North-West Leicestershire (Mr. Taylor) said that Conservative Members' concerns about the Bill were belated. As a new Member of Parliament, my concern is not belated—I have a genuine concern for the present and for the future.

My constituency will be part of the new West Midlands regional development agency, but I have not detected unmitigated public enthusiasm for the new body. As a participant in the West Midlands Regional Economic Consortium, which has acted almost as a precursor to the RDA, I have seen evidence that has given me real grounds for concern.

6.45 pm

I draw the attention of the hon. Member for Dudley, South (Mr. Pearson) to a document produced by the WMREC, which illustrates the source of my concern. The document is an interpretation of the integrated transport system—another Government initiative—in our region. It concludes that the need for improved rural transport in the west midlands is of "lesser concern". I represent a constituency with a mix of rural and urban areas, so that gives me great concern about what will happen when decisions pass to the regional tier and the rural interest is diluted by the majority concern of the urban areas.

The document also expresses the WMREC's support for the expansion of Birmingham International airport. My constituency is part of the Solihull borough, in which the airport also falls. The hon. Member for Dudley, South will perhaps know that the carefully drawn development plans for the airport—which I concede is of regional significance—were born of hard-won negotiation about the erosion of the green belt. I know that the Solihull local government representatives are greatly concerned that their minority view will be subsumed under the urban-dominated RDA.

Mr. Pearson: The hon. Lady has set a number of hares running, and I think that I should correct her on some points. First, the West Midlands Regional Economic Consortium is committed to ensuring that the integrated transport system has an effective rural dimension; indeed, it flagged it up as an issue on which to lobby. It also wanted the RDA to be stronger. Proposals for Birmingham International airport have gone, and will always go, through the usual planning process. The WMREC identified nothing in the Bill that would change that in any way.

Mrs. Spelman: The meeting about the airport was an important guide to where the priorities lie. My constituents and the Solihull local government officers fear that they will have a minority voice in an urban-dominated RDA; nothing that I have heard has allayed my present and future concerns.

That is why I strongly endorse the new clause, which would formalise a process of consultation, which is one of the only securities that elected officers in local government have at present to ensure that the views of the local community that they represent are adequately taken account of by the new RDA.

Mr. Pickles: Would my hon. Friend be happy for deliberations on priorities for local areas to be held behind closed doors, or would she prefer to ensure that her electors can hear the discussions?

Mrs. Spelman: I am grateful for that intervention, because I have grave concerns about the lack of openness in creating a powerful quango comprising a board of 12 members including, as the Secretary of State assures us, only one representative to take account of rural interests. That quango, meeting in camera, will have to respond adequately to the proper democratic process, which can be expressed only at the ballot box.

As the legislation stands, the only way in which my constituents can manifest their concerns about the newly created quangos is indirectly, through local government and parliamentary elections. The Bill does not ensure

adequate accountability so that the views of my constituents and others in the borough will be taken into account in extremely important decisions.

Mr. Lansley: Sometimes, when a group of amendments is under consideration, one singles out one and commends it, while perhaps damning the others with faint praise, but this is not such an occasion, because the new clause and the amendments would all, in their various ways, improve the Bill.

I intend to be brief, because we have heard no coherent argument from Government Members against the propositions severally advanced in the new clause and the amendments, so we must give the Minister time to accept them, or to explain more cogently she he should not do so.

We all know that there are circumstances in which non-departmental public bodies have to exercise their functions without full public accessibility, and the same will no doubt apply to regional development agencies. I know from personal experience at the Department of Trade and Industry that it would be impossible to undertake the necessary negotiations on inward investment, for example, in a publicly accessible body.

There will certainly be circumstances, however, in which the agency does not undertake an executive or administrative task, for which policy is established by others, but is itself a policy-making body, establishing what may be a more significant policy for its region than some of those determined in county council chambers, which are rightly open to the public. The desire for an agency's meetings to be accessible to the public is entirely consistent with that.

When an agency is formulating its strategy, we should not simply rest on clause 7 and the guidance to be issued by Ministers, but set that alongside the views of local authorities as expressed in their development plans. There is an inherent danger that the guidance offered by the Secretary of State will be strategic and of general application, whereas in many instances it will have to be implemented alongside the specific considerations of individual districts or even smaller areas, as laid out in development plans.

For example, regional development agencies will often want to bring specific projects to their region and they may do that by designating in their strategy certain areas where it would be desirable for such projects to go. It would be inherently undesirable for an agency to specify a project that it wants to attract, and to designate some areas where that project should go, in pursuance of departmental guidance but in contradiction to some of the underlying principles either of the regional planning guidance or, more particularly, of local development plans.

The Minister for the Regions, Regeneration and Planning may shake his head and say that that will not happen, but we will go on to debate some of the issues, and I suspect that there will be circumstances in which the regional development agency tries to pre-empt the local authority's development plans and impose some of its own strategic ideas. It would be much better for the agency's intentions to take explicit account of the local authority's democratically determined development plans.

If the regional development agency is to pursue functions that are additional to those of local authorities and to add value—the Local Government Association questioned whether it would add value, and I confess to being sceptical on the subject—it should do so on the back of a budget that does not detract from the value of local authority activities.

The hon. Member for Dudley, South (Mr. Pearson) spoke about the difficulties of standard spending assessment methodology, but that is not a great problem. It is a requirement laid on the Government to compare SSAs on an equitable basis, year on year. In counties and shire districts such as South Cambridgeshire, where the SSA has been reduced by £350,000, reductions have taken place even when the demands laid on the local authority have increased.

My constituents may well wonder of what value it is to them to have their services cut to provide money for a regional development agency that will simply devise strategies and leave it to the local authority to try to implement them. They would regard that as unacceptable. New clause 3 would, quite rightly, lay on the Government an obligation not to proceed down that path and set budgets for regional development agencies while undermining local authorities by cutting their grant.

The Parliamentary Under-Secretary of State for the Environment, Transport and the Regions (Angela Eagle): We have had an interesting debate about the accountability and openness of regional development agencies and their relationship with local authorities, and about local authority lead strategies, including planning guidelines. There has been some confusion between economic and land use planning, which are entirely distinct and have different systems attached to them.

It is important for the Government to get the balance right between the devolutionary principles that lie behind the Bill—taking powers down to the regions—and turning round and being terribly prescriptive about how the powers are used. We do not want to resort to the bad old ways and be over-prescriptive about how the devolved powers are used. We had many interesting discussions about that in Committee.

The Government are as keen as ever to move quickly to implement our manifesto commitments on the regional agenda in England. We know that the interests of the English regions have been neglected for too long and we aim to reverse that neglect. Our first step is to establish regional development agencies to provide for effective co-ordination of economic development and social regeneration, in partnership with local organisations.

Some Conservative Members have wrongly suggested that we want to convert regional development agencies into a form of local authority. They are economic development agencies, with the five core aims that are set out in clause 4. They are similar to Scottish Enterprise and the Welsh Development Agency, and I did not hear the hon. Member for Brentwood and Ongar (Mr. Pickles), when his party was in government, complaining that the meetings of those bodies were not open to the public. He must not mix up local authorities with what are essentially economic development agencies. Later, I shall explain how the Bill gives far more provision for openness than any Bill before it.

7 pm

Mr. Pickles: If the Scottish and Welsh bodies had had any effect on Essex, I would have taken enormous interest in them being open to the public. The Minister seems to believe that some RDA meetings should be open. Will she define which should be open and which should not?

Angela Eagle: We do not want to be too prescriptive at a national level, but I shall come to that in due course.

RDAs and their links with regional chambers, and our proposals for reform of the regional planning process are a first step in an evolutionary process which will lead to the English regions being able to choose a greater measure of decentralisation.

There is a lot that we believe we can do now within the present democratic structures to build up the voice of the regions by building on the informal structures that the regions themselves are setting up. Local authorities are already coming together with businesses and other partners to form regional chambers to create a more integrated regional voice. Progress is being made in all regions. Only last week, my right hon. Friend the Deputy Prime Minister was present at the launch of a regional chamber in Yorkshire and the Humber.

RDAs will be required to take full account of regional interests. Organisations representing such interests—and, above all, the democratically elected local authorities—can expect to contribute to the work of the RDA. We intend that regional chambers should provide a mechanism for meaningful consultation.

The Bill provides a framework within which the RDA will have regard to views expressed by the chamber in the formulation and review of its economic strategy, and it will allow the RDA to consult the chamber on the exercise of its other functions, to provide information, to answer questions and to give an account of itself to the chamber. This, we believe, will give the chamber not only a powerful voice in the regions, but influence over the work of the RDA itself. Chambers provide a mechanism for the representatives of local government—who will be in the majority in the chamber—to exercise this influence.

The hon. Member for Taunton (Mrs. Ballard) mentioned that the Secretary of State for Health recently announced that health authority meetings were to be in public. He did not do that by putting it in a Bill in primary legislation—he merely announced it. This is what we are doing with the RDAs.

Amendments Nos. 20 and 21 would place a requirement in the Bill for the RDAs to have regard to regional planning guidance, which we propose will still be within a local authority framework. There has been some misunderstanding that somehow RDAs will have direct planning powers. By removing clauses 24 to 27, we have taken all planning powers away from RDAs. They do not have those powers, which rest with the democratically elected local authorities—where they will stay.

One might have gained the impression from listening to some of tonight's speeches that, somehow, RDAs could run roughshod over local authorities and proceed without planning permission. That is not the case. They will need planning permission for any regeneration project. The hon. Member for Brentwood and Ongar went on about this, but his Government's record in this matter was not auspicious. The urban development corporations had planning powers, were not open to the public and were anti-democratic. They were a creation of the previous Government.

One of the core functions of the RDAs will be to develop and implement a regional strategy in relation to its five purposes, and clause 7 provides for this. In many respects, this process of developing and implementing their regional strategies will be the main role of RDAs. Although there has been much good economic work done in our regions for many years—such as the development of regional competitiveness strategies—no one body has been charged with pulling together all the various strands, co-ordinating, in a way that commands consensus across the whole region, the effort that people are devoting to economic development initiatives. We want the RDAs to do this.

It will be essential that there is a close relationship between the RDAs' regional strategies and other strategic work at the regional level, including regional planning guidance, which sets the regional strategic framework development plans.

Regional planning guidance and the RDAs' strategies will clearly have to be related, but they have different purposes. It is important that the messages of both are compatible and consistent. However, the relationship will not be hierarchical. RDAs' regional strategies will have to have due regard to regional planning guidance. That is the structure within which they will work.

In turn, through the work and the advice they will be able to give, RDAs will have a vital input in the review of regional planning guidance. It is right that the planning framework should remain in the democratic process—where it will stay—but it would not be sensible for RPG, approved by the Secretary of State, to ignore the economic needs of a region as identified in the regional strategy. Thus, integration of these two areas of work is vital, but neither will have predominant importance. They will be parallel and complementary regimes. Those developing strategic thinking will need, on both sides, to have regard to the views and needs of the other—a slightly different way of working, but one which we believe will be more effective.

The relationship between RPG and the RDAs' regional strategies is an important one to get right. I understand the concern that has been expressed that, in the absence of a formal hierarchical arrangement, there is a danger that the two strategic documents will not be consistently drawn up. However, as in the case of the other areas in which the work of the RDA will have to take account of national policies—such as skills policies—it will be open to us to give guidance or directions to RDAs, if needed, about how they should take account of RPG in developing their regional economic strategies.

I should point out that we have not put a specific list in clause 7 about matters to which RDAs should have regard in drawing up their regional strategies. We do not want to do this; however lengthy and wide-ranging the list might be, it could limit flexibility to respond to new policy developments. This is a matter that we can deal with through subsection (2), which allows for the Secretary of State to give guidance and directions if necessary.

Amendment No. 21 refers to the relationship between the RDAs' regional strategies and local development plans. We do not believe that it is necessary to have a statutory requirement for RDAs to have regard to local development plans in devising their regional strategies.

Mr. Lansley: Will the Minister give way?

Angela Eagle: I have hardly any time left, and I want to deal with all the amendments if I can.

At present, a local planning authority is required by statute to have regard to the local development plan and decisions are to be made

"in accordance with the plan, unless material considerations indicate otherwise".

The RDA, like any developer, will have to apply for planning permission as appropriate. It follows that an RDA will not only have regard to local development plans; it will have to comply with them if its economic strategy is to succeed. Amendments Nos. 20 and 21 are unnecessary, as the provisions that they propose are either already in place, or will be covered better by guidance.

Amendment No. 29 would place a new duty on RDAs to produce an annual budget and to consult local authorities on it. This amendment is unnecessary. As non-departmental public bodies, RDAs will be required to produce a corporate plan which will be agreed by the Government. The annual budget will be presented to Parliament in the Department's annual report and will be monitored by Ministers.

We must not lose sight of the fact that, ultimately, the corporate plan is a working document between central Government—who will be providing the RDA with its funds—and the RDA. It is therefore a document that will primarily be a matter for them to determine. None the less, the corporate plan will reflect the RDA's economic strategy, which will be determined by the RDA in full consultation with the region and the chamber.

The Bill provides a framework within which we expect the RDA to consult the regional chamber on its corporate plan. We do not propose to extend this to local authorities in the area, as it is our intention that those authorities, along with other regional partners, will be represented—indeed, predominant—in the chamber. If, however, it became apparent that a suitable chamber was not to be established, we could issue guidance and directions on the RDAs' consultation with regional interests—including local authorities—on both its corporate plan and economic strategy.

Amendment No. 30, which is consequential upon amendment No. 29, is also unnecessary.

Clause 9 allows the Secretary of State to set the financial duties of the RDAs and to recover surplus money from RDAs. The same power is available to the Secretary of State in respect of English Partnerships—again, Conservative legislation—but it has never been used. I hope that the power in clause 9(4) as drafted would also not need to be used in respect of RDAs.

RDAs will be non-departmental public bodies, which normally receive grant in aid from the Government each month to ensure that they do not carry large amounts of public funds at the start of the year which the Government could use for other purposes, and that public funds are used in the most efficient way. Despite that, however, a body could still acquire surplus funds, if, for example, a large project was delayed or more receipts than expected were collected. In such circumstances, the most efficient use of funds is to return them to the centre to be used for other programmes.

Amendment No. 2 would require surplus funds to be paid to the region's local authorities, which is simply not appropriate. RDAs will receive funding from central Government, and it is right and proper that it be repaid to the Government if it is not used.

Clause 10 enables the Secretary of State, with the approval of the Treasury, to pay RDAs grant in aid, which will be their main source of income.

Amendment No. 3 would provide that the Secretary of State could not pay grant in aid to an RDA if the standard spending assessment of a local authority in the region had been or was proposed to be reduced. The hon. Member for Taunton perhaps seeks an assurance that we shall not reduce central Government funding for local authorities to increase the budgets of RDAs. We are happy to give such an assurance. Local authority funding is a separate issue: RDA funding comes from the single regeneration budget, from the budget for English Partnerships, and from the budget for the Rural Development Commission. The right hon. Member for Sutton Coldfield (Sir N. Fowler) should not confuse them.

Unlike the previous Government, we are only too pleased to give assurances to local government. The budgets of RDAs will, like the programmes, be inherited from Government offices for the regions; they will not come from funding for local government. A standard spending assessment is the Government's view of net revenue expenditure which it is appropriate for a local authority to incur to provide service consistent with that across all local authorities. It is calculated by formulae which use objective measures. The amendment would mean that no funding would be paid if SSAs went down because of population change, which would cause anarchy. I am surprised that the right hon. Member for Sutton Coldfield is suggesting anarchy—but times are strange.

New clause 3 and amendment No. 17 cover the openness with which RDAs should operate. The Government want greater openness, better accountability and improved effectiveness in the conduct of the business of non-departmental public bodies, as we made clear in our consultation paper "Opening up Quangos"—we want RDAs to lead the way. We have also published our proposals for ending secrecy surrounding government in our White Paper, "Your Right to Know".

We are sympathetic to the intention behind new clause 3, but it is not appropriate for it to be in the Bill. The matter will be dealt with in the usual way by the Parliamentary Commissioner for Administration, and our proposed freedom of information Bill will apply to all legislation. We shall also issue guidance saying that RDAs should be as open as possible—we hope and expect that they will be—but we shall not put that in the Bill.

Mrs. Ballard: This has been an interesting debate. At the risk of incurring the wrath of the right hon. Member for Skipton and Ripon (Mr. Curry), it could even be described as an iterative process.

Liberal Democrat Members welcome the support of the official Opposition, who have said that they shall vote in the same Lobby as us on new clause 3. I shall be careful

[Mrs. Ballard]

to make my points without upsetting them so much that they do not join us, but the road to Damascus has been incredibly busy recently.

In government, the Conservatives set up many non-departmental public bodies, or quangos, which were not accountable to local people and did not have to meet in public. My local training and enterprise council has placed the minutes of its meetings in public libraries and sent them to local people such as the Member of Parliament only since the change of Government, although it still does not meet in public.

Although we are delighted to accept the support of Conservative Members on new clause 3, we are most disappointed that the Conservative party and the Labour party have swapped sides on this issue. We had hoped for better from a Government who say that they are committed to openness and democracy. We should have anticipated the Under-Secretary saying, "The Government are sympathetic to new clause 3, but."

The hon. Member for Dudley, South (Mr. Pearson) mentioned reasons for not including certain matters in the Bill, which boiled down to something being blindingly obvious or too restrictive. In an idle moment, I studied the Bill. Clause 14 states:

"A regional development agency shall—

keep proper accounts".

I would have thought that that was blindingly obvious.

I must wrap up, so I shall be brief. New clause 3 would put RDAs in the same category as other public bodies with respect to admission to meetings, and in the same category as local authorities with respect to openness of proceedings, which would have to take place in public unless commercial or confidential matters were being discussed.

I am disappointed that the Government are unable to accept a simple new clause on openness and democracy, and I hope that some Labour Members will change their minds at the last minute and join us in the Lobby.

It being fifteen minutes past Seven o'clock, MR. DEPUTY SPEAKER, *pursuant to the Order [27 March] and the Resolution [this day], put forthwith the Question already proposed from the Chair.*

Question put, That the clause be read a Second time:—

The House divided: Ayes 163, Noes 283.

Division No. 241] **[7.15 pm**

AYES

Ainsworth, Peter *(E Surrey)*
Allan, Richard
Ancram, Rt Hon Michael
Arbuthnot, James
Ashdown, Rt Hon Paddy
Atkinson, David *(Bour'mth E)*
Atkinson, Peter *(Hexham)*
Baker, Norman
Ballard, Mrs Jackie
Beith, Rt Hon A J
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Body, Sir Richard
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Brady, Graham
Brake, Tom
Brazier, Julian
Breed, Colin
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Bruce, Malcolm *(Gordon)*
Burnett, John
Burns, Simon
Burstow, Paul
Butterfill, John
Cable, Dr Vincent
Cash, William
Chapman, Sir Sydney *(Chipping Barnet)*
Chidgey, David
Chope, Christopher
Clappison, James
Clark, Rt Hon Alan *(Kensington)*
Clarke, Rt Hon Kenneth *(Rushcliffe)*
Clifton-Brown, Geoffrey
Collins, Tim
Colvin, Michael
Cormack, Sir Patrick
Cotter, Brian
Cran, James
Curry, Rt Hon David
Davey, Edward *(Kingston)*
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice)*
Day, Stephen
Dorrell, Rt Hon Stephen
Duncan, Alan
Duncan Smith, Iain
Evans, Nigel
Faber, David
Fabricant, Michael
Fallon, Michael
Fearn, Ronnie
Flight, Howard
Forth, Rt Hon Eric
Foster, Don *(Bath)*
Fowler, Rt Hon Sir Norman
Fox, Dr Liam
Gale, Roger
George, Andrew *(St Ives)*
Gibb, Nick
Gill, Christopher
Gillan, Mrs Cheryl
Gorman, Mrs Teresa
Gray, James
Greenway, John
Grieve, Dominic
Hague, Rt Hon William
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Harris, Dr Evan
Harvey, Nick
Hawkins, Nick
Hayes, John
Heald, Oliver
Heathcoat-Amory, Rt Hon David
Horam, John
Howarth, Gerald *(Aldershot)*
Hughes, Simon *(Southwark N)*
Hunter, Andrew
Jackson, Robert *(Wantage)*
Jones, Nigel *(Cheltenham)*
Kennedy, Charles *(Ross Skye)*
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Kirkbride, Miss Julie
Kirkwood, Archy
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lansley, Andrew
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lilley, Rt Hon Peter
Livsey, Richard
Loughton, Tim
Luff, Peter
MacGregor, Rt Hon John
McIntosh, Miss Anne
MacKay, Andrew
Maclean, Rt Hon David
Maclennan, Rt Hon Robert
McLoughlin, Patrick
Maples, John
Mates, Michael
Maude, Rt Hon Francis
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Michie, Mrs Ray *(Argyll & Bute)*
Moore, Michael
Moss, Malcolm
Nicholls, Patrick
Norman, Archie
Oaten, Mark
Öpik, Lembit
Ottaway, Richard
Page, Richard
Paice, James
Pickles, Eric
Randall, John
Redwood, Rt Hon John
Rendel, David
Robathan, Andrew
Roe, Mrs Marion *(Broxbourne)*
Ross, William *(E Lond'y)*
Rowe, Andrew *(Faversham)*
Ruffley, David
Russell, Bob *(Colchester)*
St Aubyn, Nick
Sanders, Adrian
Shephard, Rt Hon Mrs Gillian
Shepherd, Richard
Simpson, Keith *(Mid-Norfolk)*
Smith, Sir Robert *(W Ab'd'ns)*
Soames, Nicholas
Spelman, Mrs Caroline
Spicer, Sir Michael
Spring, Richard
Steen, Anthony
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Taylor, Matthew *(Truro)*
Townend, John
Tredinnick, David
Trend, Michael
Tyler, Paul
Tyrie, Andrew
Wallace, James
Waller, Robert
Wardle, Charles
Webb, Steve
Widdecombe, Rt Hon Miss Ann
Willetts, David
Willis, Phil
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Woodward, Shaun
Yeo, Tim

Tellers for the Ayes:
Mr. Andrew Stunell and
Mr. Donald Gorrie.

NOES

Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Anderson, Janet *(Rossendale)*
Armstrong, Ms Hilary
Ashton, Joe
Atherton, Ms Candy
Atkins, Charlotte
Austin, John
Banks, Tony

Barnes, Harry
Battle, John
Bayley, Hugh
Beard, Nigel
Begg, Miss Anne
Benn, Rt Hon Tony
Bennett, Andrew F
Bermingham, Gerald
Blackman, Liz
Blears, Ms Hazel
Blunkett, Rt Hon David
Boateng, Paul
Bradley, Keith *(Withington)*
Bradshaw, Ben
Brinton, Mrs Helen
Brown, Rt Hon Nick *(Newcastle E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Buck, Ms Karen
Byers, Stephen
Caborn, Richard
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Campbell–Savours, Dale
Canavan, Dennis
Cann, Jamie
Caplin, Ivor
Casale, Roger
Caton, Martin
Chapman, Ben *(Wirral S)*
Chisholm, Malcolm
Church, Ms Judith
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clark, Paul *(Gillingham)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Cohen, Harry
Coleman, Iain
Connarty, Michael
Cooper, Yvette
Corbyn, Jeremy
Corston, Ms Jean
Cranston, Ross
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cummings, John
Cunliffe, Lawrence
Cunningham, Jim *(Cov'try S)*
Darling, Rt Hon Alistair
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Davies, Rt Hon Ron *(Caerphilly)*
Davis, Terry *(B'ham Hodge H)*
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Drew, David
Drown, Ms Julia
Dunwoody, Mrs Gwyneth
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Field, Rt Hon Frank
Fisher, Mark
Fitzpatrick, Jim
Fitzsimons, Lorna
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Rt Hon Derek
Foster, Michael Jabez *(Hastings)*
Fyfe, Maria
Galloway, George
Gardiner, Barry
Gerrard, Neil
Gibson, Dr Ian
Gilroy, Mrs Linda
Godman, Dr Norman A
Godsiff, Roger
Goggins, Paul
Golding, Mrs Llin
Gordon, Mrs Eileen
Grant, Bernie
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Healey, John
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Hinchliffe, David
Hodge, Ms Margaret
Hoey, Kate
Home Robertson, John
Hoon, Geoffrey
Hope, Phil
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Jackson, Ms Glenda *(Hampstead)*
Jamieson, David
Jenkins, Brian
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Mrs Fiona *(Newark)*
Jones, Helen *(Warrington N)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Jon Owen *(Cardiff C)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Kaufman, Rt Hon Gerald
Keen, Alan *(Feltham & Heston)*
Kelly, Ms Ruth
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kidney, David
Kilfoyle, Peter
King, Ms Oona *(Bethnal Green)*
Kingham, Ms Tess
Kumar, Dr Ashok
Ladyman, Dr Stephen
Lawrence, Ms Jackie
Laxton, Bob
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Terry *(Worsley)*
Liddell, Mrs Helen
Linton, Martin
Livingstone, Ken
Lloyd, Tony *(Manchester C)*
Love, Andrew
McAllion, John
McAvoy, Thomas
McCabe, Steve
McCafferty, Ms Chris
McCartney, Ian *(Makerfield)*
McDonagh, Siobhain
McIsaac, Shona
McNulty, Tony
McWalter, Tony
McWilliam, John
Mallaber, Judy
Marshall, David *(Shettleston)*
Marshall, Jim *(Leicester S)*
Marshall–Andrews, Robert
Martlew, Eric
Maxton, John
Meale, Alan
Merron, Gillian
Michie, Bill *(Sheff'd Heeley)*
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morgan, Ms Julie *(Cardiff N)*
Morgan, Rhodri *(Cardiff W)*
Morley, Elliot
Mudie, George
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Naysmith, Dr Doug
Norris, Dan
O'Brien, Bill *(Normanton)*
O'Neill, Martin
Osborne, Ms Sandra
Palmer, Dr Nick
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Pond, Chris
Pope, Greg
Pound, Stephen
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Prosser, Gwyn
Purchase, Ken
Quin, Ms Joyce
Radice, Giles
Rapson, Syd
Raynsford, Nick
Reed, Andrew *(Loughborough)*
Robinson, Geoffrey *(Cov'try NW)*
Ross, Ernie *(Dundee W)*
Roy, Frank
Ruane, Chris
Russell, Ms Christine *(Chester)*
Salter, Martin
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Southworth, Ms Helen
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stewart, David *(Inverness E)*
Stinchcombe, Paul
Stoate, Dr Howard
Stott, Roger
Strang, Rt Hon Dr Gavin
Stringer, Graham
Stuart, Ms Gisela
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, David *(NW Leics)*
Thomas, Gareth *(Clwyd W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Vaz, Keith
Vis, Dr Rudi
Walley, Ms Joan
Ward, Ms Claire
Watts, David
White, Brian
Whitehead, Dr Alan
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Wills, Michael
Wilson, Brian
Winnick, David
Winterton, M's Rosie *(Doncaster C)*
Wise, Audrey
Woolas, Phil
Wray, James
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Noes:
Mr. Clive Betts and
Mr. John McFall.

Question accordingly negatived.

New clause 5

Responsibility for Training and Enterprise Councils

'(1) The Secretary of State may by directions require the transfer of responsibility for any Training and Enterprise Council in England ("a Council") from the Department for Education and Employment to the Regional Development Agency for the area in which the Council is based.

(2) Any Agency to which the responsibilities for a Council have been transferred shall—

(a) monitor and seek to improve the performance of the Council, and

(b) ensure that the Council contributes to any objectives of the Agency.

(3) If a Secretary of State makes a direction in respect of any Council under subsection (1) he shall either—

(a) make such a direction in respect of all Councils, or

(b) lay before both Houses of Parliament a statement of his reasons for not making a direction in respect of all such Councils.'.—*[Mr. Bennett.]*

Brought up, and read the First time.

Mr. Andrew F. Bennett (Denton and Reddish): I beg to move, That the clause be read a Second time.

When I first came to the House I was not enthusiastic about regional government. I have realised over the past few years that the more we move to a global economy, the more important it is to have a regional presence rather than to rely on the cities that dominated in the early part of this century. Regional structures should be democratic, and we should have regionally elected government. I accept that the measure is merely a faltering first step, but it is important to make it clear that I want us to achieve regionally elected government as quickly as possible.

I fear that we will stop at this stage in the process and will never have regionally elected government. I am also worried that, if we stop at this stage, there will be a confusion of regional responsibilities. There will be regional chambers, regional development agencies and regional planning conferences. The TECs will have a regional structure to ensure that they have a co-ordinated policy for their region. There are higher education and further education regional bodies, and regional sports and arts bodies. We cannot continue that proliferation of different regional bodies and we need to try to slim them down and make them all accountable to an elected body as quickly as possible.

Both the Select Committee on Education and Employment and the Select Committee on the Environment, Transport and Regional Affairs looked at the role of TECs and it was clear to them that there was no excuse for TECs to be kept separate from the RDAs. The logic was that there should be a funding mechanism, working in an integrated way. When trying to attract new industries and develop existing ones, part of that regional development consists of making sure that the skills are there. Companies are attracted to areas not only by sites and the availability of funds, but by the presence of a skilled labour force. It would be absolutely crazy for TECs to have a different regional strategy from that of RDAs. Both Select Committee reports made it clear that the Government had got it wrong in leaving TECs out of the new structure. I hope that the Minister will be able to tell us how we are going to progress to a point where responsibility for TECs moves to the RDAs.

7.30 pm

There are a few excellent TECs in this country, but there are many that have failed the nation. The skills shortage in many regions is an indication of those failures. Some TECs are too small and some are far too parochial in their attitude. Some are dominated by unsuccessful local business people and in some there is nothing like the accountability for their funds that there should be. All those issues have to be sorted out and one of the most effective means of doing so would be to ensure that TECs had to get their funding via RDAs. Many of my hon. Friends want to speak in the debate, so, before sitting down, I simply ask the Minister that we should make some progress in moving TECs into the new regional structure.

Mr. Lansley: Like the hon. Member for Denton and Reddish (Mr. Bennett), I am conscious of the fact that several Labour Members want to speak on this subject but, before they do so, I should like to make a few comments.

I was the policy director for the Association of British Chambers of Commerce in 1988, when my right hon. Friend the Member for Sutton Coldfield (Sir N. Fowler)—then the Secretary of State for Employment—initiated the proposals for TECs. At that time, the British Chambers of Commerce put it to my right hon. Friend that, rather than engage in an endless bout of initiativitis and try to create a new body at regional or local level, the experience of local employer networks and the way in which they worked demonstrated that, in some parts of the country, chambers of commerce and those businesses that worked within them were perfectly capable of taking on the responsibility for TECs and making them work.

At that time, rightly or wrongly, it was decided that chambers of commerce were not the appropriate bodies to have responsibility for TECs and the words that the hon. Member for Denton and Reddish has just used to describe today's TECs were used in respect of chambers of commerce. It was said that their quality was variable across the country; and that, in some areas, they were too small and covered too limited an area; that were too parochial in their outlook. Not all those criticisms would now apply to chambers of commerce, but it is an irony not lost on me that a Labour Member is now making the same criticisms of TECs as were made against chambers of commerce 10 years ago.

There is in this country a structure of business-led organisations that has been sustained by entirely voluntary activity for more than 150 years, yet Governments of all persuasions seem unwilling to use that as a suitable foundation on which to structure support for business. The answer to the question how best to support businesses in enterprise and creating wealth is normally to work through those organisations to which businesses voluntarily subscribe. RDAs may, in due course, become bodies to which businesses are willing to subscribe, but we cannot be certain of that. RDAs are to operate at policy-making level and with a substantial local authority component—I do not complain about that; I support local authority participation in RDAs and the view taken on RDA accountability to local authorities—but many businesses will regard RDAs, if not as parochial, as having a regional focus beyond the scope of the local labour market with which they want the local TEC to forge a relationship. That is why, in each region, TECs come together in a regional council.

The intent of what is proposed under new clause 5 is wrong in that sense. The objective of RDAs, if it is a proper objective to pursue, is that of setting strategy and enabling organisations that focus on the components of competitiveness to come together in support of that

strategy and make it happen more effectively. It is quite wrong for the RDA to take into its own responsibilities the bureaucratic task of administering the relationship through contract with TECs. If it does so, it will become directly enmeshed in decisions as to the responsibilities of chambers of commerce, TECs and business links—chambers of commerce and TECs are increasingly voluntarily combining to form a single organisation and business links are often related to TECs.

Even in the terms of the Government's proposals, which I do not necessarily support, there is an inherent danger in the RDAs' strategic function. The new clause would ensure that, instead of being strategic bodies separate from the economic development functions of local authorities, chambers of commerce and TECs—and, in the case of the Eastern region, the East of England Inward Investment Agency—RDAs would be directly responsible for those functions, even if only through contract. At this point, I should say that the current contracts between TECs and the Government offices or the Department for Education and Employment are, at the Treasury's behest, so detailed and exert so much control over the activities of the TECs that there is too little discretion for TECs to respond to business priorities in their own area.

If the hon. Member for Denton and Reddish wants TECs to enter into wider partnerships, I agree—they should combine with the local chamber of commerce so that there is increasingly a single local business-led organisation that acts as a counterpart to the local authority in its economic development role. If the hon. Gentleman is saying that TECs are often too parochial and should operate at a higher level of aggregation, that is true in some cases.

Mr. Pickles: Does my hon. Friend agree that training is a function that is essentially sub-regional or local? I recall asking the Humberside TEC to explain the commonality between somebody requiring training in Whitby and someone requiring training in the Yorkshire dales. There is no such commonality. Training should be local.

Mr. Lansley: My hon. Friend makes a good point, which is entirely congruent with what I was saying. It is not automatically true that TECs are currently constituted on the right basis. If one looks at the way in which chambers of commerce have changed in recent years, one can see that there has been a general merging and aggregation of chambers so as to provide services and relate to policy across a wider area.

It is perfectly true that the natural structure of training and enterprise councils should relate to a high degree of self-containment within the local labour market. The self-containment level should be above 80 per cent. or 90 per cent. for that labour market area. That points to large groupings in some areas. In other places, such as Cambridgeshire, the area would not be quite so large. There is considerable self-containment—probably at that level—within Cambridge and the south Cambridgeshire district. In truth, it does not make much sense for a training and enterprise council to be smaller than the local labour market area within which about 80 per cent. or 90 per cent. of people live and work.

To go above that level, and to think that it necessarily makes sense to set the parameters for an individual training and enterprise council on a regional level, is to miss the point. Training and enterprise councils should have a regional focus. The reason is that, if the regional development agency—or an inward investment agency acting on its behalf—pursues inward investment projects, it will be necessary to look at a specific area and within the confines of a specific training and enterprise council in order to provide the skills that will bring a company to that area. Precisely that approach was taken in Sheffield—I regret that I cannot recall the specific case; the Minister may recall it better than I do—and it was a significant attraction to businesses to come to that area.

In Atlanta in the mid to late 1980s, it was generally presumed that, in order to attract inward investment, one had to engage substantially in site assembly and provide infrastructure. However, when it came to internationally mobile investments of a higher technological character, site assembly and infrastructure did not determine where the business went. It was all about access to markets and skills in the labour force. It is important that there be scope for the regional development agency strategy—if it is going to be provided—to inform the role of the Government office in exercising its contract with a training and enterprise council.

If the Government office and the regional development agencies are to head in any direction in the future, they should move to take their hands off the training and enterprise councils' policy-making functions—not necessarily their propriety and accountability for public funds—which determine the response to local labour markets. Too much is driven at present by desire on the part of Government—Governments of both colours—to see their employment Department initiatives pursued. Employers in the local labour market are doing too little in anticipating their skills requirements and ensuring that the training and enterprise councils respond to them.

Mrs. Ellman: Will the hon. Gentleman give way?

Mr. Lansley: I have already given way to the hon. Lady, but I am happy to do so again.

Mrs. Ellman: Does the hon. Gentleman agree that the training needs of an area include the need to retrain and diversify in some regions? Diversification of some sectors of industry in the north-west—for example, the aerospace industry, which is very militarily based—may require a retraining policy that is sectoral and not limited to localised areas. Does the hon. Gentleman not think that it makes sense for a regional skills strategy to relate to a regional economic strategy, which would be determined by the RDA? That does not mean that it would all have to be carried out—

Mr. Deputy Speaker (Mr. Michael Lord): Order. That is a very long intervention. I remind hon. Members that this is a very brief debate.

Mr. Lansley: Indeed, Mr. Deputy Speaker. I was concluding, but I shall respond to the comments of the hon. Member for Liverpool, Riverside (Mrs. Ellman). My point about inward investment—which applies also to something as grand as a regional economic strategy—is that there are circumstances in which the respective resources of training and enterprise councils should be adjusted in relation to a broader perspective. For example, no one would dispute the fact that a training and enterprise

[Mr. Lansley]

council should respond to requirements for retraining and different skills when there have been large-scale redundancies in a particular area.

However, I believe that the general training and enterprise council budget should be driven essentially by the business community's priorities. There is one important reason for that: the amount spent by Government on training, as the hon. Member for Riverside and other hon. Members know, is probably less, by an order of magnitude, than the amount that businesses spend on training on their own behalf. If training and enterprise councils are to work effectively, it is right that they should interact with businesses directly in order not only to provide training but to act as a lever on those businesses and provide relevant training and meet the wider skills needs of the area.

The TECs should understand that, essentially, they act at the margins of the training philosophy of an area. If the regional development agencies assume that responsibility, it will detract from the business focus, which should be the proper direction for TECs in the future.

Mr. Derek Foster (Bishop Auckland): I am glad to follow the hon. Member for South Cambridgeshire (Mr. Lansley), whose contributions to our debates are always thoughtful and well informed. I am even more pleased to follow my hon. Friend the Member for Denton and Reddish (Mr. Bennett), whose brief contribution was so powerful that I cannot pretend to try to better it. As a consequence, I shall be brief.

I have been a great enthusiast for regional development agencies for 25 years. I was chairman of the North of England Development Council in the mid-1970s, when it was clear that the northern region was at a competitive disadvantage compared with the Scots and the Welsh because they already had development agencies. It is quite remarkable that the Education and Employment Committee and the Environment, Transport and Regional Affairs Committee should examine that issue and reach similar and unanimous conclusions.

7.45 pm

The Committees were very impressed by what I call the "Scottish model". It has been working for some time, and the Welsh model has been working for even longer. The latter model has some attractions, which I may have the chance to explore a little later. We were struck by the fact that the rather patchy record of training and enterprise councils throughout the English regions was not replicated in Scotland. That is because the money for training and enterprise councils went to Scottish Enterprise and then to the local enterprise councils, as they are called in Scotland. Scottish Enterprise has considerable power to monitor the performance of LECs and, for that reason alone, those bodies have performed far more evenly.

The two Select Committees cannot possibly conceive that an economic and development strategy should not include a skills strategy. That fact is absolutely clear, and it will become increasingly important as we approach the information age. The real wealth of regions and of enterprises will be found in the skills and the creativity of their people. Therefore, a coherent economic and development strategy must include a skills strategy.

If we are to concede to the regional development agencies the need to develop a strategy that includes a skills strategy—which may include lifelong learning as well as the TECs—it is inconceivable that the RDAs should not be able to ensure that that strategy is implemented. There is no point having a strategy if there are no powers to ensure its implementation. If the money flows through the RDAs, they will have the power to ensure that the strategy is implemented.

We reached that conclusion after very careful consideration. We were concerned that we might institute a body that was just another regional agency—there are already too many—which did not have the power to pull the various strands together. In other words, we feared that we might confuse and complicate rather than simplify the arrangements. We concluded that the Select Committee proposals would give greater power to the development agency not to act bureaucratically, but to empower other organisations beneath its strategic level. We are not looking for bureaucracy; we are looking for empowerment of other bodies within the agency, and of the people themselves.

That was our proposal, reached unanimously. There was all-party agreement on both Select Committees. If the Government are unable to agree to our proposals—we hope that they are—I remind them that, in our report, we suggested that they might consider pilot areas. We suggested that the North East and the North West would be good regions for such pilot areas to be put in hand. We did so because co-operation and collaboration are well developed in those two regions. Others might consider that the Yorkshire and the Humber region would equally merit such consideration, and I am sure that other colleagues may add their penn'orth for their own region, but that was our proposal. If the Government cannot agree to new clause 5, perhaps they could make sympathetic noises to the idea of having a pilot area—I would say in the north.

Mr. Breed: It will come as no surprise to the Minister that we support new clause 5, as it is very similar to one that we tabled in Committee. It seemed to us that the RDAs were there to sweep up an awful lot of the existing agencies that were operating in various ways in support of the economic progress and development of their areas, and that it was genuinely expected that the TECs would be subsumed into the new RDAs. There is an obvious case for that to happen, and I concur with all that the hon. Member for Denton and Reddish (Mr. Bennett) and the right hon. Member for Bishop Auckland (Mr. Foster) said.

Some TECs have been more successful than others; some have become more accountable recently. However, there is an overwhelming case for them to be included in the RDAs. They could then be involved in the strategic operation of a regional development agency, enabling them to be part of a package for new investors into regions. They could provide an enhanced business links operation for existing businesses, and also provide the business advice and support that RDAs will need.

For those reasons, I entirely support the sentiments behind new clause 5.

Mr. Caborn: New clause 5 would make provision in the Bill for the Secretary of State, by direction, to transfer to the regional development agency responsibility for any training and enterprise council in England. It would provide

that, where any such transfer took place, the RDA should monitor and seek to improve the performance of that TEC, and should ensure that the TEC is contributing to the RDA's objective. The new clause specifies that, if such a direction did not apply to all TECs, the Secretary of State would be required to explain the reason to both Houses.

The new clause has impressive support. My hon. Friend the Member for Denton and Reddish (Mr. Bennett) is Chairman of the Select Committee on the Environment, Transport and Regional Affairs. I believe that my right hon. Friend the Member for Bishop Auckland (Mr. Foster) is Chairman of the Select Committee on Education and Employment. As an ex-Chairman of the Select Committee on Trade and Industry, I know what powerful positions they are.

Both those Committees held inquiries into the work of the RDAs. Unusually—perhaps uniquely—both reached the same conclusion on the subject of the RDAs' role in relation to the TECs. They have both made recommendations to the Government that they should transfer to RDAs the current role of Government offices for the regions in contracting with TECs for training provision in their region.

The Government are grateful for the work that those two Committees have done in considering our proposals for RDAs. We welcome the interest that they have taken in an important initiative and in the Government's regional agenda in general. We share many of the Committees' key objectives. For example, we agree that the RDAs must play a central role in formulating the regional skills strategy. We agree that RDAs should have a meaningful role in relation to the work of the TECs. The essential difference between us is that, whereas the Committees have taken the view that influence derives essentially from the control of budgets, the Government believe that the necessary influence and direction can be achieved by RDAs with the role and functions that we have given them from the outset.

For the time being at least, we do not consider it appropriate to transfer to RDAs the role of the Department for Education and Employment in TECs' contracts. We believe that the package of functions that we have already given RDAs is the right one, and that it provides the right critical mass to start from. However, I can assure the House that the Bill provides for us to take a different view some time. It is—

Mr. Barry Sheerman (Huddersfield): Will the Minister give way?

Mr. Caborn: I am sorry; I cannot gave way because I have five minutes and I know that my hon. Friend the Member for Denton and Reddish wants to say a few words.

The Bill also enables us to require RDAs to monitor and seek to improve the performance of TECs—which is important—and to ensure that TECs are contributing to the RDAs' objectives, as provided for in the new clause. As I shall explain later, we do intend that the RDAs should have that responsibility.

As I said in my response to the Environment, Transport and Regional Affairs Committee, published on 30 March, the Government believe that it is important to be realistic about what we ask RDAs to do. They will be new bodies, and will have much to do to establish themselves and to develop their work programme. As I have explained, there will be scope to extend the role in time, as their experience develops: further functions will be delegated to them if that is desirable.

The package of functions that we have proposed for the RDAs will afford them considerable influence throughout their region. The wide-ranging nature of the role means that that influence will not be limited to areas and organisations for which the RDAs hold budgets. RDAs will certainly be influential in the provision of training in their regions. Regional skills needs will be a key component of the RDAs' strategy, and that strategy will inform decision taking in the regions, including the decisions taken by Government offices in the allocation of TECs' budgets.

I recognise that my hon. Friends feel strongly that training budgets should be controlled by RDAs. I have explained why, in the Government's view, it is not the right time for such a step. Nevertheless, there is no reason why the role of the RDAs should not develop over time, as that of the Scottish and the Welsh Development Agencies did. The Bill will allow that to be done without the need for further legislation.

Although we do not accept new clause 5, we accept that the RDAs should play a big part in monitoring and improving TECs' performance. The Government want to drive up the performance of all TECs to the standard of the best. The details of the RDAs' role are still being worked up, but we expect them to take a hard look at the performance of TECs in their regions and recommend how they might make a greater contribution to regional objectives. In managing TEC contracts, Government offices will take account of the strategic framework developed by RDAs.

The provisions of the new clause are clearly designed to encourage the Secretary of State, should he choose to make a direction, to transfer responsibilities for TECs to RDAs in all regions simultaneously. Although I do not accept the new clause, I see that that would appear to be, in principle, a sensible way of proceeding.

Although the English regions are all different, with different needs, I believe that there should be a limit to the level of regional variation in the system. As I said in Committee, I do not believe that one region should be given different functions and responsibilities from another. In the case of TECs, the need for the DFEE to oversee different arrangements in different parts of the country would be very likely to add to bureaucracy, and therefore costs.

With that explanation, I ask my hon. Friend the Member for Denton and Reddish to withdraw the new clause.

Mr. Bennett: The Minister's response is singularly disappointing. At least he could have shown a little enthusiasm for some experiments. However, I do not see that there is a great deal of point in having Divisions unless one can win them, so I beg to ask leave to withdraw the motion.

Motion and clause, by leave, withdrawn.

Clause 19

VESTING OF LAND BY ORDER

Amendment made: No. 7, in page 8, line 39, at end insert 'by statutory instrument.'—*[Mr. Caborn.]*

Clause 20

ACQUISITION OF LAND

Mr. Yeo: I beg to move amendment No. 32, in page 9, line 35, leave out from 'agreement' to end of line 39.

Mr. Deputy Speaker: With this, it will be convenient to discuss the following amendments: No. 33, in page 9, line 40, leave out 'or (2)'.

No. 34, in page 9, line 42, leave out from 'acquire' to 'land' in line 43.

No. 35, in page 9, leave out from beginning of line 45 to end of line 6 on page 10.

No. 36, in page 10, leave out lines 11 to 15.

No. 37, in schedule 5, page 29, line 37, leave out from beginning to end of line 24 on page 32.

Mr. Yeo: Like many other amendments moved today, this group has been tabled because of the Government's determination in Committee not to allow any change to their Bill until they were forced to do so by the combination of Opposition pressure and argument, and the weight of opinion outside the House.

Clause 20, which we seek to amend, deals with the powers being given to a regional development agency to acquire land. As the clause gives RDAs powers of compulsory purchase, the Opposition sought in Standing Committee to limit the type of land over which those powers could be exercised. We moved, and subsequently withdrew, an amendment that would have prevented those compulsory powers from being used to acquire land in areas of outstanding natural beauty and in national parks.

The House might consider that such an amendment was entirely inoffensive. It is difficult to see why RDAs should want compulsorily to acquire land in such designated areas. I hope that the RDAs will not go around buying up great chunks of such land in any circumstances, whether compulsorily or by agreement. Nevertheless, the Government argued in Committee against that amendment. They apparently believe that compulsory purchase powers must be available for RDAs to use in respect of any part of England.

Referring to our aim, on 12 February the Minister said:

"the real aim of the amendment . . . is to shackle the RDAs and prevent them from doing a reasonable job for rural communities."—[*Official Report, Standing Committee E*, 12 February 1998; c. 336.]

The amendment simply sought to prevent RDAs from acquiring land by compulsory purchase in areas of outstanding natural beauty and national parks. The Minister's comment provides an alarming insight into the Government's views of the future activities that RDAs might undertake. It has been suggested that excluding areas of outstanding natural beauty and national parks from the areas where RDAs can exercise compulsory purchase powers would prevent RDAs from doing a reasonable job for rural communities.

If the Minister visited a few rural communities, especially ones with areas of outstanding natural beauty in or near them, he might begin to understand that it is possible to do helpful things in those communities without compulsorily purchasing land there. Because of the Government's refusal to listen to reason in Committee, we now seek to return to the issue of compulsion in a slightly different form.

The amendments would remove the compulsory purchase powers from the Bill, leaving RDAs free to acquire land by agreement in any part of England. Provided that they could negotiate a price with the vendor and had the vendor's consent in that respect, RDAs could acquire land even in national parks. The amendments would remove the possibility that compulsion could be used.

My fears about the use to which compulsory purchase powers may be put have been greatly increased by recent planning decisions. With the connivance of the Secretary of State, and sometimes after the direct intervention of the Secretary of State, decisions made have put the green belt under threat as never before. The Minister spoke the truth on Radio 4 last autumn when he warned us all that the green belt was up for grabs, although I doubt whether many of his listeners understood at that time quite how serious the threat to the green belt was.

In Hertfordshire, the threat is up to 10,000 houses on the green belt at Stevenage. In the west midlands, the threat is industrial development of farmland on the green belt. In Newcastle, the threat is 2,500 houses on the green belt, despite the availability of more than 4,000 empty houses in the city.

8 pm

Mr. Sheerman: Those us who have been intimately involved in planning over the years know that, under the market philosophy of the Thatcher years, local authorities were told, "Do not resist planning permission. You will lose on appeal because the Government believe that market forces must rule." The previous Government destroyed the green belt, and that is what we have inherited.

Mr. Yeo: Unlike his hon. Friend the Minister, I am always happy to take an intervention from the hon. Gentleman. However, his understanding of what happened does not quite reconcile with the facts. The previous Government were rigorous in upholding the protection of the green belt. They refused time and again to sanction the kind of development that the present Government seem to welcome with open arms. In the past few months, we have seen the contempt that the Secretary of State and his ministerial colleagues have for the green belt.

Mr. Day: My hon. Friend will be aware that my consistency of Cheadle is located in the borough of Stockport. Green belt policy is extremely important to my constituents, because the green belt largely forms the western boundary of my constituency. Protection was afforded to that green belt through the local development plan established under the previous Conservative Government and approved by the previous Secretary of State. The proposal for compulsory purchase powers for

the regional development agencies directly challenges all that was achieved under the Conservative Government in protecting my local green belt.

Mr. Yeo: My hon. Friend, as so often, has put his finger on the essential point. He has powerfully and eloquently put the case for the environment in his constituency. Genuine and deeply held anxieties of the sort expressed by my hon. Friend and, I am sure, by his constituents form the background to the amendment. Our fears are that the compulsory purchase powers in the Bill could be abused. Because of the Government's history of appalling planning decisions and of throwing away the protection of half a century for the green belt that we have seen in the past few weeks, those fears become all the greater.

Let us take an example of an area of outstanding natural beauty on the edge of my constituency, the Dedham vale close to my home in East Bergholt. Much of the Dedham vale has been preserved so well that it differs little from the landscape that existed 200 years ago when Constable walked across the meadows there and immortalised its scenes in his paintings, some of which belong to the nation. I am sure that my hon. Friends have similarly valuable sites in their constituencies, but they will forgive me if I speak of the Dedham vale because I know it and love it so well.

Under the Bill, the Dedham vale is under a greater threat than at any time for the past two centuries. If the Eastern regional development agency is established, it will be given powers to acquire land compulsorily in the Dedham vale in an area of outstanding natural beauty. It will be possible to exercise those powers regardless of the wishes of the vendor and regardless of the views of the local community. The Eastern regional development agency will be able to justify its decision by saying that the land was being acquired "for its purposes"—for the purposes of the Eastern regional development agency, as specified in clause 20(1).

The purposes of RDAs are defined in clause 4. They include in clause 4(1)(c) the promotion of employment, so the Eastern RDA might find a private sector partner keen to invest, perhaps in a hotel venture in the Dedham vale. In the name of promoting employment, as the Bill requires, it could then seek to advance such a project.

Planning permission would have to be obtained, although the House should remember that, as drafted, the Bill gives the Secretary of State power to designate the RDA as the planning authority, too. Only the vigilance of Conservative Members, as we shall see in the debate on the next groups of amendments, prevented that power from remaining in the Bill.

The Government's intentions, alas, are all too clear. They want to let RDAs acquire land wherever they want, by agreement or with compulsion. A residual threat to remove planning powers from local authorities would be retained. The RDAs would be able to develop land in pursuit of their statutory aims, regardless of the damage that that might do to the countryside. Never mind the value of the land condemned for ever to the bulldozer. If amendment No. 4 in the next group is approved, that threat will at least be slightly more remote, but it will remain to some extent. The RDA, having bought the land—if planning permission has been applied for and turned down by the local authority—can appeal to the Secretary of State. The Secretary of State has already shown his willingness to overrule the recommendations of independent planning inspectors.

Recently, in the west midlands, 150 acres of farmland were located in the green belt. That land happened to be owned by Birmingham city council. The House will note that that council is controlled by the Labour party. The Secretary of State overturned the inspector's recommendation to allow development on the green belt. That is an alarming precedent in the context of the powers given to RDAs.

Imagine what the Secretary of State's attitude might be to planning appeals that came before him if the land were owned by an RDA. As the Bill stands, clause 20 constitutes a grave threat to our countryside, the green belt, the national parks and areas of outstanding natural beauty. It poses a real, serious and immediate threat, which can at least be partly averted if the compulsory powers set out in the Bill are removed. I warmly commend the amendment.

Mr. Pickles: There is no real point to clause 20 and the associated clauses. We propose sensible, tidying-up amendments. The Minister has explained that planning powers will be removed. That being so, no one needs the compulsory purchase powers set out in the Bill. A regional development agency will be able to blight, but not to plan. The RDA, through its land acquisition and a determination to implement development in the green belt or in other parts of constituencies, could tie up that land and adjoining properties for years. It is not necessary to do that.

Rightly, the power of compulsory purchase has seldom been used. We know that it is possible for authorities to engage in compulsory purchase in the absence of planning powers. The Civil Aviation Authority, the Housing Corporation and various statutory undertakers, such as gas, electricity and water, along with certain national health trusts, have the power of compulsory purchase. However, that is not what RDAs are about. A commonality runs through the various organisations to which I referred: they are engaged hands on in providing services and facilities in their localities.

We are opposed to RDAs, but we do not want them to fail. They will have an uphill task. We want them to succeed, but that will happen only if they can work in close partnerships with local authorities or with sub-regional providers of economic development.

The RDAs could act as brokers to provide portfolios of development. If the Government are entirely serious—I suspect that they are—about the sequential approach of looking towards brown-field sites, certain hurdles have to be faced. It is much more difficult to develop brown-field sites than green-field sites. That may relate to the condition of the land, but more probably it relates to ownership.

In some difficult inner cities, there is a considerable problem in getting together the owners of land to persuade them to enter into a development. That is often the most difficult thing to achieve. Often, no one knows who owns the land. If RDAs are to go about trying to acquire such land by the process of compulsory purchase, anything that we may be doing in terms of economic development is over. We know that compulsory purchase procedures are slow, cumbersome and rarely used. They are rarely used because they are slow and cumbersome.

8.15 pm

I was once part of an authority that tried to put together various packages for development. We, the members of the authority, were determined not to use compulsory purchase procedures. Local authorities and the new RDAs should seek to involve the public in what they want to do. We have had a debate about decisions made behind closed doors. There is too much secrecy in the way in which local authorities and sub-regional authorities put packages together. I accept the need for commercial confidentiality, but the people must understand the benefits of what needs to be done.

My hon. Friend the Member for South Suffolk (Mr. Yeo) talked about the importance of the green belt. My constituency lies in the metropolitan green belt, the first green belt created in the country. My constituents and I need to feel sure that our bit of the green belt is protected by the local authorities—in this instance, Brentwood borough council and Epping Forest district council. We feel that they have in mind the interests of our locality, along with Essex county council. We feel that the interests of the locality will be safeguarded by them.

As I said in an earlier contribution, the Environment, Transport and Regional Affairs Select Committee is undertaking a housing inquiry. The Royal Town Planning Institute produced some interesting arguments. I was concerned, however, when it argued, "We have had the green belt for 50 years. It was never intended that it should remain green for ever. Towns must be able to grow. They must be able to designate land and to move green-field sites into the green belt while moving certain aspects of the green belt into green-field sites and thereon into development. Do we want a serious proposition that in 50 years' or 500 years' time the green belt will remain intact?"

My answer is, "Yes, we do." That is exactly what my electors want to say. They want to be able to say that Brentwood will always be separated from Romford. The constituency wants to be separated from London. In many ways, the green belt between the communities holds them together. In those terms, they have something in common. If we are to stop urban sprawl, we must ensure that the powers to protect the green belt remain firmly with the districts and county councils.

If we introduce organisations whose purpose is to bring about economic regeneration—the Minister referred to the various objectives—the possibility that land could be purchased compulsorily by powerful RDAs will be held over my electors. I do not see why an RDA should not work closely with local councils and use their powers of compulsory purchase, should that be necessary as a last resort. In the process, the RDA would at least work closely with a local planning authority. Suppose the local planning authority says no to the acquisition of land and the particular development, who will solve the conflict? The Bill does not deal with that in any way.

As my hon. Friend the Member for South Suffolk rightly pointed out, such an issue will come to the Minister. We have heard many times that we should trust the Minister and that he will not make a mistake, but we know that this Secretary of State, who has responsibility for planning, has been prepared to overturn a public inquiry and to grant permission against the advice of a planning inspector. If the RDAs are to have any chance of success, it must be on the basis of co-operation with local authorities and sub-regional providers of economic activity and training.

The most sensible thing to do would be to say, "Okay, the planning powers have now gone from the Bill. The logical next step is to say goodbye to compulsory purchase." That would have a certain neatness about it. I do not believe that there would be any loss of face if the Minister accepted the amendments.

Mrs. Spelman: I am pleased to be able to follow my hon. Friend the Member for Brentwood and Ongar (Mr. Pickles). His point about RDAs' ability to blight gives me great cause for concern. It reminds us one of the key elements at the heart of the Bill: the centralising powers that lie within it. That ability to blight is, effectively, the means by which the Secretary of State can cast a shadow over a constituency such as mine, which consists largely of green-belt land at the narrowest point between Coventry and Birmingham, the so-called Meriden gap.

My hon. Friend the Member for South Suffolk (Mr. Yeo) mentioned the Secretary of State's ruling that green-belt land in the west midlands could be used for an industrial purpose. That caused local people concern at many levels. Industrial development on green-belt farm land was opposed by the local council and by the local Member of Parliament. When the public inquiry decided that it should not be used for that purpose, that decision was overturned. That area is close to my constituency. Hon. Members can understand why that case has caused great concern in relation to the sort of power that might be given to RDAs. In fact, it has resulted in a loss of confidence in the planning process.

I shall illustrate that. Currently, there are two planning applications for the building of motorway service areas alongside the M42 in my constituency. Having seen what happened in the Peddimore case, my constituents are concerned that, although the application has gone to and been rejected by the council, the Minister might simply overturn the decision, which was supported by the local community. That has resulted in perhaps a premature presentation of petitions on the part of my constituents to the Minister. The Government have only themselves to blame for that loss of confidence in the planning process.

Mr. Deputy Speaker: Order. I remind the hon. Lady that this is about not the planning process in general, but the compulsory acquisition of land. She should direct her remarks specifically to that.

Mrs. Spelman: Thank you, Mr. Deputy Speaker. I was illustrating merely that that decision has given rise only to concern in relation to RDAs' power of compulsory purchase of green-belt sites.

There is a risk that blight will result from a conflict between the planning authority—the local authority—and the right of compulsory purchase of a future RDA. I should like to illustrate where I believe the tension may arise.

There are several installations and developments of regional significance to the west midlands. There is the airport, Birmingham International railway station and the national exhibition centre. Indeed, they are of national

significance. All have gently expanded over time as a result of agreements between the various planning authorities.

My concern arises from the fact that a regional development agency may rule that one of those strategically important sites should be expanded and find itself at loggerheads with the local community and local planning authority. The RDA may indeed make use of a compulsory purchase order and fail to get planning permission from the local authority.

If the compulsory purchase order remains at the disposal of the RDA, we shall see only an increasing number of conflicts between the RDA and the authority that has the power to grant permission, which may result in land compulsorily acquired resting idle. There are already many examples of that in my constituency, where it is difficult to obtain planning approval in a green-belt area. If the clause is not amended, I envisage only increasing conflicts. It would seem logical for the reference to compulsory purchase orders to be deleted.

Mr. Lansley: Does my hon. Friend agree that blight under these circumstances can also apply the other way round? If a body does not have planning powers, it might none the less seek planning permission in relation to a specific site or collection of sites. That might in effect blight that area because of the knowledge that, at some subsequent point, in pursuance of that planning application on land that it does not own, the body may seek a compulsory purchase order from the Secretary of State, so devaluing the prospects for that particular ownership of land.

Mrs. Spelman: I thank my hon. Friend for that illuminating point. It serves me well as it relates to my next point. Blight is currently tightly defined. In a constituency such as mine, much of which is blighted by the transport network that runs through it—the many motorways and the installations to which I referred earlier—when constituents seek redress for the way in which their property is affected and find themselves just the wrong side of the blight line, they are in an unenviable position. My concern is that that will be only aggravated by the potential conflict between an RDA that has the power to acquire land or that may threaten to acquire land, and its inability to get the matching planning powers from the local authority. It seems more logical to remove the provision than to leave the tension inherent in the Bill.

Mr. Jim Cousins (Newcastle upon Tyne, Central): In this group of amendments there is a double deception, which was substantially given away in the interesting speech of the hon. Member for Brentwood and Ongar (Mr. Pickles). The first deception is that the amendments have nothing to do with the protection of the green belt.

I hope that Conservative Members will accept my credentials as a defender of the green belt, as I have spent many years in my political life opposing the proposals of my Labour-controlled city council to remove part of the green-belt status of land in my city of Newcastle. There could be no question of the use of compulsory purchase powers succeeding where there was no planning base that enabled the compulsory purchase order to have credibility and to survive the legal processes that it would go through.

Therefore, there is absolutely no question of this group of amendments being required to protect the green belt. No attack on the green belt could succeed in the absence of a planning base, simply by using powers to make compulsory purchase orders. To say that such an attack could succeed is simply a delusion and a contrivance.

Mr. Yeo: I am sure that the hon. Gentleman is aware that the Bill—until we deal with the next group of amendments—would allow the Secretary of State easily to remove a planning problem by designating as the planning authority a regional development agency that wanted to use compulsory purchase powers over the green belt.

Mr. Cousins: That is the type of contrivance that has been used to justify this group of amendments. It is worthy of "Spycatcher", but not a practical debate on planning problems.

8.30 pm

The second deception—the crucial purpose of this group of amendments—was given away by the hon. Member for Brentwood and Ongar, who correctly said that the most likely uses of compulsory purchase powers would be precisely to secure and unlock development of brown-field sites, or to enable derelict and underused buildings—which are held by property owners who have made no practical use of them or who are involved in local negotiation—to be returned to sensible use. Those are precisely the situations in which compulsory purchase powers are most likely to be used.

Urban development corporations were created by the previous Administration precisely to deal with such situations. Two former Ministers from that Government are in the Chamber, and they are very familiar with the work of those corporations. They know full well that it was necessary for UDCs to have the back-up of compulsory purchase powers, precisely to secure development of underused and derelict sites and of buildings in urban development areas.

I fear that, if this group of amendments were passed, the ability to protect the green belt, by returning to full use underused brown-field sites and derelict land and buildings, would be weakened.

Mr. Pickles: The hon. Gentleman is not being precise. Local authorities have the power of compulsory purchase. If necessary, they may compulsorily purchase brown-field sites. There was a logic to the urban development corporations, which had planning powers. RDAs will not have planning powers, and so do not need compulsory purchase powers. They can use local authorities' powers to make such purchases.

Mr. Cousins: I shall come directly to that point. If we examine the actual use—or, perhaps even more significantly, the threat of use—of compulsory purchase powers by UDCs, we find that those powers were very often not exercised with planning powers—they did not have to be, as planning approvals for use of the sites and buildings already existed—but were used to secure property ownership change, to make development possible. The powers are in the Bill, and should remain there, for precisely that reason.

[Mr. Cousins]

Another simple point is demonstrated by the experience of UDCs—which were, after all, a creature of the Conservative party. I certainly did not advocate or support establishing UDCs. Yesterday, the UDC in my own city ceased to exist. Although I do not agree with everything that it did—I profoundly disagreed with its actions in some critical matters—its achievement over the period of its existence was impressive. One should not forgo UDCs without replacing them with an equivalent format.

Why is it not sufficient to allow compulsory purchase powers to lie solely in the hands of local authorities and not to be available to RDAs? Two quite specific types of situation make it necessary for RDAs to have those reserve powers.

The first is when the power and wealth of property owners whose land or buildings are not being developed and properly used may be such as to deter or inhibit a local authority from engaging in a complex process, which the hon. Member for Brentwood and Ongar—absolutely correctly, from his own experience as a council leader—mentioned. There are genuine problems for local authorities when they attempt to use those planning powers. It is therefore sensible and right for a larger-scale authority to have access to those powers in its own right, to reinforce the work of local authorities.

Secondly, there are situations in which a complex of underdeveloped sites and buildings is on the borders of two local authorities. I can think of an extremely vivid example in my own city. The area of Newburn Haugh—because of a peculiarity in boundaries formed by the old course and the new course of the River Tyne—straddles two local authorities: the city of Newcastle, and the metropolitan borough of Gateshead. In such situations, it may well be sensible to have a wider authority that covers both local authority areas, harnessing a comprehensive package of powers, to secure comprehensive development that is agreed with those local authorities. Moreover, it could secure such development itself, rather than entrusting the matter to each local authority separately.

For those entirely practical and sensible reasons, it is logical to leave those powers in the Bill, so that they can be deployed—in, admittedly, rare, unusual, difficult and complex circumstances—by the RDA with the local authority.

Mr. Lansley: It has been helpful to hear the speech made by the hon. Member for Newcastle upon Tyne, Central (Mr. Cousins), who instanced his objections to what has been said in support of the amendments. In doing so, he highlighted what lies at the heart of the reasoning behind the amendments.

The hon. Gentleman said, first, that there was no threat to the green belt, because compulsory purchase order powers, in the absence of accompanying planning powers, could not be a threat to the green belt, as—by extension—the planning system will protect it. Yes, the planning system offers some protection—not least, thank goodness, because of some of the changes made to planning policy guidance by the previous Conservative Government. None the less, the exercise of compulsory purchase of green-belt land by a regional development agency before planning permission is granted in respect of that green belt poses a specific threat.

It is a matter not simply of the protection offered by planning policy guidance and by the local authority, but of how local people can respond to planning proposals and raise objections to them. The exercise of compulsory purchase powers might limit people's opportunity to object. Furthermore, a regional development agency is likely to apply for planning permission in respect of green-belt land having adduced its own decisions about the strategy for the region as precisely the exceptional circumstances that should give rise to the granting of planning permission.

The hon. Member for Newcastle upon Tyne, Central must understand that we are not dealing with a body with localised, specific statutory responsibility, such as local authorities and utilities have when they exercise compulsory purchase powers, and English Partnerships used to have. We are dealing with a body that has broad-ranging, strategic policy-making powers, which may be able to influence regional planning guidance and the granting of planning permission by exercising its own strategy as a basis for exceptional circumstances, and then go on to use compulsory purchase powers.

I have presented a hypothetical situation, but given that we are dealing with a new body, we need to exercise the hypothesis to see whether that new body could represent a threat to the green belt. I represent green-belt land around a substantial part of Cambridge city, but we are dealing not just with green belt. In essence, we are dealing with a body, the geographic remit of which is less confined than that of English Partnerships. Ministers will freely admit that they structured the planning and compulsory purchase powers in the Bill on the basis of the previous powers of English Partnerships. That was precisely the basis on which the Minister structured his argument on Second Reading.

The Minister has accepted that granting planning powers to a body with such a wide remit over its region is different from the exercise of that power by English Partnerships. I accept that the hon. Member for Newcastle upon Tyne, Central was referring to the specific instances in which an urban development corporation would have exercised compulsory purchase powers in pursuit of physical regeneration, in confined geographical circumstances. However, we are now moving on to debate the question in relation to a body that will exercise a regional strategy—a strategic rather than a precise body. Under what criteria will such a body exercise compulsory purchase powers? I presume that it will do so in pursuance of strategic investments, which are likely to be large inward investments.

I am concerned about the powers that will be granted, because they will not necessarily be applied in respect of brown-field sites. A regional development agency's desire to win the battle for major inward investment might lead it to pursue green-field sites. We all know how attractive green-field sites are. The other day, I was talking to a high-technology company that has a site on green-belt land which it wishes to expand, and it was extolling the virtues of being on green-belt land. High technology requires quiet and a relative lack of pollution, so it is precisely where the company needs to be.

On exactly the same grounds, internationally mobile, footloose companies may come to the regional development agency in Cambridge and say that they are willing to invest in the region, but will not locate in the former sewerage site in north Cambridge. They will want

to locate in the green-belt site just south of Cambridge, and the RDA will be presented with the option of pursuing planning permission on green-belt land south of Cambridge and possibly exercising compulsory purchase powers in pursuit of that.

I present that hypothesis because, on the basis of English Partnerships' and urban development corporations' past experience, the hon. Member for Newcastle upon Tyne, Central seemed to think that there was no problem. I hope that the House accepts that, given these different bodies' strategic remit and the wider circumstances, those powers will not be used as English Partnerships, the urban development corporations and local authorities used them in the past, but will be used in a much wider and potentially more damaging sense.

8.45 pm

Angela Eagle: Thank goodness we have had the traditional rant from the hon. Member for South Suffolk (Mr. Yeo). I shall miss them when the Bill has completed its parliamentary stages. Perhaps I could get a video of it so that I can refresh my memory when I feel that I am lacking a good rant. He came out with the same fears and scaremongering that we heard in Committee about how the modest compulsory purchase order powers might be used. I am surprised that he can ever sleep at night, being pursued by the furies, doubts and worries about what might happen with the modest powers, which will be exercised within the law on compulsory purchase, with all the usual protections. His lurid scare stories and fears began to upset me.

I do not recognise any aspect of the Bill in what the hon. Gentleman said. There is nothing new about the compulsory purchase powers that the amendments would remove. There is nothing new about how they would be used or the legislation under which they would be used. A Conservative Government gave those powers to English Partnerships and to the urban development corporations. They seemed to have no worries about how they might be used.

I shall deal in more detail later with the hon. Gentleman's worries about areas of outstanding natural beauty and national parks. The powers will allow RDAs to acquire land by agreement. However, there is a last resort power of compulsory purchase when authorised by the Secretary of State. The amendments would remove those powers, allowing RDAs to acquire land or rights over land solely by agreement.

Concerns were expressed in Committee about the provisions. I had hoped that I had been able to reassure hon. Members about the fact that the clause will be used as a last resort. However, the same arguments have been made today, so I shall have to rehearse my reassurances.

It is disingenuous of Conservative Members to link the powers of compulsory purchase with reserve planning powers in clauses 24 and 27, which we shall deal with later. The Government have decided to drop those clauses. Planning and land ownership are different matters. Any acquisition by an RDA must be to further its purposes. Nothing can be done with the land unless all plans for it are approved by the usual planning process, with all the considerable protections that that entails.

I agree to some extent with the hon. Member for Brentwood and Ongar (Mr. Pickles) that the partnership approach has the best chance of working. That is clearly sensible. Everybody wants the partnership approach to be used. I do not think that English Partnerships has had to use its compulsory purchase powers. However, that does not mean that those powers should not exist as a last resort.

Thank goodness for my hon. Friend the Member for Newcastle upon Tyne, Central (Mr. Cousins), who brought some welcome sanity and experience to the debate, which had been veering off into fantasy land before he brought it back on course.

One of the purposes of RDAs is regeneration, which can often include site assembly and development for future investment. RDAs may wish to assemble a site consisting of land that is in diverse ownership—an issue that the hon. Member for Brentwood and Ongar is familiar with. We expect most of that to be done through agreement with the owners, but RDAs could be hamstrung by a failure to reach agreement with one owner, or there may be sites of unknown ownership—another problem that the hon. Gentleman identified. It is not sensible for an entire development to be jeopardised because one owner refuses to sell, or because the ownership of a site cannot be established.

Mr. Pickles: The hon. Lady is most persuasive and reasonable. Why cannot the powers of the local authority be used in the circumstances that she has described?

Angela Eagle: Simply for the reasons that my hon. Friend the Member for Newcastle upon Tyne, Central gave in his thoughtful speech. It may not be practical in some instances for local authorities to use those powers. A site may straddle local authority areas.

The idea is that the power will be used as a last resort, but can be applied in circumstances that we as a legislature cannot at this minute imagine. We must provide flexibility to enable RDAs to assemble a site for regeneration purposes. The exercise of the power would require authorisation by the Secretary of State.

Mr. Curry: What is the point of a regional chamber of local authorities if those local authorities are not able to agree on a strategy, which is central to an RDA's work?

Angela Eagle: I think that, 99.99 per cent. of the time, they will agree; that is certainly what we hope. The power is one of last resort. As I said, it has not been used by English Partnerships, even though it was given it by the hon. Member for South Suffolk when he was in government, in precisely the way that the Bill provides. We hope that the power will not be needed. Although, as the hon. Member for Brentwood and Ongar rightly pointed out, compulsory purchase powers are a last resort, we believe that they must be provided in order to deal with awkward situations that occasionally crop up.

I know that people are generally critical of the compulsory purchase system. We all want a fair and efficient system. We have already conducted research into and reviews of the system. It is certainly cumbersome and slow, and the legislation is very old, but it is unlikely that all those matters will be resolved in time to be reflected in the Bill. The Bill can deal only with compulsory purchase by RDAs, not the exercise of such powers more generally.

[Angela Eagle]

Conservative Members, especially the hon. Member for South Suffolk, have been concerned about the use of compulsory purchase powers in rural areas, especially national parks and areas of outstanding natural beauty, about which the hon. Gentleman rightly became quite lyrical. We have already debated at length why RDAs need to exercise their functions throughout their regions, and why rural areas should not be treated as if they existed in isolation. Physical regeneration can be just as important in a rural area as in urban areas. The coalfields initiative is one example where regeneration in a rural area is desperately needed.

We cannot rule out the possibility that there may be areas in national parks that need regenerating. Even so, clause 20 would not give RDAs additional powers to develop such areas. RDAs will have to apply for planning permission in the normal way, and it will have to be granted in the normal way.

As Conservative Members know, planning and countryside legislation contains special provisions which give added protection for national parks and areas of outstanding natural beauty, and which are unaffected by the Bill. When they were in government, Conservative Members gave English Partnerships a power of compulsory purchase, although it has not had to be used. I hope that RDAs would not need to use it, but would instead reach agreements with landowners.

We debated national parks in Committee and used an example, I seem to recall, of old, disused quarries that may need to be put right before they can be used. The hon. Member for South Suffolk doubted that there was any such area in a national park, so since then, of course, I have done a little research. He is quite right to say that all recent planning permissions for mineral extraction have planning conditions that provide for the restoration of the site, but reviews of old planning permissions are being undertaken to ensure that they come up to modern standards. There is provision for further reviews of conditions.

Research has come up with examples of quarries and mines in national parks that ceased operation and were either not restored or not treated to modern standards. The most recent survey identified 143 hectares of such land in national parks in England that had been affected by past mineral working and fell within the definition of derelict land. In the interests of protecting the countryside, the hon. Member for South Suffolk would take powers from regional development agencies to restore land in national parks. He is arguing to reduce RDAs' ability to regenerate and bring back into sensible use land that happens to be in such areas.

Mr. Yeo: I am perfectly happy to defend our position, because no one in the Opposition has argued for any removal of RDAs' powers to do such restoration work. After all those weeks of research, during which the Minister has discovered 143 hectares, how many examples has she found of quarries for which it was necessary to exercise compulsory purchase powers to achieve the restoration? I should think that the answer is none.

Angela Eagle: The powers must exist for cases in which ownership has disappeared, or companies have gone into liquidation and there is no owner in existence—for cases in which companies take no responsibility and have in a sense evaded their responsibility for cleaning up after themselves.

The hon. Gentleman's amendments would make it harder in some circumstances for proper and appropriate regeneration work and site assembly to be done in such areas. In view of his lyrical description of the area of outstanding natural beauty close to his house, I do not think that that was his intention. None the less, that is what the amendments would do.

Given those explanations, I hope that the House will see that, although RDAs will not need to use the power all the time, and in the vast majority of cases agreement will be reached with owners of land, we cannot run the risk of omitting the compulsory purchase order powers from the Bill and then finding that particular projects or desperately needed regeneration measures are stopped in their tracks because of one especially difficult landowner, or because the authorities cannot discover who the owner is.

In view of the safeguards that I have outlined, which are already in the law, and the Government's commitment to protection of the countryside as well as to appropriate regeneration, we shall oppose the amendments.

Mr. Yeo: The House has had a valuable short debate on the amendments. My hon. Friend the Member for Brentwood and Ongar (Mr. Pickles) rightly stressed the importance of the need for regional development agencies to work in partnership with local authorities—something that we all strongly support. He shrewdly suggested that, where necessary, a regional development agency working in partnership with a local authority could use the compulsory purchase powers already possessed by the local authority. He also spoke with great feeling about the green belt in his constituency, which I recently had the pleasure of visiting.

My hon. Friend the Member for Meriden (Mrs. Spelman) rightly described the dangers of all the centralising powers that the Bill contains. Among those many powers is the power effectively to blight areas of the countryside. She is especially familiar with the situation in the west midlands—an example that I cited when I opened the debate.

The hon. Member for Newcastle upon Tyne, Central (Mr. Cousins) attempted to play down the threat constituted by the compulsory purchase powers, and suggested that they would not be used, in the green belt or anywhere else, unless planning permission were available. Obviously the hon. Gentleman was not listening to the debate, because the point was that, since the Government came to power, we have had a Secretary of State who is willing to overrule independent planning inspectors and, against the wishes of local communities, councils and residents, to grant planning permission even for industrial development in the middle of the green belt.

That is what happened in the example I cited from the west midlands, close to the constituency of my hon. Friend the Member for Meriden. It provides a recent example in which the special protection allegedly attached to the green belt has been tossed aside by the Secretary of State.

Mr. Cousins: Does the shadow Minister perhaps know rather too much about the ways of property companies

and not enough about the ways of local government? A property company might well go in for a speculative acquisition in green belt, but a public authority of any kind could not.

Mr. Yeo: I am not talking about going in for speculative acquisitions. As the hon. Gentleman knows, an application for planning consent can be made before the land is purchased. We have a pliant Secretary of State who is willing to overrule local opinion and grant permission for industrial development in the middle of the green belt, so goodness knows how easy it would be for a regional development agency that planned to acquire land for which its compulsory powers might be necessary, to clear the matter—on appeal to the Secretary of State, if necessary—and obtain all the consents that would be required.

My hon. Friend the Member for South Cambridgeshire (Mr. Lansley) drew attention to the unique nature of regional development agencies, and the differences between them and the other bodies that currently exercise compulsory purchase powers.

The Minister seemed to be joining the hon. Member for Newcastle upon Tyne, Central in advancing rather similar arguments about the need for planning consent. We have already dealt with that point. She then referred to the importance of partnerships with local authorities. I give her 10 out of 10 for sheer cheek. She and her ministerial colleague spent 13 sittings in Committee rejecting amendment after amendment tabled by the Opposition to promote such partnerships and to ensure that RDAs consulted and were more accountable to local authorities.

The Minister revived the question of quarries in national parks. I am touched that, after six weeks' research, she has uncovered 143 hectares of such quarries, but she has failed to identify an example in which the process of restoration would have to involve compulsory purchase powers. Against that background, the Opposition must press the amendment to a Division.

Question put, That the amendment be made:—

The House divided: Ayes 114, Noes 289.

Division No. 242] **[9 pm**

AYES

Ainsworth, Peter *(E Surrey)*
Ancram, Rt Hon Michael
Arbuthnot, James
Atkinson, David *(Bour'mth E)*
Atkinson, Peter *(Hexham)*
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Body, Sir Richard
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Brady, Graham
Brazier, Julian
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Burns, Simon
Butterfill, John
Chapman, Sir Sydney *(Chipping Barnet)*
Chope, Christopher
Clappison, James
Clarke, Rt Hon Kenneth *(Rushcliffe)*
Clifton-Brown, Geoffrey
Collins, Tim
Colvin, Michael
Cormack, Sir Patrick
Cran, James
Curry, Rt Hon David
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice)*
Dorrell, Rt Hon Stephen
Duncan, Alan
Duncan Smith, Iain
Evans, Nigel
Fallon, Michael
Flight, Howard
Forth, Rt Hon Eric
Fowler, Rt Hon Sir Norman
Gale, Roger
Gibb, Nick
Gill, Christopher
Gillan, Mrs Cheryl
Gorman, Mrs Teresa
Gray, James
Greenway, John
Grieve, Dominic
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hawkins, Nick
Hayes, John
Heathcoat-Amory, Rt Hon David
Hogg, Rt Hon Douglas
Horam, John
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Jackson, Robert *(Wantage)*
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lilley, Rt Hon Peter
Loughton, Tim
Luff, Peter
MacGregor, Rt Hon John
McIntosh, Miss Anne
MacKay, Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
Maples, John
Maude, Rt Hon Francis
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Moss, Malcolm
Norman, Archie
Ottaway, Richard
Page, Richard
Paice, James
Pickles, Eric
Randall, John
Redwood, Rt Hon John
Robathan, Andrew
Roe, Mrs Marion *(Broxbourne)*
Rowe, Andrew *(Faversham)*
Ruffley, David
St Aubyn, Nick
Shephard, Rt Hon Mrs Gillian
Simpson, Keith *(Mid-Norfolk)*
Spelman, Mrs Caroline
Spicer, Sir Michael
Spring, Richard
Steen, Anthony
Swayne, Desmond
Syms, Robert
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Townend, John
Tredinnick, David
Trend, Michael
Tyrie, Andrew
Walter, Robert
Wardle, Charles
Waterson, Nigel
Wells, Bowen
Widdecombe, Rt Hon Miss Ann
Willetts, David
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Woodward, Shaun
Yeo, Tim

Tellers for the Ayes:
Mr. Stephen Day and
Mr. Oliver Heald.

NOES

Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Anderson, Janet *(Rossendale)*
Armstrong, Ms Hilary
Ashton, Joe
Atherton, Ms Candy
Atkins, Charlotte
Austin, John
Ballard, Mrs Jackie
Banks, Tony
Barnes, Harry
Battle, John
Bayley, Hugh
Beard, Nigel
Begg, Miss Anne
Benn, Rt Hon Tony
Bennett, Andrew F
Bermingham, Gerald
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Boateng, Paul
Bradley, Keith *(Withington)*
Bradshaw, Ben
Breed, Colin
Brinton, Mrs Helen
Brown, Rt Hon Nick *(Newcastle E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Buck, Ms Karen
Burnett, John
Byers, Stephen
Cabom, Richard
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Campbell-Savours, Dale
Canavan, Dennis
Cann, Jamie
Caplin, Ivor
Casale, Roger
Caton, Martin
Chapman, Ben *(Wirral S)*
Chisholm, Malcolm
Church, Ms Judith
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clark, Paul *(Gillingham)*
Clarke, Eric *(Midlothian)*
Clarke, Tony *(Northampton S)*
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Cohen, Harry
Coleman, Iain
Colman, Tony
Connarty, Michael
Corbyn, Jeremy
Corston, Ms Jean
Cousins, Jim
Cranston, Ross
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cummings, John
Cunliffe, Lawrence
Cunningham, Jim *(Cov'try S)*
Davey, Edward *(Kingston)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*

Davies, Rt Hon Ron *(Caerphilly)*
Davis, Terry *(B'ham Hodge H)*
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Drown, Ms Julia
Dunwoody, Mrs Gwyneth
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Fatchett, Derek
Fearn, Ronnie
Fisher, Mark
Fitzpatrick, Jim
Fitzsimons, Lorna
Flint, Caroline
Flynn, Paul
Foster, Rt Hon Derek
Foster, Michael Jabez *(Hastings)*
Fyfe, Maria
Gardiner, Barry
George, Andrew *(St Ives)*
Gerrard, Neil
Gibson, Dr Ian
Gilroy, Mrs Linda
Godman, Dr Norman A
Goggins, Paul
Golding, Mrs Llin
Gordon, Mrs Eileen
Gorrie, Donald
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Hain, Peter
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Harvey, Nick
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Hinchliffe, David
Hodge, Ms Margaret
Home Robertson, John
Hoon, Geoffrey
Hope, Phil
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Ingram, Adam
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Mrs Fiona *(Newark)*
Jones, Helen *(Warrington N)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Jon Owen *(Cardiff C)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Jones, Nigel *(Cheltenham)*
Kaufman, Rt Hon Gerald
Keen, Alan *(Feltham & Heston)*
Kelly, Ms Ruth
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kidney, David
Kilfoyle, Peter
King, Ms Oona *(Bethnal Green)*
Kingham, Ms Tess
Kumar, Dr Ashok
Ladyman, Dr Stephen
Laxton, Bob
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Terry *(Worsley)*
Liddell, Mrs Helen
Linton, Martin
Livsey, Richard
Lloyd, Tony *(Manchester C)*
Love, Andrew
McAllion, John
McAvoy, Thomas
McCabe, Steve
McDonagh, Siobhain
McIsaac, Shona
McNulty, Tony
McWalter, Tony
McWilliam, John
Mallaber, Judy
Marsden, Gordon *(Blackpool S)*
Marshall, David *(Shettleston)*
Marshall, Jim *(Leicester S)*
Marshall–Andrews, Robert
Martlew, Eric
Maxton, John
Meale, Alan
Merron, Gillian
Michael, Alun
Michie, Bill *(Sheff'd Heeley)*
Milburn, Alan
Miller, Andrew
Moffatt, Laura
Moonie, Dr Lewis
Moore, Michael
Moran, Ms Margaret
Morgan, Ms Julie *(Cardiff N)*
Morgan, Rhodri *(Cardiff W)*
Morley, Elliot
Morris, Ms Estelle *(B'ham Yardley)*
Mudie, George
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Naysmith, Dr Doug
Norris, Dan
O'Brien, Bill *(Normanton)*
O'Neill, Martin
Öpik, Lembit
Osborne, Ms Sandra
Palmer, Dr Nick
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Pond, Chris
Pope, Greg
Pound, Stephen
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Rapson, Syd
Raynsford, Nick
Reed, Andrew *(Loughborough)*
Rendel, David
Ross, Ernie *(Dundee W)*
Roy, Frank
Ruane, Chris
Ruddock, Ms Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Salter, Martin
Sanders, Adrian
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Llew *(Blaenau Gwent)*
Smith, Sir Robert *(W Ab'd'ns)*
Soley, Clive
Southworth, Ms Helen
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stewart, David *(Inverness E)*
Stinchcombe, Paul
Stoate, Dr Howard
Stott, Roger
Strang, Rt Hon Dr Gavin
Stringer, Graham
Stuart, Ms Gisela
Stunell, Andrew
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Thomas, Gareth *(Clwyd W)*
Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Twigg, Derek *(Halton)*
Tyler, Paul
Vaz, Keith
Vis, Dr Rudi
Wallace, James
Walley, Ms Joan
Ward, Ms Claire
Watts, David
Webb, Steve
White, Brian
Whitehead, Dr Alan
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Woolas, Phil
Wray, James
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Noes:
Mr. David Clelland and Mr. Graham Allen.

Question accordingly negatived.

Clause 24

POWER TO MAKE DESIGNATION ORDERS

Mr. Caborn: I beg to move amendment No. 4, in page 11, leave out from beginning of line 32 to end of line 19 on page 14.

Mr. Deputy Speaker (Mr. Michael J. Martin): With this, it will be convenient to discuss the following amendments: No. 5, in page 12, line 4, leave out 'consult' and insert 'obtain the consent of'.

No. 6, in page 12, line 6, at end insert—

'(4A) The consent of a local authority under subsection (4) shall not be deemed to have been obtained unless such consent was expressed at a meeting of the full council for the local authority concerned.'.

Government amendments Nos. 9 to 11.

Mr. Caborn: In Committee, I made a commitment to review the need for the provisions in clauses 24 to 27. These provisions were intended to give the RDAs reserve planning powers similar to those bestowed by the Conservative Government on English Partnerships, whose regional regeneration functions the RDAs will be taking over. Having taken the opportunity to review these provisions following the debates in Committee, we have decided not to proceed with them.

Amendment No. 4 removes clauses 24 to 27 from the Bill. Amendments Nos. 5 and 6, which would have required the consent of local authorities to the use of the

designation order procedure, become irrelevant, since we are proposing to delete clause 24. Amendments Nos. 9, 10 and 11 are minor consequential changes to clauses 28 and 37.

The reserve powers in clauses 24 to 27 would have given the Secretary of State discretion to designate an RDA as the local planning authority for all, or part of, its area. We put these reserve powers in the Bill because we felt that RDAs, like English Partnerships, would benefit from having access to them—even if, in practice, they were never used. Our intention was that the use of the powers would be exceptional. Indeed, English Partnerships has never sought to use them, preferring instead to act in concert with local government.

We feel that the success and effectiveness of the RDAs will depend in large measure on their ability to build consensus in their regions and to pull regional stakeholders together around a commonly agreed regional strategy. The RDAs will want to work with local planning authorities to seek a common approach to development and regeneration. Given the emphasis RDAs will place on partnership working, I would not have expected RDAs to need to use the reserve planning powers in practice.

It was clear from representations made to me by a number of stakeholders, and in particular by the Local Government Association, that it was felt inappropriate to give the RDAs reserve planning powers. We listened to the arguments and we agree that the best course is not to proceed with those powers in the Bill. If one of the key regional partners, local government, feels so strongly that the provisions are undesirable, it would clearly be unwise to retain them.

In common with the approach that I expect RDAs to adopt in their work, the Government have managed the Bill in a spirit of co-operation and openness. We have listened to the arguments of both sides, both in Committee and outside. We have accepted that a change to the Bill is the best way forward. That is a listening Government who are willing to make changes to policy.

Mr. Curry: Come on Richard, say it again.

Mr. Caborn: Put it this way, few changes went on to the statute book under the previous Government, although we spent many, many hours discussing them. At least we can say that we are prepared to listen to the arguments. Even though some of the powers were given under the old regime to urban development corporations and English Partnerships, we are prepared to review them and adapt the Bill in the light of common sense.

9.15 pm

While not having specific planning powers themselves, RDAs will have a key planning role in their areas. As the economic development bodies in their regions, they will adopt a partnership approach with local authorities and other stakeholders. They will have specific input to regional planning by contributing to the development of regional planning guidance, which in turn will inform RDAs' regional strategies. It will be a two-way process. Given that regional planning guidance is the crucial strategic input to the plan-led system to which planning applications must have regard, it is unlikely that the RDAs would ever need to rely on reserve planning powers.

Beyond their role in planning issues, RDAs will have a lot to do. As well as pulling together regional economic development work around a commonly agreed strategy in each region, they will inherit the regional regeneration role of English Partnerships and the rural regeneration work of the Rural Development Commission. In addition, they will take the lead on inward investment in their regions. We do not, therefore, wish to proceed with the provisions that give them reserve planning powers.

Mr. Yeo: I welcome the Minister's achievement in becoming, at least in this respect, a listening Minister in a listening Government. I welcome his commitment to making the RDAs work in partnership with local authorities.

Although it is listed as a Government amendment, we can unreservedly welcome amendment No. 4 because it is our amendment. We tabled it on 11 March. I am glad that the Secretary of State tabled an identically worded one on 23 March. I have been advised by the Clerk that it should not have been accepted because it was identically worded. *[Interruption.]* I am just outlining the facts, embarrassing though they may be to the Government. The consequence was that the Secretary of State's name was added to the Opposition amendment. As the Minister said, if amendment No. 4 is passed, our amendments Nos. 5 and 6 will be rendered irrelevant.

The Government's conversion to sense, however slow it has been in coming, is good but it is important to explore how tortuous the conversion process has been. The Minister would not expect me to gloss over the sequence of events.

Mr. Fitzpatrick: Yes we would.

Mr. Yeo: As the Minister said, such an achievement was seldom recorded by the Government when they were in opposition.

Originally, clauses 24 to 27 in effect gave the Secretary of State power to remove the planning responsibilities of elected local authorities and transfer them to regional development agencies. The Secretary of State could have taken away planning, one of the most crucial functions of an elected council, and transferred it to an unelected quango appointed by him, operating from an office perhaps miles outside the district concerned and accountable only to him. Those clauses were an attack on the powers of elected local authorities. They made a mockery of the claim in paragraph 9.2 on page 43 of the White Paper, which states:

"The intention is not to take powers or resources away from local authorities".

The clauses that amendment No. 4 would delete took powers away from local authorities, and were among the most damaging clauses in the Bill.

Planning control over any part of England could have been removed from local authorities and given to regional development agencies at the stroke of the Secretary of State's pen. The profound fears that this proposal rightly provoked were made much worse by the Minister's initial refusal to admit what these clauses enabled the Secretary of State to do.

[Mr. Yeo]

In Standing Committee on 3 February, it seemed that the Minister had not read his own Bill. He asked me:

"Will the hon. Gentleman tell me which of the Bill's proposals will remove powers from local authorities?"

He then asked me again:

"Which powers will be taken from local authorities?"—[*Official Report, Standing Committee E*, 3 February 1998; c. 104-5.]

As the Standing Committee was at that stage debating clause 2, it is understandable that the Minister had not read as far ahead as clause 24. We should be flattered that the Minister had to ask us what the Bill would enable him to do. The House should be appalled and the country should be alarmed that the Government have put a Bill through Standing Committee without appreciating the effect of its provisions.

A week later, on 10 February, the Minister seemed to think that he had discovered the answers to his own questions. He realised that the Bill gave the possibility of planning powers to regional development agencies. He claimed that these powers were precisely the same as those that previous legislation had bestowed on English Partnerships.

On 12 February, in response to my point of order exposing the Minister's previous errors, he admitted that the powers in clauses 24 to 27, which the Secretary of State intended to give to regional development agencies, were wider than the powers given to English Partnerships under previous legislation. It is clear that English Partnerships' powers were specifically limited.

In contrast, under clause 24 the regional development agencies could be given planning control over any part of England that is

"suitable for regeneration or development."

The words "or development" include land that is not at present developed. That provision scarcely imposes any constraint.

On 17 February, when the Standing Committee debated those clauses, it soon became clear that their potential effects were devastating, that they struck at the very heart of the principles of local government, and that they undermined the democratic basis of our planning system. Initially the Minister resisted our attempts to rid the Bill of these damaging provisions but, after two hours of debate, light eventually dawned and he confirmed that the Government would have a rethink. What a relief that is to everyone concerned in the parts of England that were threatened. That process of discovery and the way in which the light dawned has been instructive.

The Government have made their familiar journey from denial of a problem, through panic at the realisation that there is a problem, to confusion about how to solve it. It is a journey that the Minister and others responsible for planning seem to take regularly. Each time they do so, they prove that the protection of the countryside and of the green belt is not safe in the Government's hands. Even as the Bill was in Standing Committee, the Government announced a climbdown over the proportion of new homes that should be built on previously developed sites. That climbdown was intended as a reassurance to those who fear the consequences of the loss of the English countryside.

The green words, perhaps dictated by a spin doctor, were spouted at the Dispatch Box by the Secretary of State. He trumpeted his conversion to the Conservative party's policy of setting a higher target for the proportion of new homes to be built on previously developed sites by raising it from 50 per cent. to 60 per cent. In doing so, he overruled the Minister for London and Construction, who had previously gone on record as describing any target over 50 per cent. as a "recipe for disaster".

As is so often the case with this Government, that greener rhetoric is only words and is not backed by any deeds. For example, the sequential and phased approach to planning in respect of planning guidance for new homes, which was mentioned by the Secretary of State when he made his statement to the House, which is certainly needed and which, if introduced, would have our support, has not unfortunately been followed up. It has not been mentioned again.

Mr. Deputy Speaker: Order. I must tell the hon. Gentleman that he is going wide of the amendment. He must restrict his remarks to the amendment before the House.

Mr. Yeo: I am most grateful to you, Mr. Deputy Speaker. It is my concern about the potentially devastating effects of the planning powers that clauses 24 to 27 bestow on RDAs that leads me to give one or two examples of the possible consequences of those planning powers. We have seen many such examples, one in West Sussex.

Mr. Day: My hon. Friend may have heard the Minister, from a sedentary position, commenting that the amendments would remove the particular planning powers to which my hon. Friend refers. If so, perhaps my hon. Friend might like to invite the Minister to tell the House why the Government put those powers there in the first place.

Mr. Yeo: My hon. Friend is quite right. The Minister might have mentioned that and offered some explanation when he opened the debate. The amendment deletes four of the most important clauses in the Bill—clauses that he defended throughout Second Reading and in Standing Committee—but the Minister gave no explanation as to who made the original blunder of including the clauses. Whose head is going to roll? Which Minister is now considering his position in the light of the withdrawal of powers that were central to the functions that the Bill bestows on RDAs?

Mr. Day: Perhaps my hon. Friend also recalls that, in the Committee, the Minister took the line that the powers should still exist right up until he reached the last page of his brief, which he obviously had not noticed previously.

Mr. Yeo: I remember the occasion very well and it was not even the Minister's first intervention in that stage of the Standing Committee. We had one long intervention in response to the debate—

Mr. Deputy Speaker: Order. Interesting though the hon. Gentlemen's recollections may be, Committee stage has passed and the proceedings are on record in *Hansard*

for anyone to read. I do not need to hear the hon. Gentlemen's recollections—they must speak to the amendment before us.

Mr. Yeo: I am grateful for your guidance, Mr. Deputy Speaker, and for the generosity of your indulgence, which has allowed my hon. Friend the Member for Cheadle (Mr. Day) and I to recall one of the most enjoyable sessions of the Standing Committee on the Bill.

The fact is that amendment No. 4, which we support, does at least ensure that the Government's rather shameful attempt to undermine the democratic basis of the planning system has now been thwarted. It ensures that the Government's attack on the powers of democratically elected local authorities has, on this occasion, been successfully fought off by Conservative determination—*[Laughter.]* These are serious matters and I do not know why they are causing so much mirth on the Government Benches. The amendment ensures that the people who take initial planning decisions will at least be those who have some responsibility for and some relationship with the areas which those decisions will affect. The amendment was tabled by Conservative Members and Ministers initially argued against its effects, but their conversion to our way of thinking is welcome and the amendment has my total support.

Mr. Caborn: I wish to respond to a couple of points. As we said many times in the Standing Committee, we believe that the hon. Member for South Suffolk (Mr. Yeo) is wasting his talents as a politician: he should be a fantasy writer. We think that his books would sell better than those by Lord Archer.

For the record, powers from English Partnerships and from urban development corporations were put on the statute book by the previous Government. They took those powers from local authorities and gave them to quangos. We have now returned those powers to their rightful position: with local authorities in the democratic process. We are proud to have done that.

Amendment agreed to.

Clause 28

CONNECTION OF PRIVATE STREETS TO HIGHWAY

Amendment made: No. 9, in page 15, line 13, leave out from 'section' to end of line 14 and insert—

'"highway" and "local highway authority" have the same meanings as in the Highways Act 1980;

"private street" has the same meaning as in Part XI of that Act.'—*[Mr. Caborn.]*

Clause 37

INTERPRETATION OF PART I

Amendments made: No. 10, in page 18, leave out line 17.

No. 11, in page 18, leave out line 21.—*[Mr. Caborn.]*

Clause 39

POWERS IN RELATION TO THE COMMISSION

9.30 pm

Angela Eagle: I beg to move amendment No. 25, in page 19, line 7, leave out 'including' and insert—

'(3A) The provision which may be made under subsection (3) includes—

(a) provision changing the name of a public body which acquires functions by virtue of provision made under subsection (1)(a) or (b), and

(b)'.

This amendment will provide a specific power to allow a change of name for the body that will take over the residual functions of the Rural Development Commission following the transfer of its regeneration functions to the regional development agencies. As announced last Friday, the Countryside Commission and the Rural Development Commission will merge. The new body will play a central role in the Government's policy of developing a sustainable, living countryside while recognising the interdependence of urban and rural areas. It will, therefore, pursue an integrated approach in giving advice to Government, local authorities, regional development agencies and others about all such matters in order to ensure that they produce integrated, well-thought-out solutions to the problems raised in developing a living countryside. It will secure a rural dimension to wider policies and will be for the benefit of all who live or work in rural areas and visit or value the countryside. It will take forward countrywide initiatives to meet the economic and social needs of people living and working there.

The new merged body's national advisory function will continue to be independent and based on expertise and experience. We said in our White Paper that we are committed to ensuring an effective focus at national level for expertise, information and advice about rural matters, which will assist regional development agencies and local and national organisations in their work. We are now putting that into effect. Both commissions support the concept of a new merged organisation and are working together with the aim of developing and integrating their complementary strengths.

The countrywide initiatives and promotion work will be centred on building local and regional partnerships and delivering real benefits to the countryside and local and rural communities, as well as providing for the needs of visitors. A new name for this merged body will be needed in order to reflect the fact that it will inherit some responsibilities from its predecessors, but it will also have a fresh mandate. The able and dedicated staff of both the Countryside Commission and the Rural Development Commission will form the core of the new body—just as those staff transferring to the regional development agencies, with responsibility for the rural regeneration programme, will be a valuable asset to those bodies.

The commissioners of both organisations have wide-ranging expertise, and we hope that many of them will be prepared to make that available to the new organisation. A new name will signal a fresh start and provide a collective identity that will help to advance

[Angela Eagle]

good working relationships. We are considering what the new name should be in order to reflect the new integrated responsibilities.

Mr. Yeo: The Opposition wish the new merged organisation every success, but I seek several assurances from the Minister—if she is unable to provide them now, I hope that she will write to me as soon as possible. The press release issued last Friday by her Department—part of which she repeated in her speech—contains a paragraph which states:

"The new organisation will take on the Countryside and Rural Development Commissions' existing programmes and commitments, other than those that it has already been announced are to be transferred to the Regional Development Agencies."

Can the Minister provide an assurance that the combined budget of the Countryside Commission and the Rural Development Commission will continue to be spent in rural areas? I appreciate that part of it will be spent by the regional development agencies because some of the functions have been transferred. However, can the Minister assure us that the balance of the budget will continue to be spent in rural areas for the benefit of the objectives that have been listed?

Angela Eagle: The idea of the merger is not to reduce the amount of money that is available to rural areas, but to increase the effectiveness with which that money is spent. However, I should be happy to set that out more formally by writing to the hon. Gentleman.

Amendment agreed to.

Amendment made: No. 13, in page 19, line 7, after 'transfer', insert 'to another public body'.—*[Mr. Robert Ainsworth.]*

Clause 40

TRANSFERS OF PROPERTY, RIGHTS AND LIABILITIES TO AGENCIES

Mr. Curry: I beg to move amendment No. 28, in page 19, line 33, at end insert—

'(1A) The Secretary of State shall once in every financial year lay before both Houses of Parliament a statement listing the property, rights and liabilities of the Urban Regeneration Agency which have not been subject of any directions under subsection (1).'.

The purpose of the amendment is to encourage the Minister to be bolder than he wants to be. As you will know from the Bill, Mr. Deputy Speaker, the functions of English Partnerships, the urban regeneration agency, will be merged into the regional development agencies, with two exceptions. One function is the management of the coalfield community and the other is the management of the Greenwich peninsula.

Those are two very different functions. The coalfield community is widely scattered over many counties, and between the areas of several proposed regional development agencies. Some 56 sites are involved, so I doubt whether anyone would quibble with the idea that, if an existing organisation is capable of dealing with such a disparate piece of real estate, it should continue to do the job.

The Greenwich peninsula is wholly different. It is a small site, which falls exclusively within the territory of the proposed London regional development agency. I cannot for the life of me understand why, if the Government are investing such hopes in the regional development agencies—if they are so confident that they represent a new solution—they do not have enough confidence and hope to entrust the Greenwich peninsula to the London regional development agency.

I know that, after the dome has been completed, the site might revert to English Partnerships. I know that the Government would like to find an on-going purpose for the development of the Greenwich peninsula, but this debate is not about the dome. I do not understand why, in the case of London, the Government do not have the courage of their convictions and beliefs. We understand that London is about to have a mayor and its own council. The Government should say why the regional development agency is not deemed to be competent enough, or why they do not have enough confidence in it, to manage a site as relatively small as the Greenwich peninsula.

Suppose the argument is that it is a national site. Will not the regional development agencies be sufficiently robust to manage something that will, we hope, attract visitors internationally as well as from throughout the country? I should like the Minister to explain why his vision appears to falter when it comes to one of those key sites, in which a great deal of money has been invested, but which seems to me coherent enough to lend itself precisely to the tasks that he proposes.

When will the London regional development agency come into existence? The world and his wife—except anyone in the House of whom I am aware—appears to know that there will be a shadow regional development agency; that it will not commence at the same time as the other RDAs because it will await the eventual election, if it takes place, of a London mayor and the associated council. I hope that the Minister will fill us in on that, but I am especially interested to know why, as someone who has a great deal of commitment to the concept of RDAs, his commitment stops short at that piece of east London.

Mr. Caborn: First, I shall answer the question about London. It is absolutely correct that we have decided that the development agency for London will be a voluntary body until the elected authority comes into existence. Had we not done so, a non-departmental public body would have been set up for one year only, and powers would then have been transferred to the London authority, which would then have come under the control of the elected authority and the mayor.

On the subject of the Greenwich peninsula, the hon. Gentleman answered his own question. The millennium experience is being prepared for the year 2000. We want to make sure that that project, which will be highly successful, will be delivered on time. The London authority will not be up and running until 2000, assuming that the population of London says yes in the referendum.

In answer to a written question relating to the future of the peninsula, the Minister without Portfolio stated:

"Commercial interest in acquiring the Dome is, however, likely to be maximised in 2000, when it can be seen successfully in operation, and when commercial and popular awareness of the site is at its height. The Government will therefore decide on the Dome's long-term future at that time."—[*Official Report*, 1 December 1997; Vol. 302, c. *3*.]

The Government are clear that the dome will remain in the ownership of the company that owns it at present, with the full support of English Partnerships at national level. We hope that the venture will be successful, and we will determine its future after 2000. By that time we hope that a London authority with a mayor will be in place, and that is when a decision will be made.

Mr. Curry: We all hope that the dome is a successful venture, as it is in our national interest that that should be the case. I find the Minister's remarks disappointing. They demonstrate a lack of commitment to the concept of development agencies, but at this hour of the night I do not intend to press the matter. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 41

POWERS IN RELATION TO THE AGENCY

Amendment made: No. 14, in page 20, line 10, after 'transfer', insert 'to another public body'.—*[Mr. Caborn.]*

Clause 45

COMMENCEMENT

Mr. Curry: I beg to move amendment No. 27, in page 21, line 10, at end insert—

'(2) No statutory instrument may be made under subsection (1) until the Secretary of State has laid before Parliament a copy of any concordat reached between Her Majesty's Government, the regional development agencies in England, the Scottish Executive and the National Assembly for Wales (or any of them) in relation to regional assistance.'.

I return to an issue that I raised when the Deputy Prime Minister presented his White Paper on the subject; on Second Reading; and in Committee. What measures will be put in place to ensure that there is not competitive use of public funds by different regional development agencies?

That is a crucial issue, as the Government keep telling me. They told me that it was crucial after the presentation of the Government's proposals. They told me that it was a crucial issue on Second Reading. They told me that it was a crucial issue in Committee. What they have not told me is what they intend to do about it.

We know that there is to be a concordat on the matter. I thought that concordat was a happy name arrived at to cover this particular circumstance, but I strayed by accident into the debate on the Scottish Parliament yesterday and discovered that a veritable undergrowth of concordats has sprouted.

The hon. Member for Banff and Buchan (Mr. Salmond), speaking about a concordat between the Government and the eventual Scottish Executive on inward investment—precisely the subject that we are discussing—invited me, if I had the technological skill, to surf the Scot Nat website in order to find the document that had been leaked and that he had had put on the website.

Nothing ventured, nothing gained. My secretary, who has the technological skills—pending my acquisition, reluctantly, of the same—was eventually successful in identifying the document, which I have. There are a great deal of hieroglyphs on it, but the bits that are not hieroglyphic are pretty comprehensible. They refer to mutual consultation in adequate detail and to a reasonable time scale on any proposals for new legislative provision, and mutual consultation before making offers of financial assistance. It is a fairly detailed document.

The Under-Secretary told me that the concordat was between the development agencies. In Committee she said that the concordat would "involve" the Scottish and Welsh development agencies. I am not clear whether that was a word that just came out of the word processor, or whether "involved" was carefully chosen so as to be somewhat ambiguous. My suspicions are provoked.

Is there one concordat or two? Is the Under-Secretary referring to the same concordat that the Minister for Home Affairs and Devolution, Scottish Office and the hon. Member for Banff and Buchan were talking about yesterday? I hope that the hon. Lady will respond to that question. Is it a concordat between the Government and the eventual Scottish Executive? Is that the concordat that the hon. Lady is talking about?

9.45 pm

If that is the position, there is a glaring contradiction between the words that the hon. Lady spoke and the words of the Minister for Home Affairs and Devolution, Scottish Office. In Committee, the hon. Lady talked about the importance of the matter and said that all hon. Members agreed that the

"cost to regions of inward investment"

being bidded up had to stop. She continued:

"The problem is being considered by the Department of the Environment, Transport and the Regions, and by other Departments. Indeed, the Prime Minister has taken a close interest in the matter. Appropriate"—

that marvellous word again—

"co-ordination will ensure that there is a cohesive and effective national approach to the issue. It will be strengthened with a concordat between different parts of the United Kingdom, the terms of which are still being considered by the Government. Those terms will be announced when they have been finalised."

I pressed the Under-Secretary on the issue, asking her when we would have the marvellous document to which she referred. She replied:

"The right hon. Member for Skipton and Ripon should bear in mind that the vesting day for the RDAs is in April 1999, and although the concordat might not be in a finished written form before we conclude considering the Bill, it will certainly be available before vesting day."—[*Official Report, Standing Committee E*, 12 February 1998; c. 319-20.]

As I have said, I strayed into yesterday's debate in Committee of the whole House. The Minister for Home Affairs and Devolution, Scottish Office, in response to the hon. Member for Banff and Buchan, said:

"Work on draft concordats will proceed before devolution, but they cannot be agreed until the Scottish Executive is established. The coverage of each agreement would be a matter for the Scottish Executive and the UK Government to agree."

The Minister emphasised that point later when he said:

"The hon. Member for Banff and Buchan (Mr. Salmond) made the point, and I want to reinforce the response again, that agreements cannot be made until the Scottish Executive is up and running, and it should be clear that draft agreements cannot in any way be considered to be binding on it."—[*Official Report*, 31 March 1998; Vol. 309, c. 1159.]

[Mr. Curry]

Where are we? Which of the two timetables is correct? Are there two concordats or is there one? If there is one concordat, how do we reconcile the timetables spelt out by the two Ministers, who operate in the same Government? If there are two concordats, are we to have two concordats on inward investment operating to a different time scale? Are we between different bodies or the same body? If there is a concordat between the development agencies and their Scottish and Welsh equivalents, will it be binding on the Scottish Executive or the Welsh Executive? Will it be binding on the respective Parliament or assembly?

Mr. Paul Tyler (North Cornwall): I do not want to add to the right hon. Gentleman's suspicions. My history, although rusty, tells me that a concordat is a much more temporary agreement than a treaty. I am not suggesting that a treaty would be appropriate, but I share the right hon. Gentleman's suspicions about the semantics of the sudden appearance of concordats in the British constitution. I wonder whether he has examined what the permanence of the arrangement might be.

Mr. Curry: The hon. Gentleman is right. When the word "concordat" was first evoked by the Under-Secretary, I assumed that it constituted a pragmatic solution to deal with a particular problem, a problem on which we all agree. I suddenly discovered that a concordat has acquired perhaps a more constitutional function as representing a quasi-treaty between different parts of the United Kingdom.

I think that that takes us back to some extent to the time of Charles I and the Scottish covenanters. Here we are covenanting some agreement, but is it binding? Will the Scottish Executive live with it? Will the Scottish Parliament eventually be able to provide additional finance and override any agreement? These are crucial matters.

The English regions have felt that there is a process of gazumping from the Welsh and Scottish development agencies. That is a serious problem. It is important that these matters should be transparent from the point of view not only of people who live in the regions and have natural aspirations for employment and opportunity, but of the use of public money. We should not throw money at inward investment unnecessarily; it should be part of a strategy. Throwing money at inward investment is not only unfair in terms of public expenditure: it would be deeply confusing to the investor if he thought that the UK did not know what it was doing and that different people were trying to do the same thing simultaneously from the same pot of money. I wish to be reassured. I have asked for such reassurance umpteen times on a matter that I believe is central in terms of the probity of public expenditure and the operations of RDAs.

When the Minister responds, will he spell out who the concordat is between—who will sign it? Is there one concordat or are there two? If there are two, who are they between and what do they cover? Can either or both bind a Scottish or Welsh Executive and assembly? When do they or it come into force and will it or they be public documents? Those are crucial questions on which I hope to receive a response tonight. If I do not, I shall persist because this is a crucial issue.

Mr. Caborn: I assure the right hon. Member for Skipton and Ripon (Mr. Curry) that there is more than one concordat in all, but that, on this subject, there is one concordat. There are a number of concordats well beyond inward investment; they are on a wide range of mutual interests. I have no doubt that the right hon. Gentleman will be able to keep a watching brief, if not a watching interest, on the development of devolution within the United Kingdom.

The amendment is prompted by the right hon. Gentleman's desire to ensure a co-ordinated approach to inward investment throughout the UK on the basis of a financial concordat between different parts of the UK. The amendment specifies that no statutory instrument bringing into force provisions of the Bill should be made until such a concordat has been laid before Parliament.

As hon. Members know, the Government are committed to publishing a concordat on financial assistance. We reiterated that commitment earlier this week when we published our response to the report of the Select Committee on Trade and Industry on the co-ordination of inward investment.

As the right hon. Gentleman knows, we have been working on that for a while. We hope shortly to publish a concordat on inward investment that ensures that offers to inward investors provide value for money for taxpayers and are fair to all parts of the UK, while allowing effective negotiations to attract large inward investment projects. However, this is a complex subject. I am sure that he will understand that we will need to be satisfied that the new arrangements represent an acceptable way forward for all the countries of the United Kingdom before the Government publish their proposals.

I understand entirely that the right hon. Gentleman is keen to see the final concordat. I am too. I assure him that the English regions are being represented forcefully in those discussions. I am sure that he also understands that the previous Administration had similar difficulties, but did not try to resolve them in terms of the Union. We are trying to do that. We need a little time, but we will come back to the House when those agreements have been reached. I have no doubt that he will continue to press us until they are brought back to the House. It is his duty to do that as a member of the Loyal Opposition.

Mr. Curry: That merely gets us into greater confusion. We have now established that there is one concordat, so the Under-Secretary is talking about the same concordat as the Minister for Home Affairs and Devolution, Scottish Office last night. That is a matter of agreement; it has been accepted. However, it is going to come into force at different times.

The Under-Secretary said clearly that

"although the concordat might not be in a finished written form before we conclude considering the Bill, it will certainly be available before vesting day."—[*Official Report, Standing Committee E*, 12 February 1998; c. 320.]

That is April next year, if I recall rightly, but the Scottish Executive will not be in existence by April next year and the Minister for Home Affairs and Devolution, Scottish Office said:

"I want to reinforce the response again, that agreements cannot be made until the Scottish Executive is up and running, and it should be clear that draft agreements cannot in any way be considered to be binding on it."—[*Official Report*, 31 March 1998; Vol. 309, c. 1159.]

There is a glaring contradiction between those two statements.

The concordat cannot be brought into force on different days. Which statement is true? Will it be brought into force when the Scottish Executive is up and running? I think that the Minister said that he will finish the concordat "soon". A third date has therefore been floated.

The matter is, first, very confusing. Secondly, it is not very straightforward. Had the Under-Secretary clarified the matter in Standing Committee by saying, "A document is being prepared between constituent parts of the United Kingdom, and this is when it will come into force," we would know where we stood. However, she clearly said that it will come into force by vesting day. A Scottish Minister has said the complete opposite. We have established that there is only one document, which cannot divide itself—like one of those funny lamps that goes up and down, with a blob in the middle. We need to know where we stand.

I am trying to make light of the matter, but it is a serious matter of clarity and of providing accurate information to the House. The House has been given two entirely different versions of the timetable for the same document. We have also been given two versions of whether it will be binding on the Scottish Executive and, presumably, the Welsh Executive. Will it or will it not be binding on them? We have been left in a state of deep confusion.

Many people in the regions are already suspicious enough about how the RDAs' procedures and competing subsidies will be used. If we do not receive some clarification on the matter, RDAs will get off on an extremely bad footing, with much suspicion about the meaning of devolution in the United Kingdom.

I hope that the Minister will give the House a more accurate reply, and specifically tell us—this is point one—when the concordat will come into force. Secondly, will it be binding on the Scottish Executive? I ask him to remember that two Ministers already have track records on trying to answer those questions.

Mr. Caborn: One thing is absolutely certain: when the concordat is completed, it will be something that the previous Administration, of whom the right hon. Member for Skipton and Ripon (Mr. Curry) was a member, could not achieve in 18 years—a sensible inward investment arrangement that does not cost UK taxpayers millions of pounds, which they never should have paid. We are currently in the process of bringing together the parties to the agreement—Wales, Scotland and the English regions. Once we are finished with the process, we shall present the case to the House in a concordat.

I am not quite sure which concordat the right hon. Member for Skipton and Ripon has been dealing with, or whether the inward investment concordat was mentioned in yesterday's debate. I am therefore not able to pronounce on that matter. Once we issue the concordats, something that has been a very expensive exercise for the UK taxpayer will be resolved. The concordat's implementation date will also be stated in the concordat.

The right hon. Member for Skipton and Ripon should not get so excited about implementation dates. The previous Government had 18 years in which to issue a concordat, whereas we have had fewer than 11 months—only a few months—to do so. We shall resolve the matter, and save the UK taxpayer one helluva lot of money.

Mr. Curry: That is a load of blarney, and the hon. Gentleman knows it. None of us disputes the need for sensible arrangements to regulate use of public subsidy. It does not matter whether the Conservative Government produced a concordat. We did not propose devolution, and circumstances were different. The Minister has not responded to the issue of why two Ministers are singing a different tune to the same words. The House is dealing with that problem.

I understand that it is very much in the tradition of the House for an hon. Member to reserve the right to return to a matter that has not been satisfactorily dealt with rather than to press it to a conclusion—when it might be deemed to have been settled properly. I wish to revisit the matter, and hope that the Minister will reflect on the fact that he has not dealt with the substance of my concerns. I put him on notice that I plan to return persistently to the matter, because of the deeply unsatisfactory nature of the responses that we have received so far in debates on the Bill.

I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Schedule 2

Constitution of agencies

Angela Eagle: I beg to move amendment No. 26, in page 25, line 5, at end insert—

'.—(1) The persons to whom section 1 of the Superannuation Act 1972 applies (persons to or in respect of whom benefits may be provided by schemes under that section) shall include employees of a regional development agency.

(2) Accordingly, in Schedule 1 to that Act, at the appropriate point in the list of "Other Bodies", there is inserted "A development agency established under section 1 of the Regional Development Agencies Act 1998".'.

Amendment No. 26 will enable regional development agencies, if they wish, to offer the principal civil service pension scheme as their occupational pension scheme. Many non-departmental public bodies use that scheme for their staff. It is enabling and does not fetter the discretion of RDAs to choose a different occupational pension scheme, should that be agreed with Ministers.

When RDAs are set up on 1 April 1999, their staff will be inherited, along with functions from three public sector bodies—the civil service, whose staff are already members of the pension scheme, the Rural Development Commission, which operates a pension scheme that is analogous to the civil service pension scheme, and English Partnerships, which operates a funded scheme, akin to the local government pension scheme.

[Angela Eagle]

The amendment merely enables those, and any other RDA staff, to be members of the civil service pension scheme or, in the case of civil servants, to remain members.

Amendment agreed to.

Schedule 6

VESTING AND ACQUISITION OF LAND: SUPPLEMENTARY PROVISIONS

10 pm

Angela Eagle: I beg to move amendment No. 12, in page 36, line 15, at end insert

', if he is satisfied—

( ) that an alternative right of way has been or will be provided, or

( ) that the provision of an alternative right of way is not required.'

In Committee, my hon. Friend the Minister for the Regions, Regeneration and Planning made a commitment to consider further the need for the Bill to give the Secretary of State a power to divert, as well as extinguish, a right of way over RDA land, as the Bill provides powers only for the extinguishment of a right of way.

The amendment contains a new provision that is analogous to an existing power of the Secretary of State in section 251 of the Town and Country Planning Act 1990. Under that provision, the Secretary of State may extinguish a footpath or bridleway over land held for planning purposes by a local authority if he or she is satisfied that an alternative right of way has been or will be provided, or that an alternative is not required. With the introduction of our amendment, no extinguishment of a right of way on RDA land could legally be effected unless and until the Secretary of State had fully considered the alternatives.

The hon. Member for Taunton (Mrs. Ballard) proposed an amendment in Committee that would have allowed the Secretary of State to divert a right of way rather than extinguish it altogether. That amendment was not of itself sufficient to achieve the desired objective. Although our amendment does not give the Secretary of State power to make a diversion over RDA land, we consider it unnecessary to introduce such a power into the Bill, as RDAs will have powers, as owners of the land, to dedicate a new right of way over their own land. In addition, the Secretary of State has powers under section 120 of the Highways Act 1980 to divert footpaths and bridleways in the interests of the owner, occupier or lessees of land, or the public. I believe that the Secretary of State will use that power where he or she considers it necessary to do so.

I emphasise that the power of extinguishment in the Bill will rest with the Secretary of State and not with the RDA. Provision is made in paragraph 6(2) of schedule 6 for publication of the relevant orders and for giving notice to the proper authorities of any such proposals. Paragraph 7 provides for representations or objections to be made, or for them to be heard before an independent person appointed by the Secretary of State for that purpose. Very often, that will lead to a public inquiry which anyone who is interested may attend.

Mrs. Ballard: We were told earlier this evening that we had a listening Government and that we should trust the Minister. I welcome the fact that the Government listened to the persuasive arguments made in Committee by me and my hon. Friend the Member for South-East Cornwall (Mr. Breed) when we tabled a similar amendment. I am glad that we trusted the Minister when he said that he would table an amendment that would have the same effect.

The Liberal Democrats welcome the amendment, and I am sure that it will be welcomed by the effective and vocal lobby of people who enjoy walking the rights of way around this country.

Amendment agreed to.

Order for Third Reading read.

10.3 pm

Mr. Caborn: I beg to move, That the Bill be now read the Third time.

The English regions have long felt themselves to be the poor relations of the United Kingdom, believing that Scotland and Wales, with their development agencies, have been much better placed to improve their competitiveness. Our task, reflecting our manifesto commitment to set up regional development agencies, is to give the English regions the tools to improve their performance.

The regional economies are the building blocks of a prosperous national economy, affecting the overall UK performance. We must put all our regions in a position to compete with their European counterparts in the global marketplace. The figures for 1995 released by Eurostat and the Department of Trade and Industry in the past few days show that we have inherited a deteriorating situation from the previous Administration. There has been a marked deterioration since 1993, with every English region performing worse than it did then. Before the figures were released, the hon. Member for South Suffolk (Mr. Yeo) assured us in Committee that they would be considerably better and would show that many English regions were performing at or above the European average. The Conservatives have left us with every English region under-performing against the European average. The regions are doing considerably worse than they were, based on comparable figures from two years before.

The figures show that we have not progressed since 1984, when the United Kingdom stood at 96, compared with a European average of 100. The 1995 figures show that position to be unchanged. The previous Administration have left this Government with a pathetic performance from the English regions.

Even the capital, which has performed quite well—standing at 147 in 1993—is down to 139. Even the jewel in the crown is a little tarnished. However, make no mistake, we shall ensure that a twinkle is put back on that diamond when we establish the new mayor of London, the elected authority and the new development agency.

The Bill provides us with a means to tackle that economic deficit, which has plagued the English regions for too long. It provides for RDAs to be established in all the regions of England. The agencies will provide for effective and properly co-ordinated regional economic development and will underpin wider regeneration. They will play a major part in the future economic success of the entire United Kingdom.

The Opposition have argued in Committee and on Report that the Bill damages the interests of our rural areas. I hope that they now understand that, far from being damaging, the advent of RDAs will ensure that rural areas will be more equitably treated within the remit of the new regional bodies, which are charged with taking into account the interests of the whole region. The Government are committed to promoting the interests of rural areas. We believe that that can best be done by addressing their particular needs within an overall framework for development of the regions. Putting urban and rural matters on the same footing will ensure that rural interests are given their full weight.

One of the core functions of the RDAs will be to develop and implement a regional strategy, as provided for in clause 7. They will act in partnership with the stakeholders in the region, such as local authorities, business, industry, further and higher education, training and enterprise councils and voluntary groups. The RDAs will build on the work of existing competitiveness partnerships and other regional development initiatives. Their regional strategies will set a framework for decisions that affect all regional interests, providing for the first time a properly co-ordinated approach. That will ensure more efficient and effective delivery of economic development and regeneration.

The package of functions that we propose will give RDAs considerable influence throughout their regions. We have been asked in Committee and this evening to consider widening their remit further, giving them additional tasks and budgets to control. However, we believe that their package of functions strikes the right balance. It is challenging, but realistic. We do not want to overburden the new bodies in their initial stages.

Mr. Sheerman: Will my hon. Friend assure me, to pick up his theme on Second Reading, that there is room for organic growth? I have mentioned it many times, hinting at the possibility of powers to grow over time. Is my hon. Friend convinced that the Bill will provide such capability?

Mr. Caborn: My hon. Friend must have been looking over my shoulder at the next paragraph of my speech.

At the outset, RDAs will need to focus on establishing themselves, building up relationships in regions, formulating their regional strategies and developing their work programmes—getting themselves a track record and gaining the confidence of the people on whose behalf they will work. There is no reason why the role of RDAs should not develop over time, as the roles of the Scottish and Welsh development agencies did. The Bill will allow that, which I think answers the question asked by my hon. Friend the Member for Huddersfield (Mr. Sheerman).

In 1975, the Labour Government were far-sighted in creating development agencies in Scotland and Wales. I think that Baroness Thatcher used the model for Northern Ireland because it was so good. The Scottish and Welsh development agencies have stood the test of time, and, indeed, all Administrations. They have an extremely proud record and ensure wealth creation in those countries.

The establishment of RDAs will give English regions and regional interests a new and unprecedented opportunity to influence and improve regional fortunes. That is what people in the regions want. Our consultation exercise, although ridiculed by Conservative Members, was very extensive; we had more than 1,500 responses. People in the regions clearly understand that RDAs will bring real added value to the UK's economic performance.

Even some former fellow Cabinet members of the right hon. Member for Sutton Coldfield (Sir N. Fowler) have been to see me in my office to extol the virtues of RDAs.

Sir Norman Fowler: Name them.

Mr. Caborn: I will name them. Lord Young, for example, came to my office but a few weeks ago. The right hon. Member for Sutton Coldfield may well blink. Lord Young said that he was asked to go to a meeting with representatives of the Government office for the south east, about which he was very sceptical. He came out of the meeting thinking that RDAs were a good idea. He had the guts to come to my office in the Ministry to say that the idea was good and one to which he would subscribe.

Furthermore, I responded only this week to an invitation from Lord Young to a meeting with south-east business men to discuss the issue. In fact, he has moved the meeting to Gatwick airport so that I can attend it. I suggest that Conservative Members wake up to the real world, as some of their colleagues have. We have such support the length and breadth of England for regional development agencies. Legislation for them ought to have been on the statute book many years ago.

The Bill sets the legislative framework for setting up the agencies as non-departmental public bodies. They will be accountable to Ministers and Parliament for their actions. The Bill also makes provision for RDAs to be properly accountable to their regions through voluntary regional chambers. It provides a mechanism for building on the informal structures that local authorities and their regional partners have set up.

I am delighted to tell the House that the provisions appear to have captured the imagination of local authorities and other regional interests that wish to be involved in the new regional approach. Regions such as the north-east, the north-west and my own, Yorkshire and Humberside, where my right hon. Friend the Deputy Prime Minister launched only last week the new Yorkshire and Humberside regional chamber, are building on work that has been developing regional partnerships over a number of years.

Even in regions where identities are less well established, the enthusiasm has been astonishing. Last week, my noble Friend Baroness Hayman attended the inaugural meeting of all local authorities—yes, all local authorities—in the eastern region. I am sure that the hon. Member for South Suffolk knows that region very well. In the south-west region, local authorities are coming together, for the first time, with other regional partners to take forward the regional agenda.

I am delighted to tell the House that we have had an overwhelming response from people who want to nominate individuals to serve on RDAs. *[Interruption.]* The hon. Member for South Suffolk should not be so cynical; Conservative Members are very cynical. They might even be able to do what Lord Walker did when he was on one of the quangos: he gave something back.

[Mr. Caborn]

We never know; some of them might even give something back. [HON. MEMBERS: "The Tories?"] Yes, one or two Tories have come on board. They are on the road to Damascus.

Despite all the cynicism of those on the Opposition Benches, some very senior people in business, commerce and finance have seen, as Lord Young has, that our ideas and the organisations that we shall put in place not only will be beneficial in terms of wealth creation but will attack the weaknesses in our competitive base. I am delighted that those high-calibre candidates have come forward to serve on the boards.

As I said earlier, we announced in our White Paper on London our proposals for the new London development agency. The LDA will have broadly the same powers and functions as the other RDAs. Subject to the outcome of the London referendum in May, the LDA will be directly accountable to the mayor, and will implement the mayor's economic development and regeneration strategy for London.

For reasons that I gave earlier, as an arm of the Greater London authority, the LDA will not be established until the mayor and assembly are in place. Its board will be business led, as will the other RDAs, but it will be appointed by the mayor. In addition, Government funds for regeneration, for the promotion of inward investment, for English Partnerships and for tourism will be channelled through the mayor.

The Bill is an important first step in the regional agenda for England that we outlined on 1 May last year, when we had such an overwhelming victory at the general election—an agenda that will bring a new dimension to policy making. There will be development agencies in all the English regions, to match those that have worked so successfully over many years in Scotland, Wales and Northern Ireland.

That will enable the English regions to make a full contribution to economic growth all over the United Kingdom, so that the economic performance of the UK as a whole can reach its full potential, and we can hold our head up in Europe again as we reach the average of GDP per capita there. That will be the object of the regional development agencies in England.

10.16 pm

Sir Norman Fowler: In view of the number of hon. Members who want to speak, I shall be brief. I remind the Minister that the debate is not about the importance of the English regions; there is no question about that. I am a west midlands Member, and my right hon. and hon. Friends who have spoken most often in the debates come from regions from Yorkshire to East Anglia.

We want our regions and their industries to develop, and jobs to be created. That is not the question. The question is whether the regional development agencies will achieve that goal. I see no evidence in the debate to suggest that those Government-appointed agencies will bring about the development that we all want to see continue.

I use the word "continue" because, in spite of what the Minister said, what was achieved under the previous Government was formidable. There were record levels of inward investment, creating new jobs and new industries and leading to major exports. I shall describe that record not in the words of the previous Government but in those of the present Government's White Paper. A passage not quoted by the Minister, on page 30, says:

> "The cumulative value of foreign direct investment (FDI) into the UK has risen from $28 billion in 1975 to over $344 billion in 1996. The UK receives the largest share of FDI in the European Union, including about 40 per cent. of US and Japanese overseas investment.
>
> In manufacturing, FDI accounts for 18 per cent. of employment, 32 per cent. of capital expenditure and 40 per cent. of UK exports. Over the last decade, FDI has not only created over 600,000 jobs but has helped to develop and modernise the industrial base".

I underline the fact that those are not my words but those of the present Government's White Paper on regional development agencies. Let me put it another way: it is estimated that, since 1979, 172,000 jobs have been created or safeguarded in the west midlands, 92,000 in the north-west, 84,000 in the north-east and 40,000 in the south-west.

We have heard much about Ministers' aspirations, but little about the performance indicators by which those aspirations will be judged. Those indicators must include the number of jobs created, the amount of inward investment and the level of training for the work force. The performance of the Government-appointed agencies will be measured against the record of the previous Government, who did not lag in Europe, but set up the United Kingdom as the European leader in inward investment.

There is nothing to suggest that the position of England will be improved by the new RDAs, or that England will be better served by nine competing RDAs that are all not only selling their regions, but comparing unfavourably the position of competing regions. As my right hon. Friend the Member for Skipton and Ripon (Mr. Curry) said, that does not even take account of Scotland and Wales. Moreover, all nine RDAs will have their own bureaucracies—chairmen, deputy chairmen, board members and chief executives—and there is nothing to suggest that that will help England to attract investment and create jobs.

Mr. Sheerman: Why does the right hon. Gentleman dwell on inward investment, given that the Conservative Government's problem was that they failed to invest in innovation and change in home-grown industry, which is exactly what the RDAs will be able to spotlight and encourage?

Sir Norman Fowler: The hon. Gentleman is being idiotic if he seriously believes that RDAs will invest directly—he is out of date, living in the 1960s. He made the same point on Second Reading—I am glad that he is at least consistent. British industry did badly in the 1970s because of the legacy of Labour Governments and their inability to tackle trade union power and all the other problems that brought British manufacturing industry to its knees. Everyone, except a few Labour bigots, knows that the Conservative Government secured recovery.

The board members of the new RDAs will be appointed not in the regions, but by Ministers. They will be the creatures of Whitehall and, above all, they will be unaccountable to the people whom they are intended to represent. None of the board members will be directly

elected, and only a third of them will be councillors. Moreover, councillors who are voted out of office will still be able to remain on the board.

I do not believe that, even on its own terms, the Bill deserves support. It will not lead to an increase in inward investment; indeed, there is a real danger that it will lead to a reduction. The Bill does not represent a realistic exercise in devolution; it sets up ministerially appointed quangos, which, only a few months ago, the Labour party said were entirely unacceptable. As we have heard this evening, even supporters of regional governance may think twice before supporting the creation of bodies that are unaccountable and show every prospect of being unsuccessful.

Even less do I believe that the Bill deserves support as a step-by-step process to regional government in England. *[Interruption.]* I am glad that the Minister seems to agree, as he did not mention it.

The Government appear to want regional government, but they know, and No. 10 knows, that if they had a referendum, they would lose it. They know that the public would reject that proposition, so they have come up with a half-baked proposal: that, at an undefined stage in the future—not in this Parliament—they would, if re-elected, introduce legislation to set up regional government not for the whole country but for some parts of it.

These are not policies for the development of the English regions. They are flawed constitutionally and they do not add up economically or industrially. I believe that the House should reject them.

10.25 pm

Dr. Ashok Kumar (Middlesbrough, South and Cleveland, East): The Bill has great benefits for my area. As the representative of a northern constituency, I have a special interest in the Bill's success. *[Interruption.]* I warmly support the Bill, but I want to discuss certain conditions, some of which have been mentioned already, that are necessary for the success of regional development agencies. *[Interruption.]*

Mr. Deputy Speaker: Order. There is far too much conversation in the Chamber. The hon. Gentleman is addressing the House.

Dr. Kumar: Many people believe that the breadth of functions to be exercised by the RDAs should be wider. They point in particular to some existing departmental functions of the Departments of Trade and Industry and for Education and Employment; to the training and enterprise councils; to the networks of business links; and to the universities and colleges.

Together, those bodies wield enormous power, have budgets of many millions of pounds and profoundly shape future prosperity and competitiveness, as well as the technology, business support and skills base of the regions in which they are sited. They are run in the main by unelected people and are too often dominated by the great and the good or, some may say, the usual suspects, appointed by the previous Government.

I recognise that the settlement created in the Bill decrees that those bodies will not be directly integrated into the RDA network, but I and many other Members of Parliament still feel that special attention should be given to formulating ways in which we can guarantee that their work reflects the broad thrust of RDA policy. There is much active and willing partnership, and greater transparency and accountability can be achieved.

I was deeply disappointed by the Minister's response on new clause 5, about the relationship between TECs and RDAs. I am still concerned that a region's TECs should have a structural relationship with the RDA, which should have some input into and oversight of a TEC's business strategy and planning. The same is true of business links networks in the regions.

The question of relationships with local universities is more delicate, as they are governed in a collegiate fashion. There need, at the very least, to be instructions to RDAs and universities to use their best endeavours to work together. Their special teaching skills and areas of scientific, technological and business expertise should whenever possible be designed to reflect the needs and specialisms of the wider regional economy. That leads to reflection on the need to ensure that the vital delivery agencies for the RDAs are in place and able to operate coherently from the first day onwards.

It is important not to be prescriptive about the forms of delivery of RDA services, but they should be structured so as to achieve the maximum subsidiarity. In the main, that will mean that those functions will be delivered on the basis of individual towns, cities and conurbations and, outwith highly urbanised parts of the country, on the basis of travel-to-work areas. However, there may well be occasions when some of the functions impinge on discrete areas. At that level, future board members of the RDAs will have to accept that some functions will be delivered at a neighbourhood, village or estate level.

In my area of Teesside, we have effective sub-regional structures covering the former Cleveland county area and the new unitary authority of Darlington. We have a local authority joint strategy unit, which oversees the strategic planning and transportation work for the entire area. We have a training and enterprise council and a business link covering Teesside, a structure that will soon cover Darlington.

We have the Tees Valley Development Company, a tripartite body that replicates and complements the work of the Northern Development Company at the sub-regional level and acts as the delivery mechanism for all inward investment in Tees valley—a mechanism that has brought many jobs to our area and has ensured prosperity in the short years since it was set up.

That network of agencies works harmoniously together and will provide Teesside with an effective sub-regional structure to amplify and complement the work of the northern RDA. However, we have a duty to see that the work of the RDA and the mix of the board members reflect the aspirations of our region.

Fundamental to the debate is the need to ensure that the RDAs do not merely become quangos, but become the people's development agencies. There is strong support for democratic regional government. That support is widespread and, in the north, is not confined to a handful of academics and local councillors. It is vital that the RDAs become ultimately answerable to the people of the region, as well as to the House. The Bill recognises that.

There is cynicism in the wider community towards unelected bodies, and that is unsurprising considering the excesses of the many quangos that prospered under the

[Dr. Kumar]

previous Tory Government. I strongly suggest that the forward plans for the new wave of RDAs should include the proviso that those plans must be acceptable in future to our nominated regional chambers and, if there is the popular will, to directly elected regional assemblies.

In any case, it is imperative that the initial plans are scrutinised by the wider regional community and all regional stakeholders. Thought will have to be given to the best way of ensuring that. We could think of setting up a regional grand committee, made up of all regional interests.

Such an arrangement would be similar to long-standing arrangements in some US states, where state assemblies made up of representatives of the cities, counties, towns and small villages meet to discuss and approve the economic development and planning strategies of the state legislature. They may meet only for a couple of days a year, but they serve a valuable purpose, in that they involve all the stakeholders of the region. They give the seal of legitimacy and acceptance to the work of state senators and their staff.

The RDA must therefore be the first stepping stone to democratic regional government—a concept that is strongly supported in the north. Strong support has come from the North of England Assembly of Local Authorities, the all-party Campaign for a Northern Assembly, trade unions, businesses, the media, the voluntary sector and the professions. That support was demonstrated last year by the sheer numbers of those who signed the "Declaration of the North", sponsored by the Campaign for a Northern Assembly, and which I and many colleagues from the region signed.

This is an historic Bill. For the first time, we see the machinery for modernisation and the renewal of English regions—as my hon. Friend the Minister said earlier—being placed in the hands of the people of those regions. This is an historic step towards a fuller, more participatory democracy, and I am proud to be voting for the Bill.

10.33 pm

Mrs. Ballard: What is wrong with this Bill is not what is in it, but what is not in it. It lacks measures to make RDAs truly accountable, as opposed to relying on the good intentions of board members or ministerial guidance. It is the first step towards regional government, although the Government sometimes like to pretend that it is not, as when in Committee they refused to accept some of our sensible amendments, which would have strengthened the RDAs' relationships with regional chambers.

Liberal Democrat Members believe that power should be devolved to the regions of England. We welcome the fact that the Bill gives regional bodies the ability to promote economic development, but it does not ensure that they are locally accountable. The Government rejected all our amendments designed to promote increased openness and accountability, including new clause 3.

The Bill's measures on accountability, to regional chambers, offer some hope, but it is vague on those points. Again, we are to rely on the guidance given by the Secretary of State to RDAs. I would prefer to rely on statutory measures to which everyone could look as a benchmark, but we know that the Minister is allergic to having more things written into the Bill. Ministers have said that regional chambers will act as Select Committees, monitoring the work of RDAs. Select Committees in the House have not necessarily led to increased Government accountability, despite occasional and notable embarrassments.

We are also to trust the Secretary of State on the appointment of members of RDA boards. He alone has the power to appoint and deselect members of boards. The history of quangos is the history of the abuse of powers of appointment. As the Minister said in Committee, Ministers have in the past appointed—and, I suspect, will continue to appoint—to quangos a majority of members who can be relied upon to support central Government policy and politics.

The first 11 months of the Labour Government have shown that they, too, are determined to ensure that quangos do their bidding, by packing the boards with their supporters. Only today, I had a reply from the Department of Health that confirmed that in the south-west region, 23 Labour, 11 Liberal Democrat and two Conservative appointments have been made to health trust boards.

Mr. Adrian Sanders (Torbay): Labour is the third party in the south-west.

Mrs. Ballard: My hon. Friend is right. I hope that the political balance on the south-west RDA board will be more in proportion with elected political representation in the south-west. I look forward to receiving the Minister's assurance on that.

We are also worried that RDAs will not pay sufficient attention to sustainable development. Of the four purposes of RDAs as stated in the Bill, only the objective of sustainable development is qualified with the words

"where it is relevant to its area to do so."

We, and many outside this Chamber, believe that that could lead to sustainable development becoming, at best, a separate add-on to the RDAs' purpose.

Mr. Caborn: Rubbish.

Mrs. Ballard: I am delighted to hear the Minister say, "Rubbish."

We are concerned that sustainable development may be an add-on rather than an integral purpose informing all the actions of RDAs. RDAs could support inappropriate developments on, for example, green-field sites that are damaging to the local environment and contrary to local development plans and regional planning guidance. Our amendments sought to put sustainable development in the mainstream, but Ministers turned them down on the ground that they were too restrictive.

Ministers' support for less strictly worded clauses on the RDAs' responsibilities to regional chambers or sustainable development is in contrast to their attitude to our amendments on the boundaries of RDAs. We sought to add some flexibility to the Bill on the point. The Secretary of State can alter the boundaries of RDAs once established after local consultations, but we believe that a boundary review should be conducted, to ensure that boundaries adequately reflect regional community characteristics and identities. Later, my hon. Friend the Member for St. Ives (Mr. George) will talk more about

regional identity. The lack of such a review threatens the long-term success of the entire regional project if the country is clumsily divided into artificial regions.

The Government intend that RDAs should have a leading role on European Union structural funds. When I met local government regional office staff in Brussels, they expressed concern about the lack of concurrence of RDAs with Euro-constituencies. They believe that there is a need for a strong regional political steer for the work of RDAs and are concerned that economic development should not be separated from community development, tourism or training. That view was shared by the Select Committee on the Environment, Transport and Regional Affairs.

We were worried that the Bill could result in powers being given to RDAs from local government. Our main concern was about planning powers, and we welcome the Government's amendments to delete the original clauses giving RDAs those powers.

We remain concerned that the Bill does not offer enough guidance on relations between local government and the RDAs. We shall wait for the Government to give RDAs further guidance, and we look forward to contributing to the consultation process.

We are also concerned about the impact of RDAs on rural areas. We are worried that they will reflect mainly urban rather than rural interests. However, we welcome the Conservatives' new awareness of the problems of rural areas. As my hon. Friend the Member for South-East Cornwall (Mr. Breed) said, many people believe that Conservative politics were largely to blame for the crisis in the countryside. I hope that the Secretary of State has listened to the voices raised, and will ensure that RDA board members will represent all areas of their region, rural and urban. I am pleased that in Committee the Minister confirmed his intention to ring-fence Rural Development Commission funding for economic development, to be spent on rural areas.

Despite those caveats, we welcome the Bill's broad aims, as my hon. Friend the Member for North Devon (Mr. Harvey) said on Second Reading. Many parts of the country suffer from economic under-performance, which should be helped by having a strong regional voice to press their case and to promote economic growth. Regions have suffered from too many players with conflicting functions trying to promote growth. We support the bringing together of those functions, and hope that the functions of the TECs will speedily be brought under the RDAs.

RDAs can act as economic catalysts for development. Britain has suffered from unequal economic development, and our regions have not been adequately represented in the past. We have lost out in the European Union because of a deficiency of regional bodies through which EU development funds can be routed, and which are capable of raising matching funds.

I hope that RDAs will evolve, that ministerial guidance will be as good as has been promised, that the boards will open their meetings to the public, and that our fears will be misplaced. We shall be voting with the Government tonight.

10.41 pm

Ms Joan Walley (Stoke-on-Trent, North): I welcome the Bill. I represent both an urban and a rural area, and it is crucial that we benefit from the establishment of regional development agencies. This measure will make a tremendous difference in north Staffordshire. It will help with the case that we shall make for European structural funds.

I look forward to the economic development that will begin to transform our region, especially after all the ravages of the past 18 years. My constituency no longer has a coal industry, and is heavily dependent on the ceramics industry. We desperately need diversification, and we shall look to the regional development agency to give us that. We want a strong representation of local people from north Staffordshire on the RDA.

One aspect of the legislation that the Minister did not mention in his speech but which was extensively covered in Committee is sustainability. I regret that I was not on the Standing Committee to debate this important issue in detail. I pay tribute to the Minister, because, unlike the legislation on Scotland and Wales, this Bill offers great potential for sustainability. The Bill for a Greater London authority also enables us to promote sustainability.

I have some slight concerns about clause 4. It is crucial that sustainability, instead of being one aspect of clause 4, should underpin all that the RDAs do. I hope that, in the short time between this evening's debate and the Bill reaching the statute book, there will be an opportunity to consider that in some detail.

The Bill is a powerful piece of legislation that will give us huge opportunities to provide the organic development mentioned earlier. We must not look only at the large-scale economic development that has characterised so much of our past efforts at the expense of other factors including the environment.

In considering how sustainability can be built into the legislation, I urge the Minister to review the consultation period, and look at the way in which guidance can be used to ensure that sustainability can be made fundamental. I should be grateful if my hon. Friend could give some indication of how the great issue of sustainability will underpin all that is done.

10.45 pm

Mr. Robert Key (Salisbury): I have been watching the progress of the Bill through the House with growing incredulity. I have considerable regard for the Minister for the Regions, Regeneration and Planning, and no doubt he is regarded by his constituents as a good Member of Parliament; but the trouble is that he actually believes in the Bill, whereas what worries me is its monumental irrelevance.

The Bill is fundamentally flawed, and I have a fundamental objection to this sort of economic manipulation by any Government. Those of us who are on the wise side of 50 have seen it all before and we thought that the Labour Government might have learnt from their experiences of the Department of Economic Affairs and all that went with that. It is an amazing figment of Ministers' imagination that they believe that they can create a single job through the construction of some bureaucracy out in the country.

The Minister and I share a great deal—we share ancient constituencies in proud cities—but the proud city of Salisbury had eight Members of Parliament when it was first created, and it sent its first Members to Westminster in 1260; at that time, the Minister's city of Sheffield did

[Mr. Robert Key]

not have any Members of Parliament. We take the long view, which is quite clear: this sort of irrelevance will not help. Our country, our counties, our cities and our towns will thrive in spite of the Bill, not because of it. The Minister will win the vote tonight—of course he will—but he will not win the arguments, or our hearts and minds.

The other fundamental flaw, and my fundamental objection to the Bill, is the concept, in which the Minister believes, of a region or area. Clause 4 of this wretched Bill contains six mentions of "its area", meaning the development areas. What areas? What nonsense it is to suppose that we in my constituency of Salisbury have anything to do with what is going on in Gloucestershire, or, for that matter, in St. Ives and the Isles of Scilly. Regional identity is thrown to the winds by this ridiculous piece of legislation—it is utterly meaningless. All the Bill will do is suck democracy and accountability out of our districts and put them in the hands, in my case, of an overblown city in the west midlands called Bristol.

This ridiculous Bill is flawed, politically and economically, and will do little good. However, it does great harm to my constituents. The discourtesy of the Department last week in not informing me of the future of the Rural Development Commission is something that I would forgive, were it not for the fact that, after nearly a year of procrastination, those of my constituents who have given their all for the RDC still do not know whether they have jobs, or, if they do, whether those jobs will be with a new rural development agency or the Countryside Commission. They do not know what the RDC-Countryside Commission combination will be called, and they have no notion of what it will do, or of what their jobs will be.

The Bill is a complete mess—if only the Minister would come down out of the clouds, put his feet firmly on the ground and think for once about the economic prosperity of this country, rather than the creation of irrelevant bureaucracies and nonsensical pseudo-Parliaments.

I understand the European agenda to which the Minister must work. I understand that we are all supposed to be reformed in this country, and that we are meant to think that we do not need democratic accountability if we have new Labour. I understand the Minister's agenda: it is wrong, and it will not last. Meanwhile, will the Minister please address the issue of my constituents who have worked for the Rural Development Commission for years promoting the rural areas of this country?

10.50 pm

Ms Jenny Jones: I, too, shall be brief, as I know that several hon. Members wish to speak.

Regional development agencies will bring my region and every other region in England something that they have lacked for a considerable time: a coherent, co-ordinated, strategic approach to economic development and regeneration.

Hon. Members will confirm that, under the previous Government, there was no shortage of economic development initiatives. However, they were piecemeal, and were often dumped on local government, with no consultation with councillors and local business people. Experience was never acknowledged, and local people were never listened to. That led to a very divisive approach, duplication of effort and to a waste of resources. Regional development agencies will bring a coherence to the regions that will ensure that the needs of all local people are met and that the regions can compete effectively in Europe.

Regional development agencies will also pose major challenges. As I have said, I recently attended a major conference in the midlands attended by hundreds of business men and people from the voluntary sector, local government, colleges and universities. They were extremely enthusiastic about the proposed West Midlands RDA, but they raised many questions.

There is no doubt that the boards of RDAs have a major responsibility to ensure that they are constituted properly, and that they meet the needs of all the people in the regions. There will also be challenges for the Government offices for the regions. They will have to learn how to work more effectively in order to meet local needs. What is known as the "district commissioner" approach to listening to and working with local people must change.

Finally, I believe that the agencies are the first step on the road to regional government. I am a strong supporter of regional government, and I should like to see it happen sooner rather than later. I hope that the Minister will provide an assurance that regionalism will be brought to the English regions as soon as possible.

10.52 pm

Mrs. Ellman: Regional development agencies will be a breakthrough for the English regions, because they will combine commitment to an area with the ability to act in relation to investment in companies, the development of property and premises, business support, training and retraining.

I shall illustrate the way in which a development agency can affect an area by referring to Lancashire Enterprises, set up by the county council—of which I was vice-chairman between 1982 and 1997—and its work when Leyland-DAF collapsed in 1993, threatening devastation and the loss of thousands of jobs in Lancashire, and signalling the virtual end of truck making in the United Kingdom.

Lancashire Enterprises worked in partnership with the private sector, and, using its investment, training and development powers, helped to develop the current thriving Leyland Trucks. At the newly developed Lancashire Enterprises business park, nearly 1,900 people are employed by 45 different companies that did not exist in 1993. The area has been transformed, and it is now a centre of manufacturing activity. Truck making has continued, and has been strengthened. Wealth and employment continue to develop in the area.

A regional development agency will bring great support and benefit to the whole north-west. In my area, I look forward to a regional development agency ensuring that the benefits of Ford's major investment in the new Jaguar flow to small and medium enterprises throughout the area.

I look forward to the development of the creative industries. I look forward to the use of the knowledge base in our universities for commercial and community benefit. I look forward to seeing the benefits of the information society extended to all companies in the area. I look forward to the linking of that progress with

community-based economic regeneration. I look forward to a much closer link between Manchester and Liverpool airports, for the benefit of Merseyside and the whole of the north-west.

A regional development agency cannot exist in isolation. The present Government's policies of supporting business, especially small and medium enterprises, will be of benefit. It is essential that Government Departments such as the Department of Trade and Industry, as well as the Department for Education and Employment, work closely with the regional development agency. That is one reason why I regard the development and strengthening of regional chambers as an essential part of the strategy.

Regional development agencies have been a long time coming. They started in 1981, with the alternative regional strategy of the present Deputy Prime Minister. In 1996 they moved further, with Bruce Millan's "Renewing the Regions". In 1998, we now have the Regional Development Agencies Bill. It is now time for action and the transformation of the English regions.

10.55 pm

Mr. Stephen Hepburn (Jarrow): Considering the Bill from a northern regional perspective, two questions need to be answered: what are the problems with existing regional policy, and do the RDAs, as presented in the Bill, address those problems?

It is plain to see that the present regional policy, which has been in place for many years, has been an abject failure. Nowhere is that more obvious than in the north-east, where I am fortunate enough to represent a constituency, where we have higher unemployment than many regions, lower wages, and a desperate need to improve skills. It is a disgrace, and an indictment of the previous Government, that the average age of the skilled worker on the Tyne is 47; if that is economic decline, we should acknowledge it.

The Government solutions of the past have been parachuted-in, Whitehall-designed schemes, coming down—top-down urban initiatives. We have heard them all before: task forces, urban development corporations, city action teams. The result is that things stay the same. Economic decline continues, local democracy is sidelined, and power is increasingly centralised in national Government.

Government neglect has meant that the regional stakeholders in the area have had to play their part to make up for the deficit of Government action. We have had private-public partnerships and trade union involvement. Eleven years ago, the Northern Development Company was set up by those people—and a successful partnership it has proved, creating 520 investment projects, 75,000 jobs and £9 billion of capital investment in the region. However, they are running hard—although successfully—to stand still.

I support the Bill, because it addresses the real problems of the area. It acknowledges the need for long-term economic planning, the need to involve local stakeholders, and the need to devolve real power to the regions. Finally, it provides a firm foundation on which to establish regional government—a regional government which I and my colleagues in the northern group of MPs will work with the stakeholders of the region to establish, for the better prosperity of the northern region.

10.57 pm

Mrs. Spelman: We cannot reach the end of the debate without again expressing our great disappointment at the way in which the Government have consistently rebuffed all our efforts to seek amendments that would protect rural interests. The Opposition have repeatedly drawn attention to those concerns, but all our efforts to have them considered have been ignored.

I make a final request to the Government. I ask them to hear our argument that, as rural Britain faces a fast-growing crisis, they will live to regret the contempt in which they have held the strength of feeling behind our amendments. The regional development agencies, which will be urban dominated, show very little consideration for the minority position in which the rural representatives will find themselves. The Government's proposal that only one of 12 members of each board should reflect rural interests is nothing more than tokenism, and a poor response to the ever-increasing crisis that confronts British agriculture in the wider rural economy. That has been consistently ignored by the Government through all the stages of the Bill. The new clauses moved this evening, which offered one last chance for proper consideration to be given to those rural interests, have once again been rejected.

Mr. Lansley: Is it not a further disappointment that, at this late stage of the Bill, the Government took no opportunity to introduce amendments that would have safeguarded some of the functions of the Rural Development Commission, in particular some of its research and analytical functions? Ministers have been happy to draw on those in recent weeks, but do not seem to be prepared to protect the sources from which such valuable information comes.

Mrs. Spelman: I thank my hon. Friend. Indeed, the debate has revealed that some of the functions of the Rural Development Commission will be lost into the ether. With the passage of the Bill, rural interests will be less well represented. I fear that the Government will find themselves in an impossible position. The Secretary of State will have to direct and guide the boards to resolve the tensions between urban and rural areas.

Mr. Pickles: The position is worse than that. Those in rural areas will not be able to know what is going on, as members of the public will have no right to attend meetings of the board.

Mrs. Spelman: I thank my hon. Friend for that intervention. It reveals the lack of openness in the newly generated RDAs, which will compound the gathering crisis in agriculture.

The Government climbdown on planning powers was significant. It would have been too easy for the new RDAs to take advantage of failing farms, and of land becoming available as agriculture slides further into crisis. Opposition pressure in Committee forced the Government to withdraw a clause that would have given RDAs the power to grant themselves change of land use.

We hope that the debate will bring some concessions for rural areas. The other amendments that we tabled would have protected the interests of local government, by recognising that it was unacceptable to transfer powers away in a thoroughly undemocratic fashion.

[Mrs. Spelman]

We register the strongest protest to the Government about the way in which the crisis in rural areas is being ignored.

11.2 pm

Ms Rosie Winterton (Doncaster, Central): I was proud to serve on the Standing Committee that considered the Bill, especially under the distinguished leadership of my hon. Friends the Minister for the Regions, Regeneration and Planning and the Under-Secretary of State for the Environment, Transport and the Regions.

I know that the Bill will bring great benefit to my area. I was proud to witness the historic occasion in Hull on Friday last week when my right hon. Friend the Deputy Prime Minister launched the country's first regional chamber, that for Yorkshire and Humberside. The launch was attended by representatives of all political parties, including the Conservative party. I was astonished by the contribution of the hon. Member for Salisbury (Mr. Key), which showed how out of touch Conservative Members are with their rank and file.

The establishment of a regional development agency will bring considerable benefit to the people I represent in Doncaster, Central. The decline of the traditional industries of coal, engineering and rail means that Doncaster badly needs regeneration assistance. Although it has suffered from industrial decline, the town has tremendous potential. There are strong arguments for locating the RDA's headquarters in Doncaster.

Doncaster is a transport hub, with excellent road and rail links to the north, the south, the east and the west. It is a gateway to the region. Through the Humber ports, it has easy access to Europe, and there is now a direct rail link to Europe through the railport. In addition, there are proposals to reopen the Royal Air Force base at Finningley as an airport, which would be a great attraction for inward investment. That is an issue which has already been identified in the annex to the regional development agencies White Paper.

English Partnerships' northern office is already situated in Doncaster. Its staff will be transferred to the RDA, and I believe that that is why we should see the RDAs' headquarters located in Doncaster.

The Bill will make a difference. It is long awaited, and it will do a great deal to alleviate the economic and social problems faced by my constituents.

11.4 pm

Mr. Yeo: We have had a valuable Third Reading debate, which was opened with characteristic bluster by the Minister for the Regions, Regeneration and Planning, whose case was rapidly and entirely demolished by my right hon. Friend the Member for Sutton Coldfield (Sir N. Fowler).

The hon. Member for Middlesbrough, South and Cleveland, East (Dr. Kumar) criticised the undemocratic nature of regional development agencies, and then said that he would support the Bill. The hon. Member for Taunton (Mrs. Ballard) criticised the qualified nature of the Bill's commitment to sustainable development, and then said that her party would support the Bill.

Of those who spoke on Third Reading, only my hon. Friend the Member for Salisbury (Mr. Key), who criticised the Bill, appeared to have the courage of his convictions in saying that he would vote against it. I was glad that my hon. Friend the Member for Meriden (Mrs. Spelman) had the chance to expose the failure of the Bill to address the real concerns that exist in rural areas.

There are two abiding themes to the Bill. The first is that it is a centralising measure. It pulls power after power back to the office of the Secretary of State. It is the Secretary of State who appoints the boards, who determines the pay of their members, and determines their pay-offs. It is the Secretary of State who decides the budget, dictates the strategy, chooses the regional chamber, controls the borrowing, and tells the agencies how to keep their accounts. The Secretary of State will decide when they will publish their annual reports, and he will even dictate the form in which the notice of the annual meeting should be drawn up. He will direct how that meeting should be conducted.

The list goes on and on. Every decision of any importance to do with RDAs will be taken by the Secretary of State.

The second theme is that the passage of the Bill was notable for the ignominious defeat of the Government's attempt to take planning powers away from elected local authorities. Only the vigilance of the Conservative Opposition prevented that spurious and fundamental threat to the role of local authorities from remaining in the Bill.

The Bill sets out nine new quangos, which many regions neither need nor want, and whose boundaries bear no relation to the communities that they are supposed to serve. Their accountability to the public is non-existent. The Secretary of State is given huge new powers, which will not help rural areas but will cause duplication of effort and lead to the waste of taxpayers' resources. The Bill should be rejected.

11.5 pm

Mr. Caborn: With the leave of the House—

Hon. Members: No.

Mr. Deputy Speaker (Mr. Michael Lord): Order. I hear dissenting voices. As the leave of the House is not being granted, I must put the Question.

Question put, That the Bill be now read the Third time:—

The House divided: Ayes 270, Noes 127.

Division No. 243] **[11.7 pm**

AYES

Adams, Mrs Irene *(Paisley N)*	Austin, John
Ainger, Nick	Ballard, Mrs Jackie
Ainsworth, Robert *(Cov'try NE)*	Banks, Tony
Alexander, Douglas	Barnes, Harry
Allan, Richard	Bayley, Hugh
Allen, Graham	Beard, Nigel
Anderson, Janet *(Rossendale)*	Begg, Miss Anne
Armstrong, Ms Hilary	Benn, Rt Hon Tony
Ashton, Joe	Bennett, Andrew F
Atherton, Ms Candy	Betts, Clive
Atkins, Charlotte	Blackman, Liz

Blears, Ms Hazel
Boateng, Paul
Bradshaw, Ben
Breed, Colin
Brown, Rt Hon Nick *(Newcastle E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Buck, Ms Karen
Burnett, John
Burstow, Paul
Byers, Stephen
Caborn, Richard
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Campbell–Savours, Dale
Canavan, Dennis
Cann, Jamie
Casale, Roger
Caton, Martin
Chapman, Ben *(Wirral S)*
Chisholm, Malcolm
Church, Ms Judith
Clapham, Michael
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clark, Paul *(Gillingham)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Cohen, Harry
Colman, Tony
Connarty, Michael
Cotter, Brian
Cousins, Jim
Cranston, Ross
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cummings, John
Cunliffe, Lawrence
Cunningham, Jim *(Cov'try S)*
Davey, Edward *(Kingston)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Davies, Rt Hon Ron *(Caerphilly)*
Davis, Terry *(B'ham Hodge H)*
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dewar, Rt Hon Donald
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Dunwoody, Mrs Gwyneth
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Fatchett, Derek
Fisher, Mark
Fitzpatrick, Jim
Fitzsimons, Lorna
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Rt Hon Derek
Fyfe, Maria
Galloway, George
Gardiner, Barry
Gerrard, Neil
Gibson, Dr Ian
Gilroy, Mrs Linda
Godman, Dr Norman A
Goggins, Paul
Golding, Mrs Llin
Gordon, Mrs Eileen
Grant, Bernie
Griffiths, Jane *(Reading E)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Harvey, Nick
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Hinchliffe, David
Hodge, Ms Margaret
Horne Robertson, John
Hoon, Geoffrey
Hope, Phil
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hughes, Kevin *(Doncaster N)*
Hughes, Simon *(Southwark N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Jenkins, Brian
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Barry *(Alyn & Deeside)*
Jones, Mrs Fiona *(Newark)*
Jones, Helen *(Warrington N)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Jon Owen *(Cardiff C)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Kaufman, Rt Hon Gerald
Keen, Alan *(Feltham & Heston)*
Kennedy, Jane *(Wavertree)*
Kidney, David
King, Ms Oona *(Bethnal Green)*
Kingham, Ms Tess
Kumar, Dr Ashok
Ladyman, Dr Stephen
Laxton, Bob
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Terry *(Worsley)*
Linton, Martin
Livsey, Richard
Lloyd, Tony *(Manchester C)*
Love, Andrew
McAllion, John
McAvoy, Thomas
McCabe, Steve
McDonagh, Siobhain
McFall, John
McIsaac, Shona
McNulty, Tony
McWalter, Tony
McWilliam, John
Mallaber, Judy
Marsden, Gordon *(Blackpool S)*
Marshall, David *(Shettleston)*
Marshall, Jim *(Leicester S)*
Marshall–Andrews, Robert
Martlew, Eric
Meale, Alan
Merron, Gillian
Michael, Alun
Michie, Bill *(Sheff'ld Heeley)*
Milburn, Alan
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Moore, Michael
Moran, Ms Margaret
Morgan, Ms Julie *(Cardiff N)*
Morgan, Rhodri *(Cardiff W)*
Morris, Ms Estelle *(B'ham Yardley)*
Mudie, George
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Norris, Dan
O'Neill, Martin
Öpik, Lembit
Osborne, Ms Sandra
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Pond, Chris
Pope, Greg
Pound, Stephen
Prentice, Ms Bridget *(Lewisham E)*
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quin, Ms Joyce
Radice, Giles
Rapson, Syd
Raynsford, Nick
Reed, Andrew *(Loughborough)*
Rendel, David
Ross, Ernie *(Dundee W)*
Roy, Frank
Ruane, Chris
Ruddock, Ms Joan
Russell, Bob *(Colchester)*
Salter, Martin
Sanders, Adrian
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Southworth, Ms Helen
Starkey, Dr Phyllis
Steinberg, Gerry
Stewart, David *(Inverness E)*
Stinchcombe, Paul
Stoate, Dr Howard
Stott, Roger
Strang, Rt Hon Dr Gavin
Stringer, Graham
Stuart, Ms Gisela
Stunell, Andrew
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Thomas, Gareth *(Clwyd W)*
Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Vaz, Keith
Vis, Dr Rudi
Wallace, James
Walley, Ms Joan
Ward, Ms Claire
Watts, David
Webb, Steve
White, Brian
Whitehead, Dr Alan
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Woolas, Phil
Wray, James
Wright, Dr Tony *(Cannock)*

Tellers for the Ayes:
Mr. David Clelland and
Mr. David Jamieson.

NOES

Ainsworth, Peter *(E Surrey)*
Ancram, Rt Hon Michael
Arbuthnot, James
Atkinson, David *(Bour'mth E)*
Atkinson, Peter *(Hexham)*
Baldry, Tony
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Body, Sir Richard
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Brady, Graham
Brazier, Julian
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Burns, Simon
Butterfill, John
Chapman, Sir Sydney *(Chipping Barnet)*
Chope, Christopher
Clappison, James
Clarke, Rt Hon Kenneth *(Rushcliffe)*
Clifton–Brown, Geoffrey
Collins, Tim
Colvin, Michael
Cran, James
Curry, Rt Hon David
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice)*
Donaldson, Jeffrey
Dorrell, Rt Hon Stephen
Duncan, Alan
Duncan Smith, Iain
Evans, Nigel
Faber, David
Fabricant, Michael
Fallon, Michael
Flight, Howard
Forth, Rt Hon Eric
Fowler, Rt Hon Sir Norman
Fox, Dr Liam

Gale, Roger
Garnier, Edward
Gibb, Nick
Gill, Christopher
Gillan, Mrs Cheryl
Gorman, Mrs Teresa
Gray, James
Greenway, John
Grieve, Dominic
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hawkins, Nick
Hayes, John
Heathcoat-Amory, Rt Hon David
Hogg, Rt Hon Douglas
Horam, John
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Johnson Smith, Rt Hon Sir Geoffrey
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lilley, Rt Hon Peter
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Luff, Peter
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
McIntosh, Miss Anne
MacKay, Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
Maples, John
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Nicholls, Patrick
Norman, Archie
Ottaway, Richard
Page, Richard
Paice, James
Pickles, Eric
Prior, David
Randall, John
Redwood, Rt Hon John
Robathan, Andrew
Roe, Mrs Marion *(Broxbourne)*
Rowe, Andrew *(Faversham)*
Ruffley, David
St Aubyn, Nick
Shephard, Rt Hon Mrs Gillian
Shepherd, Richard
Simpson, Keith *(Mid-Norfolk)*
Soames, Nicholas
Spelman, Mrs Caroline
Spicer, Sir Michael
Spring, Richard
Steen, Anthony
Swayne, Desmond
Syms, Robert
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Townend, John
Tredinnick, David
Trend, Michael
Tyrie, Andrew
Waller, Robert
Wardle, Charles
Waterson, Nigel
Wells, Bowen
Whitney, Sir Raymond
Widdecombe, Rt Hon Miss Ann
Willetts, David
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Woodward, Shaun
Yeo, Tim

Tellers for the Noes:
Mr. Stephen Day and
Mr. Oliver Heald.

Question accordingly agreed to.

Bill read the Third time, and passed.

CRIMINAL PROCEDURE (INTERMEDIATE DIETS) (SCOTLAND) BILL

Ordered,

That, in respect of the Criminal Procedure (Intermediate Diets) (Scotland) Bill, notices of Amendments, new Clauses and new Schedules to be moved in Committee may be accepted by the Clerks at the Table before the Bill has been read a second time.—*[Jane Kennedy.]*

Regions

Motion made, and Question proposed, That this House do now adjourn.—*[Jane Kennedy.]*

11.19 pm

Mr. Andrew George (St. Ives): Those who may have been drawn to this debate through love of minutiae of etymological discourse will be sadly disappointed.

I asked for this Adjournment debate because I am concerned about the general failure to distinguish between devolution and administrative regionalisation; between responding to popular consensus to devolve power to Scotland and Wales and the top-down division of the remainder into Government administrative zones, without first establishing the same community of interests or popular support.

Today's final stages of the Regional Development Agencies Bill has confirmed once again that the debate is concentrating on specific functions—access to board members, concordats, planning matters and what should happen to the Rural Development Commission's resources—so much so that we run the risk of abandoning our critical faculties.

Pinned on to the emperor's robes—in this case, the robes of the regions—will be the badges of economic development agencies, chambers and probably regional assemblies. When it is pointed out that those regions do not exist, the badges will begin to look ridiculous, quite apart from being painful to the wearer.

The Government must recognise that, with a few honourable exceptions outside Wales and Scotland, there is little or no demand for devolution in the remainder of mainland UK. Where any interest is expressed, it is largely for reasons motivated by fear—fear of being left out or left behind as opposed to a demonstration of enthusiasm for devolution and the setting up of new regions. Many towns and cities are demonstrating that point right now.

Outside Scotland and Wales, the setting up of regions would create essentially artificial and bureaucratic constructs. England has not been divided into separate political regions since the Norman conquest. Given the option today, there appears little strong evidence that the English people would prefer a more decentralised model of government than the present unitary state. Indeed, as many of my hon. Friends regularly point out, as a Cornish man and not an English man, I can take a dispassionate and objective view on this matter.

Although power is being decentralised to London, it is not decentralisation in the proper sense, but rather a tidying up and clarification of strategic decision making and planning for the London area. Other than that, it is probably only in parts of the north of England where there appears to be some concerted public demand for the decentralisation of power, which is welcome.

Yet where there is clear popular support for devolution, the Government appear to ignore it. For example, whether one calls the territory a province, a department, a region or, as many would prefer, a small nation, Cornwall is an interesting case in point. In his 1995 report to the Labour party for the Institute for

Public Policy Research, Stephen Tindale draws attention to the special status of Cornwall. He says:

"The Cornish conundrum poses a particular problem for regionalists"

and points out that, with a population of half a million, the Cornwall and Isles of Scilly region is larger than many other European regions. Like many others who have commented on this, he argued that cross-border issues are resolvable with the continuation of joint boards and ad hoc groupings. Tindale went on to argue that Cornwall should be given the option of becoming a county with regional status. He drew attention to the strong cultural and linguistic case for Cornwall, which he felt set it apart from other cases for small regions within the British state.

Whether or not Cornwall is an exceptional case, an important point of principle is established. Strong cultural traditions and identities can and should provide the platform for, rather than the obstacle to, devolution, just as they did in Scotland and Wales. In the headlong rush to set up regions, we need to be certain that we do not simply replace the bland uniformity of a centralised unaccountable state with the bland uniformity of synthetic regions based on bureaucratic convenience, thus adding to the problems rather than to the opportunities of places like Cornwall.

I urge anyone who has never noticed the Cornish pride and strong attachment to the area and wants to know what I mean to come to Twickenham on Saturday 18 April, when more than 50,000 Cornish rugby fans will take over that corner of London. I may be wrong, but I imagine that many of them know little about the rules of the game. They will be there for the county championship final not just to watch Cornwall crush whatever the opposition will be that afternoon, but as a focus for and demonstration of their pride and identity.

If, instead of being ignored, that passion was recognised as a strength and even a little of it could be bottled and used as the basis for a devolved region or province of government, a great deal could be achieved. Instead, under the current drift of policy, Cornwall and places like it face oblivion. Why?

For whose convenience are the regions being set up? With the historic opportunity of a period of significant constitutional change, why is the drawing of the regional maps so conservative? If the purpose is to ensure a substructure of government comparable to that of our European partners, why not examine the variety of regional structures on offer?

Mr. John Burnett (Torridge and West Devon): Does my hon. Friend agree that vast regions with disparate and variable per capita gross domestic products will dilute the regional assistance available for areas such as my constituency, the county of Cornwall and the constituency of my hon. Friend the Member for North Devon (Mr. Harvey)?

Mr. George: I am grateful to my hon. Friend for that intervention. I shall deal with that point later.

Germany, Italy and Spain contain regions of a variety of sizes, including some smaller than Cornwall and the Isles of Scilly.

If regions are a response to public demand, where is the demonstration of popular legitimacy? The Government have argued that adopting a largely administrative division of government zones is a convenient, ready-to-hand, off-the-shelf solution. Does the Minister recognise that that could do a great deal of harm and overlooks the great strength of building on strong regions or provinces that already exist? In some so-called regions there is more internal disagreement than community of interest. Many predict that the regions contain the seeds of their own destruction.

Mr. Lembit Öpik (Montgomeryshire): Does my hon. Friend agree that the concern that he has described has already made itself felt in Wales since the referendum on the assembly? We are seeing the danger of internecine disputes in administratively defined regions that bear no geographical similarity to what those living in those enforced regional areas feel.

Mr. George: I am grateful to my hon. Friend for that support. Many parallels can be established.

The Minister may believe that places such as Cornwall and the Isles of Scilly are too small. Is that not another case of repeating accepted wisdom without challenging it? What economies of scale are being sought? Could they be achieved through partnership and collaboration? Part of my constituency is the Isles of Scilly, with a population of 2,000. As well as being a county and district authority, the council is also the public water authority. Most of the extra costs of running the authority are due to the distance from the mainland, not problems of scale.

Larger units also bring costs. For Cornwall, any economies of scale would be far outweighed by the associated diseconomies of scale, such as the leakage of higher-paid jobs to the east and the statistical invisibility of poorer areas. Even if the case for larger areas can be proven—I do not believe that it can—issues of accountability, sense of ownership, belonging and popular legitimacy are more important than a narrow Thatcherite focus.

Some may also argue that to allow regions to define themselves would inevitably lead to disputes and some claims for absurdly small regions or provinces. On any mild inspection, those problems could be easily overcome. Clearly, no one could justify the setting up of a strategic tier of government on a scale smaller than that of the largest tier of local government for the area. Therefore, waggish claims of unilateral declaration of independence for towns and villages would not survive cursory inspection. On disputes over size, just as it is not for the people of the west of England to hold a referendum on whether Wales should have an assembly, the decision of one area to call for its own regional assembly should—or rather could—not be overturned by its neighbour deciding that it could not allow it.

I reassure the House that in this debate it is not my intention to plummet new depths of parochialism and insularity—quite the opposite. As anyone who has experienced it knows—as I do from finding out what it means to be Cornish after I left school, I am sorry to say—by understanding oneself, one is able to make clearer parallels with other groups and minorities in other parts of the world.

I understood that the Government wanted to join the celebration of diversity in a nation rich in cultures, languages, races, identities and traditions, but their proposals for regions will kill off passion and replace it

[Mr. George]

with bureaucratic blandness; suffocate identity and replace it with soulless and synthetic placelessness; submerge popular legitimacy with justification of bureaucratic convenience.

Ms Candy Atherton (Falmouth and Camborne): I was very much hoping that the hon. Gentleman would raise what for many people in Cornwall is the No. 1 issue: objective 1 status. That is in my view the answer to the many problems that the county faces. Discussion about boundaries and assemblies is way down the line in comparison with the importance of dealing with objective 1 status, securing Government support and securing support in the European Union. Does he agree?

Mr. George: Absolutely; I am coming to that point. The underlying problem is that, in the Government's impatience to set up the paraphernalia of RDAs, they must ignore proper consideration of how regions are determined. Before the process goes too far, I urge the Government to rethink. I urge them to build on the strength of identity rather than allow identities to be submerged; to initiate a profound rethink and revisit the principles represented by the Scottish and Welsh models; and to allow those parts of the country that are viewed as examples by others to bring forward their cases for regional assemblies, which includes the case for objective 1 status. If the Government recognise Cornwall's regional status in that sense, it will unquestionably enhance Cornwall's case for objective 1 status in Europe.

My final question for the Minister relates to the example of Cornwall and the Isles of Scilly, as much for their sake as for other parts of the UK that wish to establish and build on their identities. I am not hellbent on attacking the Labour Government, but I am very much hellbent on succeeding in securing objective 1 status and not losing the identities and sense of passion on which we can build local provinces. What advice, encouragement and support can the Minister offer those who want to bring forward the case for distinct regional assemblies for smaller areas and, in so doing, bolster the case for Cornwall's objective 1 status?

11.33 pm

The Parliamentary Under-Secretary of State for the Environment, Transport and the Regions (Angela Eagle): I congratulate the hon. Member for St. Ives (Mr. George) on successfully securing the opportunity to debate the Government's policy on the definition of regions. I understand that he did not vote for the Third Reading of the Regional Development Agencies Bill, although many of his colleagues did, but I hope that time will prove that his caricature of the mechanisms on which we have just voted successfully as passionless and bureaucratic is wrong. Such mechanisms offer many of the chances for diversity and regionalism that he has suggested for the future of Cornwall.

The previous Government neglected and ignored England's regions. They believed that everything could be dictated by Whitehall and that local government should dance to Whitehall's tune. By contrast, this Government have embraced local government, championed devolution and cultivated the regional agenda. We have been elected with a firm mandate to address the neglect of the previous Government.

We produced a White Paper on the regional agenda. We are setting up regional development agencies in England, which will be complemented by the steps that every region in England is now taking to establish a voluntary regional chamber. We are also giving Londoners the opportunity to have their own elected assembly and a mayor with real power and influence.

Many of England's regions are rooted in history. Some are based on geographical features, while others are based on industrial or cultural legacies. The hon. Gentleman described a particular cultural legacy in Cornwall, which has always had its own special sense of place. Even a cursory look at our history would make anyone realise what a special place Cornwall is.

I recognise that regional identity is not as marked in some areas as it is in others. As the hon. Gentleman pointed out, in the south-west, regional identity is less well established than in many other areas. Common cause has tended to be made at what, in our administrative terms, is a sub-regional level.

Cornwall, sometimes with Devon, operates as an entity distinct from the five counties in the east of the region. However, people are increasingly recognising—as I will demonstrate, this applies to the relatively disparate south-west region too—that in order for a region to make its mark and put itself in a position to improve its regional performance, there has to be the right critical mass to achieve economies of scale. What we have recognised, and what our consultations show, is that distinct economic and social regions demand new forms of governance to serve their needs.

The hon. Gentleman spoke at length about the problems of Cornwall, and I know that the county has had more than its fair share of difficulties—a decline in its traditional industries, a GDP at only 69 per cent. of the European Union average, a heavy reliance on seasonal trade, low salaries and peripherality, to name but a few.

None the less, it is important for Cornwall to look forward. It is all too easy to dwell on problems. The county cannot change its geography or its peripherality—indeed, I suspect that it revels in that—and the national minimum wage will help with the problem of low pay.

I am aware of the excellent work being done by, for example, the Cornwall "In Pursuit of Excellence" initiative, to promote the county as a place where business can compete and win in world markets. Cornwall has successfully attracted inward investment by companies such as the American-owned Harman International, Contico Europe and Pall Corporation, which are all based in the Redruth and Camborne area. We need to broadcast the good news without dwelling on, or ignoring, the bad.

How many people are aware, for example, that a printer in Falmouth has secured a £6 million a year contract to produce all the national lottery pay slips and receipts—a contract that I suspect may go on for ever—or that Allen and Heath of Penryn exports 90 per cent. of its state-of-the-art audio-mixing consoles, or that Radiocode Clocks in Helston has secured major contracts to supply the United States navy with precision time frequency and synchronisation equipment, or that Pendennis shipyard, Falmouth, exports up to 80 per cent. of its luxury yachts, some to the middle east, the United States and Australia? Cornwall can build on such successes.

I am confident that there is a determination in the county to overcome the current economic problems, and the Government will play their part in helping that to

happen. Special measures are in place to help Cornwall to overcome its economic problems. Most of the county has Department of Trade and Industry assisted area status, which can attract regional selective assistance—RSA—and west Cornwall has the highest, development area, status.

On 13 February we announced an RSA grant towards a £21 million capital investment that will create 300 new jobs in Cornwall. Including that project, we have, since April 1997, made 18 offers of RSA to companies in Cornwall. That will go towards capital investment of £35.5 million, which is forecast to create 777 new jobs and safeguard a further 86. Twelve of those projects are in west Cornwall, and will create more than 300 new jobs.

Regional selective assistance is helping Cornwall attract inward investment, and indigenous companies are being helped to invest and grow. Devon and Cornwall Development International is working hard to market Cornwall overseas. Regional partners have a key role to play in identifying and bringing forward strategic serviced sites and supporting infrastructure that will be attractive to inward investors. The regional supply office is working to develop local supply chains so that business is not lost to the region. English Partnerships is providing sites and premises needed by inward investors under its special "Factories First" programme in Cornwall and Devon.

The single regeneration budget challenge fund is supporting economic regeneration in Cornwall with £11.5 million in grant, which is expected to create many new jobs and businesses. We announced this week that we would give the West Cornwall employment programme £780,000 funding in SRB round 4—towards a £6.5 million total cost—which we hope will create some 1,000 additional employment opportunities for those most affected by the decline of traditional industries, particularly tin mining.

The whole of Cornwall is eligible for support from the European objective 5b south-west rural development programme, which, at £170 million, is the largest in the UK. The programme contributes to a south-west small business fund, co-financing English Partnerships' "Factories First" initiative and supporting rural training and information opportunities. Major projects include the private sector-led £8 million Bodmin business park, which will create 60 new business units and 477 jobs.

Mr. Andrew George: Will the hon. Lady deal with the definition of regions and objective 1 status? I appreciate her description of the successes, of which I am well aware, but how does she respond to the specific questions that I raised?

Angela Eagle: The hon. Gentleman should be patient, as I shall come to that. It is important that we remember the success stories as well as the difficulties, which can help inward investors to put matters into perspective.

A new European initiative starts this spring. More than £2 million will be available in the south-west objective 5b area to provide financial support to small and medium businesses.

I commend my hon. Friend the Member for Falmouth and Camborne (Ms Atherton) and other hon. Members from the area for their campaigning work to achieve objective 1 status for Cornwall. We recognise the very strong arguments that Cornwall is advancing for objective 1 status—with only 69 per cent. of European Union gross domestic product per head, Cornwall's needs are clear.

Cornwall will remain an objective 5b area until the current programmes expire at the end of 1999. The European Commission's detailed legislative proposals for the reform of the structural funds were published on 18 March, and will still need to be negotiated. Until there is agreement on final proposals—by the end of this year, I hope—it will not be possible to establish how individual areas may be affected. Hon. Members can be certain that the Government will seek to secure the best outcome for Cornwall and other parts of the UK.

We also await Eurostat's decision on whether to accept the Government statistical service's proposal that Cornwall should be a separate nomenclature of units of territorial statistics level 2 region—that is a funny way in which to say that Cornwall should qualify for objective 1 support.

The hon. Gentleman asked about regional boundaries. The boundaries of the Government offices are based on local authority boundaries, which reflect historical identities. We intend to build on the success of the Government offices—the boundaries of the new regional development agencies will be based on the Government office boundaries. There are sound policy reasons for that—the boundaries are well established for economic purposes, and we think that it makes sense to base RDAs on them. We believe that that is the most workable option, given the wide range of functions and responsibilities that RDAs will have.

In response to the hon. Gentleman's question, the average size of regions across Europe is a population of about 5 million. That seems to be about the right critical mass to achieve a proper strategic overview, successfully to attract investment and to promote healthy competitiveness. A region needs to be big enough to be effective and to allow the right economies of scale. That will ensure that the benefits that we expect from RDAs will be forthcoming.

We believe that each of England's regions should be in a position to reap the benefits of having an RDA. In the south-west, preliminary moves to establish a regional chamber are well advanced. Leaders of all 51 local authorities of the region agreed at a meeting on 27 February to the establishment of a chamber with representatives of about 20 of the social partners. At the same meeting, it was also agreed in principle to set up a regional local government association, possibly in the early summer.

Sub-groups have been set up to examine voting arrangements and the relative level and division of social partner representation, and I understand that, if all goes well, there will be a formal launch in June. Of course, I give all the partners in the south-west my whole-hearted support for their efforts and hope for a successful outcome to their deliberations.

[Angela Eagle]

We would not want to accede to a review of RDA boundaries at this stage. That would only fuel any disagreement and rivalries within regions, when preparing for RDAs should be the priority. The Bill itself has created a momentum, even in those regions without a strong traditional regional identity.

My hon. Friend the Minister for the Regions, Regeneration and Planning and I have visited all the regions on more than one occasion to hear at first hand the views of stakeholders on our proposals. There is overwhelming support for them, and every region in England is taking steps to form a regional chamber. Some, of course, already have one.

Some commentators have suggested that our proposals for RDA boundaries are too strict to allow co-operation to take place across or, indeed, within them. The hon. Member for St. Ives spoke about the importance of sub-regional arrangements and hinted that there would be oblivion for Cornwall in the RDA. I disagree with that. Sub-regional arrangements are not only possible but should be encouraged in the new structure. I could not agree more that such arrangements are important, and I assure the hon. Gentleman that there will be flexibility for the RDAs to respond to pressures from within, as well as, in some instances, across, RDA boundaries.

We are not devolving power to the regions only to dictate policy from the centre, but we expect attention to be paid to the internal sub-regional realities. Cornwall will be best served by a single powerful RDA for the south-west, providing the strong voice and clout that it needs, but with robust sub-regional arrangements.

The new regional development agency for the south-west will have an important role to play in helping to strengthen the local economy in the longer term. The introduction of RDAs is central to our work on improving competitiveness. The legislation is evolutionary, and we expect RDAs to make their own way and decide how best to deal with the regional and sub-regional realities.

To be successful, the RDA must have the confidence and co-operation of the whole region, but it must also represent and respond to local needs and interests. Its economic strategy will need to address regional economic disparities through regeneration as well as wealth creation, and it must reflect a proper balance between rural, urban and coastal needs.

An RDA provides the south-west, alongside other regions, with a major opportunity to bring direction and coherence to the task of improving regional competitiveness while recognising and respecting diversity. The region must grasp the opportunity, and that requires focusing whole-heartedly on developing partnership, integration and co-ordination of effort.

The responses to the RDA consultation from partners in the south-west show that they recognise the need to work together and improve the competitiveness of the less well-developed economies in the region. Now is the time for the region to put that into practice, through the RDA. I look forward to watching its progress.

Question put and agreed to.

Adjourned accordingly at thirteen minutes to Twelve midnight.

House of Commons

Thursday 2 April 1998

The House met at half-past Two o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

NAREY INQUIRY

Ordered,

That an humble Address be presented to Her Majesty, that she will be graciously pleased to give directions that there be laid before this House a Return of a Report of an inquiry into the escape of a prisoner from HM Prison Maze on 10th December and the shooting of a prisoner on 27th December 1997.—[*Mr. Betts.*]

Oral Answers to Questions

TRADE AND INDUSTRY

The President of the Board of Trade was asked—

Fuel Prices

1. **Mr. Home Robertson:** If she will make a statement on the availability and price of ultra-low-sulphur diesel at urban and rural retail sites. [35973]

The Minister for Science, Energy and Industry (Mr. John Battle): I expect the availability of ultra-low-sulphur diesel fuel to increase following the changes in the relative levels of excise duty between that fuel and conventional diesel that were announced in the Budget recently. The price at which the product is sold is a matter for the retailers.

Mr. Home Robertson: The new incentive in the Budget for drivers to use ultra-low-sulphur diesel fuel should have been good news. Is my hon. Friend aware that there was less rejoicing in my constituency than there might have been because the fuel is not available for sale anywhere in East Lothian? I understand that virtually all of it is imported and that very little gets as far as Scotland. Will my hon. Friend take the oil companies firmly by the throat at the earliest opportunity and tell them to stop discriminating against consumers in rural areas in general, and Scotland in particular, and to ensure that this excellent product is available on forecourts throughout the country?

Mr. Battle: I welcome my hon. Friend's question. Ultra-low-sulphur diesel is known as city diesel fuel and is available from supermarkets—the main retailers at the moment—in towns and cities. I accept what my hon. Friend says about rural areas. If the differential is not a sufficient incentive to produce a positive bias in favour of providing the fuel, I shall push the matter further. I know that the Scottish Office recently undertook a study of rural petrol stations, and the report is expected in May. Let us hope that that is another means of taking the measure forward in Scotland as well, since it will have a positive environmental impact.

Low Pay Commission

3. **Mr. Levitt:** When she last met the chairman of the Low Pay Commission. [35975]

The Minister of State, Department of Trade and Industry (Mr. Ian McCartney): My right hon. Friend the President of the Board of Trade last met Professor George Bain, chairman of the Low Pay Commission, on 11 February 1998.

Mr. Levitt: Is my hon. Friend aware that, in my constituency, there are 4,500 families on family credit, and that throughout the east midlands, no fewer than 87,000 people are working for a rate of £2.50 an hour or less? Is he further aware that the national minimum wage will work to improve the welfare of those families? Does he agree that any softening of the line on the national minimum wage from the Leader of the Opposition—even if not from the shadow Secretary of State, the right hon. Member for Wokingham (Mr. Redwood)—is welcome, even though, coming from the party which abolished the wages councils, it will be regarded with incredulity?

Mr. McCartney: My hon. Friend is absolutely right. One of the main reasons why the activities of the Low Pay Commission are so welcome is that they give us an opportunity to implement what is a major manifesto promise at an early stage. It is interesting that, since the weekend, the former Secretary of State for Wales, the right hon. Member for Wokingham (Mr. Redwood), has remained silent for once. He has not yet given a commitment to support his right hon. Friend the Leader of the Opposition by ditching his opposition to the minimum wage and accepting that now, without any doubt, the policy is overwhelmingly supported throughout Britain—and seemingly also within the Conservative party.

Mr. Fabricant: Before the Minister begins his normal high-pitched tirade, may I say that I have always felt that a minimum wage is no bad thing in terms of protecting the least able in our society? Why does he not accept the model which exists in the United States, about which the Prime Minister has repeatedly spoken with much affection? In the United States of America, the national minimum wage varies by region, and people are exempt on grounds of youth or if they work in certain industries, such as tourism. What does the chairman of the Low Pay Commission have to say about what the minimum wage should be in Northern Ireland, as compared with the south-east of the United Kingdom?

Mr. McCartney: I will do a deal with the hon. Gentleman: if he does not mention my accent, I will not mention his hair.

Mr. Campbell-Savours: It's not his hair.

Mr. McCartney: My hon. Friend says from a sedentary position, "It's not his hair," but I would not be so cruel as to suggest that. The hon. Gentleman is trying

hard to defend the indefensible, but the British people want the national minimum wage to meet the needs of the low paid. That is why the Low Pay Commission will make its recommendations by the end of May and why, soon afterwards, the Government will implement the national minimum wage.

Mr. Boswell: Every time Conservative Members identified a difficulty with the minimum wage in Committee, the Minister of State referred the matter to the Low Pay Commission. Will he now defer consideration of the Bill in Committee in another place until the Low Pay Commission has reported next month, when it will be clear to everyone whether, as usual, he has been rolled over and has had to accept a compromise figure of, for example, £3.60 per hour?

Mr. McCartney: I am a difficult person to roll over—although once I start rolling, it is hard to stop me. The answer to the hon. Gentleman's question is no. We have made it clear that, in implementing the Low Pay Commission's recommendations, we will return to the House with secondary legislation, which will be subject to the affirmative resolution procedure—at each stage, the House can debate and take a view on implementation of the minimum wage.

Competitiveness

5. **Jacqui Smith:** If she will make a statement on the impact of the Chancellor's Budget measures on the competitiveness of British companies. [35977]

The President of the Board of Trade and Secretary of State for Trade and Industry (Mrs. Margaret Beckett): The Budget will have a positive impact on the competitiveness of British companies. Business needs economic stability, which my right hon. Friend the Chancellor made a key theme of his Budget statement. The Budget also contained a number of practical measures to promote competitiveness through long-term investment and enterprise, such as further cuts in corporation tax rates, the abolition of advance corporation tax and the reform of capital gains tax. The Budget will also encourage work and create a fairer society.

Jacqui Smith: I recognise the challenges that British business faces as a result of the high value of the pound, but does my right hon. Friend agree that the clear differences between the Government and an opportunistic and inconsistent Opposition are shown in their respective approaches to the issue? The Opposition are proposing short-term panic measures, with little economic rationale or consistency, whereas the Government have, in the Budget, reduced corporate tax, reformed the tax system and cut regulatory burdens, all of which will improve the long-term competitiveness and success of British business.

Mrs. Beckett: My hon. Friend is entirely right. She identifies a major theme of the Chancellor's approach and of the policies that he has already implemented. Unlike the Conservative party, we do not merely talk about the long-term national interest; we act to secure it.

Mr. Breed: There has been much concentration on the problems that exporting companies face as a result of the current value of the pound, but have the Government considered the problems of companies that are competing against imported products, which are now obviously much cheaper? Such companies find themselves at an extreme disadvantage.

Mrs. Beckett: We take account of all aspects of the impact of the level of sterling. The hon. Gentleman will know that we believe that we should strive to make the exchange rate not only stable but competitive. He will also be aware that it is not easy in the short term for Governments to influence these things. It is right, however, to take measures to create long-term stability, and that is what we are doing.

Mr. Alan W. Williams: Will my right hon. Friend initiate discussions not only in her Department and with the Chancellor, but in Cabinet, about the strength of sterling, which has become Britain's primary economic problem? Does she recall that between 1979 and 1981, when the pound became a petrol currency, 2 million jobs in manufacturing industry were lost as a result of its overvaluation? Moreover, between 1989 and 1992, the pound was valued in the exchange rate mechanism at DM2.95, which was not competitive and produced a second recession. Now that the pound is valued at DM3, Britain is again not competitive. That is a vital problem—we cannot achieve economic stability when sterling is at this level.

Mrs. Beckett: I understand my hon. Friend's concern, and he is entirely right to draw attention to the Conservative party's record. Manufacturing output has risen, on the latest figures, despite the difficulties that he identifies.

Mr. Redwood: Has the President of the Board of Trade now read the Budget documentation, which shows that the corporation tax changes will cost British business £4.6 billion more—not a cut, but an increase—over the lifetime of this Parliament? Has she seen that the national insurance changes mean a big increase in the cost of employing anyone other than those on low pay? Does she not realise that that is taxation by stealth, and taxation of jobs? Does she not see that it is taking money away from companies that desperately need it for research and development and for investment for more jobs at a time of unprecedented pressure on manufacturing?

Mrs. Beckett: I take the right hon. Gentleman's point about companies needing money for investment and research, which is why the Government are taking steps to give them incentives to support both investment and research and development, which is more than the previous Government did.

The right hon. Gentleman asked whether I had looked at the Red Book and the figures for the changes in corporation tax over the lifetime of this Parliament. He must be well aware that, while the changes in corporation tax will have an impact in the short term, in the long term there will be a substantial reduction in payments of corporation tax, of the order—from memory—of £2 billion a year. That is why the Budget's overall impact has been so warmly welcomed by business.

Mr. Sheerman: My right hon. Friend will know how widely British businesses, and especially those who are

engaged in innovation and investment with universities, have welcomed many of the measures in the Budget. Will she continue the pressure from her Department to get a deal similar to the overseas development deal, whereby if individuals or companies put money into university research they get a partnership, in the form of a tax bonus or some tax back, that will encourage the vital growth of innovation that links private sector business with our excellent university research capacity?

Mrs. Beckett: I know that my hon. Friend plays a huge role in promoting British manufacturing and research and development. He will be aware of the many steps that the Government are taking to encourage industry, and people in the science and engineering base in universities and beyond, to work together, including the announcement of the university challenge programme in the Budget. I entirely share the view that that is important and will promote Britain's long-term competitiveness. I assure him that we shall continue to act in that way.

6. **Mr. Baldry:** What assessment she has made of the impact of the value of sterling on the competitiveness of United Kingdom exports. [35978]

Mrs. Beckett: The Government understand the difficulties that exporters face as a result of the level of sterling, but competitiveness depends on a range of factors. The Budget introduced several measures to create a tax system that promotes entrepreneurship and long-term investment. My Department is working in partnership with business to address other issues central to the competitiveness of British industry.

Mr. Baldry: Is the President of the Board of Trade aware that many hon. Members will have received a briefing today from the aluminium industry, representing companies such as Alcan in Banbury, which says:

"Many exporting companies are now at or beyond the point of zero margin, a situation compounded by the fact that some traditional Far East markets have disappeared completely. Increases in interest rates continue to exacerbate the situation"?

It is hardly surprising that yesterday's *Financial Times* found that the west midlands is a heartland on the brink of recession. The Birmingham chamber of commerce reports that exports from Birmingham companies are still at "dangerously low levels". [HON. MEMBERS: "Reading."] I am surprised that Labour Members—

Madam Speaker: Order. The latest report from the Modernisation Committee allows hon. Members to quote, so the hon. Gentleman is perfectly in order.

Mr. Baldry: I am sorry that Labour Members are so apathetic about what is happening in Birmingham and what its chamber of commerce reports: that while the pound stays so strong, exporting companies in Birmingham and the west midlands will remain on the brink of recession. What do the Government intend to do to ensure that this country is not driven into recession because of the Chancellor's unwillingness to take any action on the level of the pound?

Mrs. Beckett: I listened with care to the hon. Gentleman and, of course, I have considerable contacts, though I have not seen the Alcan report to which he referred. Of course we understand the concerns expressed in many parts of the country, although, as I pointed out, manufacturing output has just risen again. It is interesting that he and other Conservative Members express such concern about the level of sterling and its impact on manufacturers. Where was he when, under the previous Government, sterling reached levels that it has not yet reached today when the then Chancellor was shadowing the deutschmark? Where was he when interest rates rose to 15 per cent.? Clearly, he was not on the Opposition Benches.

Mr. Skinner: I wonder whether we can get to know exactly what the Tory policy is on the pound. They seem to be gradually coming round to the view that they want a weak pound. I would like to know from my right hon. Friend what are the values of a weak pound. The Tories devalued after black Wednesday, 16 September 1992, when they lost £10 billion in an afternoon, and never went near a betting shop. The Chancellor of the Exchequer sent for a radio to find out what was happening outside on the stock exchange. The Prime Minister locked himself in the lavatory. I do not want to go back to those days. Will my right hon. Friend say what are the values of a weak, devalued, Tory pound?

Mrs. Beckett: My hon. Friend makes some powerful points with his customary verve. I feel entirely unable to answer on behalf of the Conservative party. We gave the right hon. Member for Wokingham (Mr. Redwood) the opportunity in a debate only a few days ago to say what the Conservatives' policy was and what they proposed should happen. I had the distinct impression, from what he did not say, that their policy was to put up taxes, which he is perhaps unwilling to admit. We are well aware that the Conservative party had no answer for these issues in government any more than it has in opposition. As I am sure my hon. Friend knows, 70 per cent. of the increase in the value of sterling, about which Conservative Members now complain, took place under their Government before the general election.

Sir Peter Tapsell: As a Member who at the time publicly opposed the policy of shadowing the deutschmark and joining the exchange rate mechanism, may I ask the right hon. Lady if she would have a quiet word with her esteemed colleague the Chancellor of the Exchequer and explain to him, as I tried to do in the early days of this Parliament, that if control of fiscal policy is separated from that of monetary policy by putting fiscal policy under elected politicians and monetary policy under appointees, whether economists or bankers, the invariable and inevitable result must be higher interest rates and lower taxes than would otherwise be the case? The ultimate price for that is paid in manufacturing and unemployment levels.

Mrs. Beckett: I respect the hon. Gentleman's record in drawing those concerns to the attention of his colleagues, but he talked of record interest rate levels. We are not remotely near the levels—

Sir Peter Tapsell: Not yet.

Mrs. Beckett: Not yet? We are at less than half the level of interest rates under the previous Government.

On whether such a course inevitably leads to lower taxes, I have too much respect for the hon. Gentleman's ability and experience not to know that he is perfectly aware that fiscal measures can encompass more than taxation. Indeed, I recall that, over many years, he has called for fiscal measures to tighten public expenditure. I believe that not even he is complaining about the tightness of public expenditure or the management of the fiscal stance under this Government.

Mr. Winnick: The value of the pound is rather high and is undoubtedly causing difficulties, not least in the west midlands, and my right hon. Friend will no doubt take that very much into consideration, but do the Government need any lectures from the Conservative party, during whose 18 years in office 2.5 million manufacturing jobs were lost, not least in the west midlands? Surely they are the last people to lecture us on job losses.

Mrs. Beckett: My hon. Friend is right. The difficulties in the west midlands under the previous Government, of which he rightly reminds us, arose as a result of deliberate Government policy in seeking to drive up the level of sterling and keep it high. We saw exchange rates, interest rates and job losses then that we are not seeing today.

Mr. Redwood: The Government tell us that they are creating a stable and competitive exchange rate. [HON. MEMBERS: "What's your policy?"] I will tell hon. Members our policy: promote savings, do not tax them. That is what the Government need to do at the moment. Yet so far under the Labour Government sterling has risen by 11 per cent. against the deutschmark and by more against other important European and Asian currencies. The pound is clearly uncompetitive at those levels, as any industrialist will tell the right hon Lady. So will she tell us what today's policy is? Is it to make the pound stable at those uncompetitive levels or does she wish to make it competitive by getting it down from those levels? How does she intend to do either? The truth is that it is out of control and the Government are destroying manufacturing as a result.

Mrs. Beckett: I find it extraordinary that the right hon. Gentleman has the gall to carry on like that when he knows perfectly well that he was a member of a Government who drove interest rates to levels twice those that we see now and saw sterling, as a deliberate act of Government policy, at levels above those that we see now. Yes, our policy is to promote long-term stability and to have in that long term a stable but competitive pound. Long-term interest rates, as a result of what the Government are doing, are lower than short-term interest rates. That is a clear sign that we are going in the right direction. The record of the Conservative party on these matters is absolutely catastrophic and it is extraordinary that it has the gall to raise it.

Small and Medium-sized Companies

7. **Mr. Darvill:** What measures her Department has taken to encourage small and medium-sized companies to expand their export business. [35979]

The Minister for Small Firms, Trade and Industry (Mrs. Barbara Roche): My noble Friend the Minister for Trade, the Minister of State, Foreign and Commonwealth Office—my hon. Friend the Member for Leeds, Central (Mr. Fatchett)—and I launched, on 25 March, a new package of measures to help smaller companies to export. These included export explorer, aimed at helping new and inexperienced exporters to break into European markets, and a new internet-based service for matching overseas customers with British suppliers.

Mr. Darvill: Does my hon. Friend agree that those measures show that her Department is working in partnership with business to influence competitiveness, unlike the previous Government, who constantly failed to listen to business and rode roughshod over its concerns?

Mrs. Roche: Yes, of course I agree with my hon. Friend. I thank him for his remarks. We wanted to add to the many excellent small and medium-sized firms that have a good export record new firms which could benefit from some targeted assistance. The proposals have gone down extremely well. We are determined to pursue them. We believe that they will add to the competitiveness of the United Kingdom.

Mr. Ian Taylor: Given that small and medium-sized companies are sensitive to movements in the pound, does the Minister recognise that in fact Governments do have some influence on the pound—first by giving a guide to the market that there is a measured timetable for entry into the single currency and, secondly, by indicating that if there is a single monetary policy, whether within the United Kingdom or within the European Union, greater emphasis needs to be put on management of the fiscal balance, especially incentives to save? That is available to Her Majesty's Government.

Mrs. Roche: I note what the hon. Gentleman has to say. Of course, he was a Minister—indeed, a Minister at the Department of Trade and Industry—in the previous Government. He was equally responsible for the record of the previous Government, who went from boom to bust and then back again. What the hon. Gentleman has just espoused is clearly not the position of his Front-Bench colleagues. That is presumably why he left the Front-Bench team. May I again say, as my right hon. Friend the President of the Board of Trade has said, that we are planning for the long term. What small firms want to know above all is where they will be not only tomorrow but in the next six months. That is what his Government failed to do and we are determined to deliver it.

Mr. Pike: Do not small and medium-sized firms increasingly want to be involved in the export business and to employ more people? One of their worries is that, as a result of the previous Government's record, we are not able to go into the single European currency. They are worried about what will happen when the euro is introduced and we are not able fully to influence exchange rates because we are outside it.

Mrs. Roche: My hon. Friend makes some good points. The previous Government's astonishing lack of preparation let down British businesses. This Administration have gone in, picked up the pieces,

and made sure that we put practical measures in place. What is important is that we concentrate on our small and medium enterprises and provide them with a targeted focus. It was the Conservatives' failure on small businesses that drove them to vote for this Government last May.

Mrs. Gillan: The Minister needs to face reality and understand that even her best-intended efforts are failing, because the Government are making it increasingly difficult for small firms to expand their exports. Has she had time to look at the NatWest quarterly survey, which shows that more small firms expect to cut employment in the first quarter of 1998 than to increase it? Has she read this week's Office World survey, which shows that the performance of small firms has slowed at a record rate during the last quarter; that small firms have experienced a reduction in turnover on a scale not seen since the survey began in 1994; that manufacturing is down by 15 per cent.; that 60 per cent. of companies report no growth or a decline in orders; and that Labour's support has fallen to its lowest level since November 1994? Is it not obvious that the honeymoon between small businesses and the Labour party is now over and that the Government are proving disastrous for small businesses?

Mrs. Roche: I noticed that, in the list of purported facts the hon. Lady quotes, she did not mention the Office World survey figure that showed that the party that enjoyed the greatest support among small businesses was the Labour party—she seems to have forgotten that. Can that be the reason why, not so long ago, the hon. Lady told *The Sunday Times* that the Conservative party had lost the small business vote and that, because the Conservatives had got it wrong last time, people would be seeing few policies from her? The Labour party is absolutely determined to help small and medium businesses, which is why we have taken all the measures we have.

National Minimum Wage

8. **Mr. Drew:** If she will make a statement on progress towards implementing a national minimum wage. [35980]

Mr. Ian McCartney: The Government are making excellent progress towards introducing a statutory national minimum wage for the first time in the United Kingdom during this Session of Parliament. The National Minimum Wage Bill had its Second Reading in another place on Monday 23 March.

Mr. Drew: I thank my hon. Friend for that statement. Does he accept that the national minimum wage is widely welcomed in Stroud, especially by those decent businesses that aim to pay a fair wage, in marked contrast to those rogue employers who exploit their employees? Does he also accept that those decent businesses find their natural home in the Labour party, unlike those rogues and exploiters who gain solace only in the Conservative party?

Mr. McCartney: I thank my hon. Friend for those comments and congratulate him and my hon. Friend the Member for High Peak (Mr. Levitt), who have campaigned long and hard for the introduction of a national minimum wage. In the south-west, 90,000 people earn less than £2.50; and in the constituency of my hon. Friend the Member for Stroud (Mr. Drew), 1,300 families are so poor at the end of the week because of low pay that they have to rely on in-work benefits to survive. That is why at the last election the British people, in droves, supported the Labour party pledge to introduce, as a matter of urgency, a national minimum wage. I repeat the question asked of the Conservative Front Benchers: why have they not, in connection with any of the questions asked about low pay, come to the Dispatch Box and supported their own leader's decision to do a U-turn and support the national minimum wage?

Mr. Prior: Does the Minister expect the national minimum wage to increase jobs or reduce them?

Mr. McCartney: The national minimum wage, set at a proper level, will be a job creator, not a job loser. During the period in which the national minimum wage was introduced and uprated, the United States has created more than 11 million new jobs. There is no evidence whatever that an appropriately set minimum wage will cost jobs, but it will give low-paid workers an opportunity to purchase goods and services that they cannot currently afford. Does the hon. Gentleman know of any country in the world where a national minimum wage for hairdressers has stopped that country's people having a haircut? It is absolute nonsense to suggest that people will lose out by the introduction of a national minimum wage.

Industrial Relations

11. **Barbara Follett:** What steps her Department is taking to promote co-operation between employers and employees in the workplace. [35983]

Mr. Ian McCartney: The Government are committed to decent, minimum standards of employment for all, underpinned by partnership at work. That is the best route to competitiveness.

Barbara Follett: I thank the Minister for that reply. Does he agree that recent initiatives by large employers such as British Aerospace and Tesco to improve workplace co-operation show that the present Government, unlike the Conservative party, are in touch with the needs of British business?

Mr. McCartney: My hon. Friend is absolutely right. I join her in congratulating businesses on those initiatives. I also congratulate my hon. Friend because I understand that, this morning, her daughter Kim had a baby girl of 6 lb 9 oz. As a grandfather, I should like to congratulate my hon. Friend, and I shall send her a bottle of best Californian red, called Redwood. It is very drinkable, unlike the right hon. Member for Wokingham (Mr. Redwood), who is not very eatable.

The Government are absolutely committed to the principles and concepts of partnership in the workplace. Employees deserve to be treated fairly in the workplace, whether or not they are in a union. Joint efforts between management and employees to develop the business are the best way forward for British industry. That is why, overwhelmingly, in Britain, good business thrives where

businesses treat their staff appropriately. I add as a footnote that 88 per cent. of top companies in Britain recognise trade unions.

Mr. Chidgey: In the context of the Minister's last remark, does he recall the Labour party manifesto pledge that trade union recognition would be a legal right where a majority of the relevant work force voted in favour? I am sure that the whole House would be grateful if he would take the opportunity to define for us what he means by "relevant".

Mr. McCartney: We gave a commitment at the general election, and we will honour it. Discussions taking place between the Trades Union Congress and the Confederation of British Industry will produce, in the first half of this year, a White Paper, leading to legislation to introduce recognition in the workplace. That measure will be a major achievement in co-operation between both sides of industry.

I repeat that the purpose of the Government's drive for fairness and minimum standards in the workplace is to introduce a new culture in Britain: a culture of partnership. The "Fairness at Work" White Paper will be a major component in driving that policy.

Mr. O'Neill: Does my hon. Friend agree that one of the surest ways of ending co-operation and partnership is to facilitate derecognition of trade unions? Therefore, will he do all that he can in the forthcoming weeks to ensure that firms with very few employees will still be able to enjoy the full fruits of trade union membership?

Mr. McCartney: The Government's policy is clear. We want to ensure that, in the workplace, individuals have the right, not only to join a union, but to enjoy the opportunities for that union to represent them in the workplace. The "Fairness at Work" White Paper will provide an opportunity to make it clear how that fits into the Government's strategy and policy on trade unions. It is also true that we want to encourage, throughout industry, partnership arrangements that bring workers, trade unions and employers together, to develop their enterprise and make it successful. My hon. Friend can rest assured, therefore, that the Government support and promote the interests of people in the workplace, and the idea that those interests should be represented by trade unions.

Mr. St. Aubyn: Given that, this week, on a visit to an employment centre in Penryn in Cornwall, the Education and Employment Select Committee found that there were virtually no jobs on offer at a rate of more than £3.50 an hour, does the Minister accept that, unless the minimum wage is set at a much lower figure than that, in areas such as Cornwall there will not be so many employees in the workplace?

Mr. McCartney: There is another hon. Member who disagrees with his leader. The hon. Gentleman wants to introduce wage cuts in the workplace. The Low Pay Commission has visited every region in the United Kingdom—Scotland, Northern Ireland, Wales and the south-west—has taken evidence and, at the end of May, will set out its recommendations. Hon. Members can rest assured that, when the commission produces those recommendations, I believe that British employers will accept them overwhelmingly and will move quickly to implement a successful national minimum wage.

Research and Development

12. **Mr. Jim Cunningham:** If she will make a statement on her Department's policy towards encouraging research and development in British companies. [35984]

Mr. Battle: The Government recognise, and publicly acknowledge, the importance of encouraging research and development as an absolutely vital component of innovation and improved competitiveness.

Mr. Cunningham: What responses has my hon. Friend received, first, from industry and, secondly, from universities regarding research and development? The previous Government decimated the west midlands. Several hon. Members led deputations to former Tory Ministers to discuss that matter, but we received no response. As a result, some highly paid engineers in the west midlands became shelf-stackers at Sainsbury's.

Mr. Battle: I am grateful to my hon. Friend for that question. From day one, we have worked to strengthen investment in United Kingdom research and development and to build a partnership with industry and academia. We have invested in measures such as the joint research equipment initiative. We have pushed forward the foresight link awards, and my right hon. Friend the Chancellor announced the university challenge in the Budget. Those measures have been welcomed by industry and by universities as a way of turning the corner and reversing the cuts in research and development that were made by the previous Administration.

Mr. Gibb: How does the Minister believe that raising the employers' national insurance contribution rate from 10 per cent. to 12.2 per cent., as announced in the Budget, will help companies that are engaged in research and development?

Mr. Battle: I am amazed by Opposition Members: they suffer from permanent amnesia. The Conservative Government cut research and development. Their figures show that there was a 6 per cent. reduction in Government spending on R and D and a 3 per cent. reduction in business spending on R and D under the previous Administration. Our measures will strengthen industry. We will encourage business to look to the longer term and to invest in research as a means of achieving a long-term future. Our fiscal measures go some way to underpinning that, which is why they were warmly welcomed.

Domestic Accidents

13. **Audrey Wise:** What steps she is taking to ensure that publicity is given to the dangers to pre-school children of burns and scalds in the kitchen. [35985]

The Minister for Competition and Consumer Affairs (Mr. Nigel Griffiths): On 24 February, the Department of Trade and Industry launched its safety awareness campaign to alert parents to the hazard of burns

and scalds in the home. Some 3,500 pre-school children are injured and end up in hospital every year as a result of such accidents. The campaign involved distributing 2 million safety leaflets and screening four television advertisements to illustrate the hazards.

Audrey Wise: I thank my hon. Friend for launching that campaign. I know that he shares my concern about the safety of small children. He is undoubtedly aware that some of the nastiest accidents occur when small children pull pans off cookers. Is my hon. Friend also aware that it is possible to buy pan guards to stop that happening? However, those pan guards are sold as separate add-ons of which most people are totally unaware. Will my hon. Friend ask manufacturers to include integral pan guards in new cooker designs or attempt to get pan guards accepted as a British standard? Does he agree that manufacturers should accept more responsibility for the safety of their products?

Mr. Griffiths: The House, and indeed the country, will be grateful to my hon. Friend for highlighting that specific problem and drawing it to the attention of parents, grandparents and others who are responsible for children in the kitchen. I shall certainly ensure that my hon. Friend's concerns are reflected in the Government's policy and are communicated firmly to all those responsible for manufacturing and distributing cookers.

Dr. Julian Lewis: Does the Minister accept that, if he spent a little less time writing questions for his hon. Friends to ask, he might be able to write better answers for himself?

Mr. Griffiths: I would have found the hon. Gentleman much more convincing if I had not seen the hon. Member for Buckingham (Mr. Bercow) pass him a note at the beginning of Question Time prompting him to ask that ridiculous question.

Mrs. Gilroy: Some of the nastiest burns arise from firework accidents. Has my hon. Friend any plans to build on the highly effective campaign—

Madam Speaker: Order. I am sorry—we have not moved to the bonfire; we are still in the kitchen.

Innovation

15. **Mr. Purchase:** If she will make a statement on her Department's policy towards encouraging innovation in British companies. [35987]

Mr. Battle: Innovation is the key to competitiveness, and businesses need to innovate if they are to succeed.

Mr. Purchase: Does my hon. Friend agree that, despite the previous Administration's wilful neglect of our science base, we none the less continue with important work in the scientific field? Does he also agree that British firms have traditionally been rather poor at innovation, with good ideas being sold abroad in order to get the innovation on to the market? Will he assure the House that much of the red tape introduced by the Conservatives for grant qualification purposes will be swept away by the Government, in order to give an incentive to our firms to get the products that we so splendidly discover and develop on to the market in good time?

Mr. Battle: My hon. Friend has for all his years in the House championed the cause of manufacturing and engineering. Not only will we remove barriers; we will positively promote innovation. That is why we are promoting the millennium products initiative and the foresight link initiative. Across the road in Horseguards parade there is an exhibition, Powerhouse::UK, which sets out the innovative products and processes that will lead us through to the 21st century. There are innovations in engineering, biotechnology and communications. It is a showhouse of what can be achieved with positive support.

Mr. Nicholas Winterton: Clearly, the Government are strongly of the view that innovation and research and development are essential to the future success and competitiveness of British manufacturing industry. Is it not true, however, that to innovate and to undertake research and development requires money? Frequently, manufacturing industry needs to borrow money to undertake innovation, research and development. Currently, the level of interest rates in the United Kingdom is not particularly helpful to the future success of manufacturing industry or its competitiveness. What measures can the Board of Trade take to mitigate the effects of the high level of interest rates, to ensure that what the House wants—the success of manufacturing industry—can be fully achieved?

Mr. Battle: The hon. Gentleman, too, has a record of campaigning for manufacturing industry. Of course the interest rates are worrying. However, the information is patchy. A report by the Chartered Institute of Purchasing and Supply this morning states that manufacturers have continued to defy the ravages of a strong pound, so it is not true that all is lost. We will continue to promote innovation and underpin it with fiscal measures.

The consultation document "Innovating for the future—investing in research and development innovation" is of paramount importance to find new partnerships and new ways to ensure that companies invest in the longer term. Some companies such as pharmaceuticals do, but we have a long way to go with many other companies to ensure that they move forward into the 21st century.

Mr. Reed: Does my hon. Friend agree that British innovation has too often led to manufacturing success for other countries? I thank him and his Front-Bench colleagues who have visited Loughborough university in recent months. I issue an invitation to those who have not yet made it to Loughborough to see the excellent innovation work that is going on. Will my hon. Friend join me in congratulating our right hon. Friend the Chancellor of the Exchequer in making available £50 million-worth of innovation money, which I know from my discussions with Loughborough university was greatly welcomed? It will lead to more job creation from small innovative ideas that have worldwide links. Two companies that Ministers have already visited in my constituency have created 150 jobs from two simple ideas.

That is how we shall create jobs for this country. I hope that my hon. Friend will join me again in a visit to Loughborough university.

Mr. Battle: I am grateful to my hon. Friend, and I welcome his invitation. It is good to hear that the university challenge scheme and other such measures are already working through. The initiatives that we are taking will have a positive effect.

Mr. Stunell: Does the Minister recognise that innovation is difficult for companies that face the random effects of the anti-dumping textile levy? A company in my constituency, Strines Textiles, is facing 100 job losses, not innovation, as a result of the levy. Will the Minister give an assurance that the Government will be strongly behind Strines Textiles' fight to get this temporary levy lifted as soon as possible so as to protect jobs in my constituency?

Mr. Battle: We fought hard and consistently on the measure to which the hon. Gentleman refers and we shall continue to do so to ensure that our industries are not unfairly priced out of the market. We have a consistent line on these matters. We have registered our objections and we shall continue to do so where unfair trading occurs.

Consumer Credit

16. **Dr. Vis:** What plans she has to consult consumer ' groups about reforms to consumer credit legislation. [35988]

Mr. Nigel Griffiths: I issued consultation documents in February and March to, among others, the National Consumer Council, the Consumers Association and the National Association of Citizens Advice Bureaux.

Dr. Vis: I thank my hon. Friend for that answer. Is he aware that millions of people throughout the country are grateful to the Government for the work that they are doing on consumer protection after 18 years of virtual absence of such protection? Will my hon. Friend comment on what he might have in mind concerning mortgages, especially with regard to non-status lenders?

Mr. Griffiths: I am grateful to my hon. Friend for his support for the policies that we are pursuing. As for non-status lenders, we are increasing the financial limits that are governed by the Consumer Credit Act 1974 from £15,000 to £25,000 to ensure that many more people are offered the protection of the Act, including those who may be subject to the worst mis-selling practices of the mortgage companies at the lower end of the market.

Mr. Hawkins: The Minister is aware from work that we did together during the previous Parliament on a cross-party campaign of my long-standing involvement in consumer credit issues. Will he confirm that in the reforms that he is talking about there will be a concentration on promoting best practice, and that the Government will ensure that praise is given to those major financial institutions that have managed to promote the use of plain English in documents for consumers while staying within the sometimes necessarily complex provisions of consumer credit legislation?

Mr. Griffiths: I am obviously grateful for all the support that we have for plain English and for ensuring that unfair contracts are not allowed to be foisted on consumers. I welcome the action that the Office of Fair Trading took specifically on unfair contracts in respect of one company that was peddling mortgages in a way that was found not to meet the highest standards that the House would expect.

EU Presidency

17. **Mr. Geraint Davies:** If she will make a statement on the priority her Department attaches to promoting competitiveness in Europe during the British presidency of the European Union. [35989]

Mrs. Beckett: European competitiveness is a key DTI priority for the UK presidency, just as it is in our policies within the UK. On 11 March, I addressed a debate in the European Parliament on this issue, and next month, when I chair the Industry Council, we shall be having the first full debate on European competitiveness, including how industry and Government can work together. A particularly important feature of our approach to competitiveness is the improvement and completion of the single market.

Mr. Davies: Does my right hon. Friend agree that exchange rates largely link to external factors in Europe, Asia and Japan, and that the proportion of exporters that are showing a dip in sales is the same as the proportion that are showing lower input costs in terms of raw materials? Does my right hon. Friend agree that about a third of manufacturers serving the domestic market are in boom? Does she agree also that exporters would be best advised to focus on higher productivity and better product differentiation, and then to focus on the home market? In no circumstances should we expose the wider economy to the risk of inflation because of the short-term pain of some exporters.

Mrs. Beckett: My hon. Friend is entirely right to identify that the overall position is much more complicated than the Conservatives seek to pretend. He is also right that our consistent advice to manufacturers and others has been that Britain's long-term competitiveness lies in the pursuit of quality and high added value rather than in simply attempting to compete on price. On all these issues our message has been consistent, and it has been of assistance to people in dealing with the present circumstances with the level of sterling.

Mr. Garnier: What does the President of the Board of Trade consider to be the pound's optimum level against the deutschmark to promote competitiveness?

Mrs. Beckett: I do not think that anyone would attempt to answer such a theoretical question. I simply remind the hon. and learned Gentleman that neither sterling nor interest rates are yet at the level that they reached under the previous Government, which was the result of a deliberate act of policy.

Mr. Campbell-Savours: May I ask my right hon. Friend a question about competitiveness among Europe's

airline operators? Can she give an assurance that British Airways, with its new cut-price operation, will not be allowed to drive existing cut-price airline operators out of business? Clearly, that would not be in the public interest.

Mrs. Beckett: I am always cautious about being drawn into comment on competition issues in the House. The Government have not only advocated and pursued a policy of strong and fair competition but will continue to do so.

Madam Speaker: Sir Teddy Taylor.

Sir Teddy Taylor: Does the Minister agree—

Madam Speaker: Sir Teddy, I am calling you for Question 18.

Sir Teddy Taylor: It is Question 17.

Madam Speaker: You have Question 18. Either you want to put it or you do not.

Sir Teddy Taylor: Question 18. Yes, that is me.

EU Structural Funds

18. **Sir Teddy Taylor:** What assessment she has made of the impact on United Kingdom industry of the changes in European Union structural funds being proposed by the Commission. [35991]

Mrs. Roche: The Commission's proposals for the structural funds and for other structural and cohesion policies for the years 2000 to 2006 were published on 18 March.

The Commission has not published its detailed financial plans for individual member states. In any event, structural funds are designed for the purpose of regional regeneration. It will be difficult to assess the specific impact of any changes on industry.

Sir Teddy Taylor: In thanking the Minister—*[Interruption.]*

I had an important question on Question 17, which I was unable to ask.

Does the Minister accept that, as the average family in Britain—*[Interruption.]* This is not funny—*[Interruption.]* It is not. Does the Minister accept that, as the average family in Britain—whether poor or rich; whether Conservative, Labour or Liberal Democrat—is paying £5 a week at present towards our net contribution to the EEC, if these changes go ahead, on top of the changes in regional funding, which are damaging to Scotland and many other places, we will have to pay even more? Will she try hard to ensure that the travel-to-work criteria are changed, so that pockets of unemployment in particular areas are not disregarded for grant purposes? Will she accept that the cost of the EEC to jobs and to people in Britain is excessive?

Mrs. Roche: As the hon. Gentleman will be aware, travel-to-work areas are a matter for state aid and assisted area status, not structural funds. He will be glad to hear that we are concerned, as are all member states, to contain the overall costs of structural funds, and that is what we aim to do with the reforms. However, we are disappointed with the draft regulations that have been published by the Commission. Our aim is to have an outcome that is affordable, durable, simpler and more efficient. We are working very hard indeed for an outcome that is fair to the United Kingdom and all its regions.

Mr. McCabe: Is not it true that our negotiations have already secured transitional arrangements until 2004? Does my hon. Friend agree that we should treat with scepticism the views of anyone who still believes, as the hon. Member for Rochford and Southend, East (Sir T. Taylor) does, that joining the Community was a great disaster, and that the Referendum party could really zoom and be very significant indeed?

Mrs. Roche: I agree with my hon. Friend. Our case on transitional periods has already met with some success, but we also want to ensure that those transitional periods are the same length as for objective 1, and we are working hard to achieve that. The Government recognise that our future lies in Europe, our trade is done there, and it is important to the British public and British businesses that we say that and say it loudly.

Miss McIntosh: Will the Minister assure the House today that, in the regional regeneration of which she spoke, rural areas will not lose out to urban areas, particularly in an area such as Yorkshire and Humberside where South Yorkshire is clearly more densely populated than North Yorkshire, but North Yorkshire also deserves a fair whack of the money?

Mrs. Roche: I well understand the hon. Lady's interest and experience in these matters. We are working hard with everyone and we have also had extensive discussions with local authorities. We want the United Kingdom to be represented by a united voice. We want outcomes which lead to flexibility, but also to a proper balance between urban and rural areas. That is essential.

Maze Prison (Narey Inquiry)

3.30 pm

The Secretary of State for Northern Ireland (Marjorie Mowlam): With permission, Madam Speaker, I should like to make a statement on the report of the Narey inquiry into incidents at the Maze prison.

On 10 December, Provisional IRA prisoner Liam Averill escaped from the Maze prison. On the following day, we commissioned an independent inquiry to be undertaken by Martin Narey, the director of regimes in the Prison Service for England and Wales. He was asked to inquire into the circumstances surrounding the escape.

On 27 December, Loyalist Volunteer Force prisoner Billy Wright was killed within the Maze prison. We immediately asked Martin Narey to extend the scope of his inquiry to include the circumstances surrounding the murder.

In addition, Her Majesty's chief inspector of prisons, Sir David Ramsbotham, was asked immediately to bring forward a full inspection of the Maze.

Martin Narey's detailed and comprehensive report is now before the House. I am grateful to him and his team for completing his inquiry so promptly.

Before going on to consider important aspects of the report, I should like to comment on the third serious incident that has occurred in the Maze—the brutal and savage murder of Mr. David Keys, who was found dead in LVF accommodation on the morning of Sunday 15 March.

I very much regret any incident that leads to the loss of life within prison. I am committed to taking all viable steps to prevent a recurrence, but I must be honest and say emphatically that, even with the most rigorous and severe prison regimes, it is impossible for anyone to guarantee that serious incidents will not happen.

Mr. Keys's murder is, of course, the subject of a Royal Ulster Constabulary investigation and an internal investigation by the Prison Service. However, although Martin Narey had the safety of prisoners continually in mind, the murder raises issues that go beyond the scope of the Narey inquiry. I have, therefore, asked Sir David Ramsbotham, whose inspection of the Maze began on Monday 23 March, to look specifically at the way in which the regime at the Maze impacts on the safety of individual prisoners, and to make recommendations.

As a result of information received during the RUC's investigation, the governor has decided to place LVF prisoners under prison rule 32 for the maintenance of good order and discipline. That is not a punishment, but it does mean that prisoners are kept in cell for up to 23 hours of the day and have restricted association and privileges. Even that reasonable measure resulted in threats to staff, and a number of prisoners refusing prison food, in an effort to overturn the governor's decision.

It is important to bear in mind the fact that Mr. Keys applied to be transferred to the Maze in full knowledge of the conditions there. However, in future, remand prisoners will not move immediately to the Maze, but will be held for a longer period in Maghaberry for assessment. That will give the prison authorities more time to be assured about the safety of such a move.

Martin Narey has described very fully the unique difficulties faced by staff and management at the Maze prison. To quote from his report:

"The Maze contains more than 500 paramilitary prisoners, from five different factions, some violently opposed to one another, living in segregated accommodation and enjoying the support of significant communities outside the prison. It is staffed by prison officers who live in the same communities."

Staff at all levels in the Prison Service and their families have been subjected to a campaign of intimidation and attack directed against them. Since the start of the troubles, 29 members of staff have been murdered by paramilitaries. In 1996-97 alone, there were 122 reported threats against staff, and a further 50 officers had to be given special protection. That campaign has been waged against staff in an effort by prisoners and their supporters to impose their will. The campaign continues. Last weekend, there was a live bomb attempt on the home of a female prison officer in Portadown and, in the early hours of Monday morning, a bomb exploded under the car of a retired prison officer living in Carrickfergus.

Given the small size of Northern Ireland and its small prison estate, the dispersal of paramilitary prisoners is not possible. The only prudent option is to hold them in one place. Although the concentration of prisoners has many security advantages, there is a price to be paid. It gives the prisoners the opportunity to take concerted action within the prison, including action against staff.

I know of no other prison that operates under such difficult circumstances, or where staff are under such continual threat and pressure. I share Martin Narey's admiration for those who work at the Maze. Despite the difficulties and dangers, for 14 years until last December, they had contained a difficult population without a single escape.

Martin Narey has also drawn attention to the support that paramilitary prisoners have outside prison. One important consequence of that has been faced by me and my predecessors: the danger that actions taken inside prison, for perfectly sound and defensible penological reasons, may result in disruption and unrest outside prison. Against that background, I am aware that staff and management at the Maze have created conditions of safety and humanity which compare favourably with other prisons in the United Kingdom and beyond, and have been entirely open to impartial observers from outside such as the International Committee of the Red Cross.

In the aftermath of the escape and the murders, I am required to make decisions about the security of prisons and prisoners. Like all my predecessors, however, I must make decisions that balance the security of custody with the safety of our staff. I must also make decisions that balance the requirements of imprisonment with the wider requirements of public order and public safety.

The Government have already taken significant steps to improve security at the Maze prison. In March 1997, a tunnel was found in H block 7. It was the subject of an inquiry by the previous Government, carried out by John Steele. Following the election of the present Government, we have pursued the implementation of the Steele recommendations. Specifically, morning and evening head counts are being taken; each day, five randomly selected cells per block are being given a fabric check; and full block searches are now a weekly feature.

Material coming from stores is now exchanged on a new-for-old basis, and there is now an accurate picture of the amount and nature of the supplies in the blocks. All prisoners on inter-block movement are being searched.

In addition, a programme of physical security measures has been included in the existing block refurbishment programme. Five blocks have been upgraded to date, and work on the remainder is due for completion by mid-August.

Martin Narey has drawn attention to a number of important lapses in security at the Maze. He has made 59 recommendations that he considers will represent real improvements for staff and prisoners.

As Martin Narey said in his report, changes have already been made. In particular, the governor has taken the initiative to put in place regular random full block searches; regular security checks of H block fences; new arrangements for weekend coverage of staffing shortfalls on visits; new arrangements for searching prisoners on visits and for X-raying parcels; and new arrangements for counting visitors at parties.

Some of the remaining recommendations will be taken forward immediately, now that the report has been published. Other recommendations require some detailed consideration; the necessary project teams are being put in place, for instance, to look at security of the roofs of the buildings and improved processes for dealing with visitors.

Some of the issues to be considered vary in their complexity. However, as an assurance of our determination to act on the recommendations and to tighten security, I undertake to make available to Parliament, in three months' time, a progress report on implementation. In addition, and going beyond the recommendations, we have set up a security audit team, which will begin to work immediately and which will provide the chief executive of the Prison Service with the necessary assurance that changes have been made and are working effectively. That may seem to be a small item, but many changes have been recommended over the years in relation to the Maze, and holding a regular security audit will give us the information to know that the change is taking place.

Finally, I should like to deal with the on-going management of the Maze. Martin Narey has not only recorded a number of lapses in security, but dealt with wider matters to do with the safe and secure running of the prison. Those centre on improving the quality of general management and enhancing staff morale and confidence.

The report suggests that the shortcomings cannot be attributed to individuals, but are the result of a slow, but long-running, deterioration caused by staff fears of the consequences of managing paramilitary prisoners, and by the absence of effective middle management.

The shortcomings have also emerged because there is no easy way of dealing with the Maze and the difficult prisoners it contains. The simple truth, which Martin Narey acknowledges, is that the Maze is different, and the policies operated by successive Governments, which we inherited, have reflected exactly that fact.

I could continue with the status quo, but I consider that unacceptable, or I could turn the clock back at the Maze and reassert the sort of regime that operated during the 1980s. However, in my view, turning the clock back would be at a price within the prison and within the community that no reasonable person would be prepared to pay; certainly, no previous Government have taken a different view.

We recognise the problems, but that is not an excuse for complacency. One irony is that the shortcomings noted by Martin Narey had been noted by the Prison Service long before December of last year, and were beginning to be acted on. They were the reason why Martin Mogg, the most senior governor available within the Northern Ireland Prison Service, together with a new management team, was put in place in October 1997 to take over the running of the Maze. Martin Mogg's appointment is temporary, to ensure the vigorous implementation of the Steele recommendations. I am pleased to note Martin Narey's acknowledgement of the good progress that the team has been making.

However, the fact remains, as Martin Narey has concluded, that

"the challenge of the Maze is greater than that of any other establishment in the United Kingdom".

I regard it as critical, therefore, that we act as quickly as possible on the Narey inquiry's recommendations. I assure the House that we will do so.

Implementing the Narey report in full will be a considerable task for the Northern Ireland Prison Service. However, I am confident that it will meet the challenge, and I am confident that when it receives the report in three months, and with the security audit, the House will see that challenge being met.

Mr. Andrew MacKay (Bracknell): May I thank the Minister of State, the hon. Member of East Kilbride (Mr. Ingram), for his courtesy and help in ensuring that I received this report in good time? The Secretary of State's statement is greatly appreciated.

When two prisoners in the custody of the Government are murdered that is a deeply shocking affair, and it is right and proper to have a full and thorough investigation. As the Secretary of State is aware, I would have preferred a full independent inquiry: I asked for that when Wright was murdered at the turn of the year.

As a result of the inquiry and the ensuing publicity, our constituents on the mainland have been surprised and appalled at the regime in the Maze. They were perhaps not aware of the special circumstances of that prison, which have rightly been explained by the Secretary of State and by Mr. Narey. The most particular circumstance is that the prison officers and their families live in the community and are under constant threat. I associate myself with the Secretary of State's remarks about those deeply brave and courageous men and women, who are doing jobs that most of us would not be prepared to do.

Will the Secretary of State confirm that the Narey report is an interim report? It has made some initial recommendations that, on first glance, the Secretary of State is right to implement. However, more needs to be done. Sir David Ramsbotham, the chief inspector of prisons, is looking into life at the Maze and will report soon. I realise that there may be security implications, but will the Secretary of State publish that report in full if possible? Will she also make a statement to the House shortly after it is published?

[Mr. Andrew MacKay]

The Secretary of State has my absolute assurance, on behalf of the Opposition, that, we are seeking, albeit with the benefit of hindsight, like everyone else, to ensure a better and more productive regime in the Maze. We are not looking for scapegoats or to blame others. We shall assist her to improve the regime in the Maze so that the dreadful murders and other events that have occurred will not be repeated.

Marjorie Mowlam: I thank the hon. Member for his comments. I agree with him that the murders were deeply shocking, and no one wants such acts to be repeated.

I was aware that an independent inquiry was the hon. Gentleman's desired outcome. When I decided whether to instigate a report or an inquiry, I considered speed. An inquiry would have taken much longer, and I believed that action should be taken quickly. I also considered decisions by previous Governments. In the past 15 years, during which there were two murders at the Crumlin road gaol, there was no independent inquiry. I decided that the method chosen would allow a thorough investigation with a specific date for completion and recommendations for implementation.

The hon. Gentleman is correct that the report by Sir David Ramsbotham has a wider remit: we widened it after the murder of Mr. Keys. I look forward to the publication of that report in the near future, with, as he rightly said, the proviso that there are no security implications. We also had to take security into account for the Narey report, and I am pleased that we were able to publish it in full. Although Sir David Ramsbotham's report is more extensive, it is the usual inspection, so it would not normally be brought before the House, but I hear what the hon. Gentleman says.

Dr. Norman A. Godman (Greenock and Inverclyde): I have every sympathy with the prison officers of Northern Ireland. Anyone with any knowledge of prisons—military or civilian—in parliamentary democracies knows that accommodations must be made between staff and prisoners; but why are those prisoners allowed to adorn their living quarters with flagrantly offensive murals? Moreover, is it true that they have unhindered access to mobile phones?

Marjorie Mowlam: As my hon. Friend said at the outset, a balance is needed between security and the safety of prison staff, and the necessary judgments must be made to achieve that balance.

The murals are in all the blocks. All the different groups have them on the walls, and—as my hon. Friend knows better than most—they are to be found in the communities as well. Let me put my view succinctly: I believe that the amount of force that would be required to remove them permanently is disproportionate to the extent of the problem. That is the decision we made, and, as hon. Members on both sides of the House are aware, the murals have been there for many years.

Many allegations are made in the papers about behaviour in the Maze, most of them without foundation. Prisoners are not permitted to have mobile phones. Mobile phones that have been found have been seized, and there is no evidence to suggest that they are currently being used. Prisoners do, however, have phonecards, and there are telephone boxes on each wing.

Mr. Phil Willis (Harrogate and Knaresborough): The Liberal Democrats also support the publication of the Narey report. Although it will take some time for us to study all 59 recommendations, I hope that the Secretary of State will accept our support for a very challenging and sensitive document.

Can the Secretary of State assure the House that she will seek the views of the prison officers and line managers who will have to implement the proposals? It is crucial that we do not just make statements rightly praising the courage of the prison officers, but ensure that those who must implement the proposals are given the utmost support and consideration.

Prison safety remains a concern, especially after the appalling murder of David Keys. There is currently a 23-hour protective lockdown each day for LVF prisoners. We note what the Secretary of State said about Sir David Ramsbotham's investigation, but does she accept that the sooner that investigation is finished and a statement is made to the House, the sooner we shall be able to get on with the job of satisfying not only the public in Northern Ireland, but the prisoner community?

Marjorie Mowlam: I thank the hon. Gentleman for his party's support. I appreciate that Liberal Democrats will want to examine the 59 recommendations in the report; if they want to make further points after doing so, we shall be happy to consider them.

Question accordingly agreed to. I certainly assure the House that the implementation of the recommendations will rely on sensible discussion and negotiation with staff, line managers and members of the Prison Officers Associations. My hon. Friend the Member for East Kilbride (Mr. Ingram), the Minister with responsibility for security, met members of the POA this week in preparation for the publication of the Narey report, and I shall be meeting them next week or the week after to discuss the details.

I echo the hon. Gentleman's comments about the Ramsbotham report. Of course we want to get it into the public domain as quickly as possible. The one thing that prisons need is stability; uncertainty and a lack of information are not helpful, as in so many other Northern Ireland matters. There was a slight delay in the publication of the Narey report, because we had sought legal advice in order not to inhibit the possibility of criminal prosecutions where they are pending. Similarly, there may be a slight delay in the publication of the Ramsbotham report, but it will be no longer than is absolutely necessary.

Mr. Ken Maginnis (Fermanagh and South Tyrone): May I first acknowledge the courtesy with which Martin Narey listened to my hon. Friend the Member for Lagan Valley (Mr. Donaldson) and me when we visited him, and may I thank the Secretary of State for giving us a preview of the report so that we were able to read it before coming here?

I am disappointed that the report does not deal with the fundamentals that I think it should have dealt with. Whatever superfluity of words the Secretary of State uses to divert attention from the shameful reality that the

Prison Service in Northern Ireland operates on a prisoner self-regulatory basis, and however euphemistic the language of Martin Narey with his "regrettables" and "unfortunates", there is no escaping the fact that prison management in Northern Ireland falls far short of the justifiable expectation of the predominantly law-abiding society in Northern Ireland.

The Narey report and the Secretary of State's response are little short of a terrorists charter for paramilitaries to continue—*[Interruption.]* Listen for once. We have to live there. It is a terrorists charter for paramilitaries to continue to impose by violence and the threat of violence a lawless and undemocratic regime, not only inside our prisons but outside, as is admitted in the report.

Is not the Secretary of State's passive acceptance of this state of affairs so pitiful as to suggest that the Northern Ireland Office team is not fit for high office? When will it, after almost a year, begin to govern? When will it resist the bully-boy tactics of terrorists, in the way that the Prime Minister seems to have rejected the bully-boy tactics of Taoiseach Ahern over the past 24 or 48 hours? This is an inadequate response to murder and mayhem in our prisons. We can only hope that, not having had an independent inquiry, we can have something substantial from Sir David Ramsbotham when he carries out his inspection so that we can begin to get rid of the anarchy that pervades our prison system.

Marjorie Mowlam: I thank the hon. Gentleman for his comments. He refers to the Prison Service as self-regulatory. I would say that of any prison—my hon. Friend the Minister of State uses that language. Yes, it is self-regulatory, in the sense that there needs to be communication between the prisoners and the prison management and officers, as there is in any prison in the United Kingdom. The only difference in relation to the Maze is the backdrop. There are 500 paramilitary prisoners in one place, and the difference is that those prisoners are willing to consider murdering each other and to consider threatening the lives of prison staff and their families, and they can bring some civil disobedience to the streets of Northern Ireland. Those three conditions do not necessarily apply in other prisons. With that backdrop, there will be what the hon. Gentleman calls self-regulation, but I call co-operation and understanding, which are needed for any prison to function.

The hon. Gentleman said that the Northern Ireland team is not fit for high office. I do not know whether he was referring to the politicians or to the civil servants. If he was referring to the politicians, that is a matter of his view and that is fine. On a difficult issue, Northern Ireland civil servants work very hard and do their utmost in difficult circumstances.

The hon. Gentleman's last point was about my right hon. Friend the Prime Minister and the Taoiseach. What they were trying to do last night was no different from what we need to do on so many problems in Northern Ireland, which is to seek some kind of accommodation and understanding, and to talk.

Mr. Tom King (Bridgwater): Is the right hon. Lady aware that all who have shared in the responsibility in Northern Ireland will know that the problem of adequately containing the largest group of convicted terrorists in western Europe is challenge enough? Certainly, the House would join warmly in supporting her tribute to all those working in the Prison Service and the Northern Ireland Office, as my hon. Friend the Member for Bracknell (Mr. MacKay) did. Clearly, a balance must be struck in the interests of the wider community and in the interests of security.

While the House will study with great interest the many recommendations in the Narey report, I thought none so important as the emphasis on frequent and random searches, because it is one thing to contain prisoners, but it is quite another if prison officers are being asked to contain armed prisoners.

Marjorie Mowlam: I thank the right hon. Gentleman for his opening comments. I agree that a balance needs to be struck and that the overriding issue is the security of the wider community. In that sense, the Prison Service has been doing a good job since the tunnel under the Maze was discovered in March last year, during the previous Government's period in office. The recommendations made then dealt exactly with the points he has raised, and we were working on their implementation in October last year.

Mr. Gordon Prentice (Pendle): Will my right hon. Friend say more about the treatment of remand prisoners? She said in her statement that no remand prisoner would be sent automatically to the Maze, but would be held back for assessment. Given the picture that she has painted of the Maze and its inmates, does she agree that it would be better for all remand prisoners to be sent to prisons other than the Maze—perhaps even on the mainland? Could she say a word or two about the form of the assessment of remand prisoners to ascertain whether they should be sent to the Maze?

Marjorie Mowlam: When my hon. Friend has a chance to look at the details of the report—that is not a criticism; he will not have had a chance to read the whole report—he will see that the treatment of remand prisoners is covered in some detail. There are positive recommendations which, no doubt, we will be able to implement speedily. Remand prisoners are not sent automatically to the Maze. They arrive at Maghaberry and if they ask to be transferred, they are transferred—the choice is left to them. The conditions are written down and given to them. One of the changes that could make a difference would be prisoners being given slightly longer to consider their position. In relation to Mr. Keys, he himself chose to go, sadly.

Mr. Andrew Hunter (Basingstoke): While I acknowledge that the Maze is a very different and difficult prison to run, can it not be argued—with the advantage of hindsight—that some well-intended, if mistaken, decisions have been made in the past? Is it not a matter of regret that Mr. Narey has ducked one central issue—that to achieve an acceptable level of security at the Maze, it is essential for prison officers to patrol residential areas as well as search them occasionally, sometimes by prior arrangement with the prisoners?

Marjorie Mowlam: I agree with the hon. Gentleman that hindsight is a wonderful thing, but, not having it at the time, previous Governments have adopted particular policies. Narey is a positive report because it looks to the

[Marjorie Mowlam]

future. We could spend the next five or 10 minutes going over the past 15 years, but that would not help us or the hon. Gentleman. We must look at the gradual deterioration in the implementation of some of the regulations, and we must do what both Steele and Narey recommended—to begin to be sure that individual searches, cell searches or unit searches happen on a regular and random basis, and to be sure that the kind of checks that are needed are put in place. The hon. Gentleman and I would agree on that.

Ms Margaret Moran (Luton, South): Will my right hon. Friend accept the support of the majority of hon. Members for the actions that she has outlined to deal with the very difficult situation in the Maze? In particular, I welcome her comments about the security audit. She referred to the delay in the publication of the report. Will she expand on the reasons behind that?

Marjorie Mowlam: I thank my hon. Friend for her opening comments. We were criticised by parts of the press for the delay in publication. There were two reasons for the delay. First, after receiving the report, we wanted to consider it in detail—my hon. Friend the Member for East Kilbride and I wanted to be sure that we could tell the House that we could implement all 59 recommendations. We are now sure that we can, and the security audit and the report in three months will show that we have done so. Secondly—I did not know this before—such reports have to be checked to ensure that no difficulty will be caused to criminal cases being brought against people accused of murder, and it took time for the report to be considered by another Department.

Mr. Nicholas Winterton (Macclesfield): The Northern Ireland Prison Service clearly has an extremely difficult job—that is accepted on both sides of the House. Is the Secretary of State aware that people on both sides of the Irish sea—in Northern Ireland and here—are deeply concerned about the regime at the Maze prison, on which the report by Sir David Ramsbotham may, in due course, shed more light? Is not it wrong that she and even my right hon. Friend the Member for Bridgwater (Mr. King), who is no longer in his place, have described as paramilitaries or terrorists people who are, in fact, no more than vicious, brutal criminals, and should be treated as such? The regime that they experience should reflect appropriately the vicious crimes that they have perpetrated.

I share some of the grave concerns expressed by the spokesman for the Ulster Unionist party, the hon. Member for Fermanagh and South Tyrone (Mr. Maginnis), about the current regime. Does the right hon. Lady accept that the regime that operated in the 1980s, which she said was no longer acceptable, should be reconsidered, as it seemed to be rather more effective than the current regime?

Marjorie Mowlam: I note the hon. Gentleman's comments, but there is a difference between rhetoric and reality, as those who have served in Labour and Conservative Governments know.

Mr. Harry Barnes (North-East Derbyshire): In the long run, will not the serious problems at the Maze be solved only by successful outcomes of the peace process and the referendum? Is it not the duty of every hon. Member to ensure that the process is pushed forward, so that those problems can be tackled?

Marjorie Mowlam: Yes.

Mr. Andrew Robathan (Blaby): With the benefit of hindsight, does the right hon. Lady consider that her visit to the Maze at Christmas contributed to good order and discipline in the prison and to a reduction in violence both inside and outside the prison, or does she think that it enhanced the status and authority of convicted criminals and terrorist godfathers?

Marjorie Mowlam: I thank the hon. Gentleman for his comments. No, if I had thought that the visit would have either undermined the rule of law or enhanced the standing of people in the Maze, I would not have made it. I think that it was an extra step towards ensuring what was referred to in the previous question—the backdrop of a peaceful settlement in Northern Ireland.

Mr. Martin Salter (Reading, West): On a scale of one to 100, where would my right hon. Friend place the recent contribution of the hon. Member for Fermanagh and South Tyrone (Mr. Maginnis) towards a positive solution to the serious security problems that bedevil Northern Ireland?

Marjorie Mowlam: I do not think that it would be helpful to answer that question.

Mr. Nicholas Soames (Mid-Sussex): I have every sympathy with the right hon. Lady in having to deal with this fiendishly difficult problem, but does she agree that it would be sensible to assess the security profile of remand prisoners who choose to go to the Maze? In the case of Mr. David Keys, there was a clear likelihood that he would be under threat. Under such circumstances, do not the Prison Service, the military and the intelligence services have a duty, if necessary, to prevent such prisoners from going to the Maze?

Marjorie Mowlam: I thank the hon. Gentleman for his question. That is done at the moment, and, as a result of the Narey recommendations, the matter will be examined in more detail.

Mr. Jeffrey Donaldson (Lagan Valley): As the Maze is in my constituency, I have followed the inquiry with great interest. Having glanced through Mr. Narey's report, I am concerned about getting at the real truth behind Billy Wright's murder and Liam Averill's escape. There are many inadequacies in the report.

I was alarmed to read that, in the course of his inquiry, Mr. Narey met officials from the Irish Government. One wonders what their role is in the management of prisons in Northern Ireland. I was amazed to find that he also met the OCs of all the paramilitary groups in the prison except the INLA. One wonders what their role was.

My hon. Friend the Member for Fermanagh and South Tyrone (Mr. Maginnis) spoke of the system of self-regulation in Northern Ireland's prisons. There can be no doubt that that system has contributed to two murders

and one escape in recent weeks; until it is changed, problems will continue and the Secretary of State will continue to say that she cannot guarantee the safety of prisoners. That is most regrettable. Control of the wings in the prisons has been given over to the paramilitary groupings, and that must be reversed.

It is regrettable that no individual or group of individuals has been brought to account for serious breaches of security that not only led to the two murders and the escape but contributed to a serious deterioration of the situation in Northern Ireland generally. Will the Secretary of State undertake to review again the management of the Prison Service in Northern Ireland? My constituents cannot have confidence in the service on the basis of the report.

Marjorie Mowlam: I shall answer those points in turn. If it was simply a question of heads rolling, that would be cheap and unrealistic and would not acknowledge the complexities and difficulties that exist in the Maze. There is a question of effective middle management, and I assure the hon. Gentleman that that is being investigated. The murder of Billy Wright is not covered in the report because it was not in its remit. An RUC investigation is being conducted into exactly that question.

The hon. Gentleman listed some people to whom Mr. Narey talked. He chose whom he talked to, and when people came to him to give evidence I presume that he listened to them. The hon. Gentleman also referred to self-regulation, as he called it, and to the murders that have taken place and why we cannot do better. At the risk of alienating my Scottish, Welsh and English colleagues, let me say that there have been two murders and one escape in the Maze in the past 14 years, while—

Mr. Maginnis: No, in the past month.

Marjorie Mowlam: Well, they may have happened in the past month, but they are the only ones in the past 14 years. In Scotland, there have been six murders in the past 10 years, and in England and Wales there have been 13 in the past six years. I am merely putting the matter in context.

Business of the House

4.13 pm

The President of the Council and Leader of the House of Commons (Mrs. Ann Taylor): I would like to make a statement about the business for next week.

MONDAY 6 APRIL—Opposition Day [10th Allotted Day].

Until about 7 pm, there will be a debate on trade union recognition, followed by a debate on the state of manufacturing industry. Both debates will arise on Opposition motions.

TUESDAY 7 APRIL—Second Reading of the National Lottery Bill *[Lords]*.

WEDNESDAY 8 APRIL—Until 2 pm, there will be debates on the motion for the Adjournment of the House, which will include the usual three-hour pre-recess debate.

That will be followed in the afternoon by Second Reading of the Crime and Disorder Bill *[Lords]*.

The House will then rise for the Easter recess.

The provisional business for the first week back after the Easter recess will be as follows:

MONDAY 20 APRIL—Consideration of Lords amendments to the Bank of England Bill.

Second Reading of the Data Protection Bill *[Lords]*.

The Chairman of Ways and Means has named opposed private business for consideration at 7 pm.

TUESDAY 21 APRIL—Second Reading of the Finance (No. 2) Bill.

Motion on section 5 of the European Communities (Amendment) Act.

WEDNESDAY 22 APRIL—Until 2 pm, there will be debates on the motion for the Adjournment of the House.

Remaining stages of the Scotland Bill (first day).

THURSDAY 23 APRIL—Debate on the Royal Air Force on a motion for the Adjournment of the House.

Friday 24 April—Private Members' Bills.

The House will also wish to know that, on Wednesday 8 April, there will be a debate on convergence of the telecommunications, media and information technology sectors in European Standing Committee B.

Details of the relevant documents will be given in the *Official Report*.

I do not anticipate being able to give further information next week about the business for the second week back after the recess, and I therefore do not intend to make a business statement next week unless the provisional business alters or I am able to give information about the week of 27 April. If I do give more information, I will do so on Wednesday of next week.

The House is being asked to take the Criminal Procedure (Intermediate Diets) (Scotland) Bill today as new business which was not announced last week. However, I said last week that the Government were looking to take urgent action on the problems that had arisen on the matter. As the official Opposition and, indeed, other parties, have acknowledged the need for the measure, we have been able to get agreement to take it in this unusual way. I am grateful for that, and thank those who helped to facilitate that action.

[Wednesday 8 April:

European Standing Committee B—Relevant European Community document: 13289/97, Convergence of the Telecommunications, Media and Information Technology Sectors. Relevant European Legislation Committee reports: HC 155-xiv and HC 155-xxiii (1997–98).]

Mrs. Gillian Shephard (South-West Norfolk): I thank the right hon. Lady for her statement, and for giving the House the provisional business for the week after the recess. She knows that several Members have been asking for debates on defence matters, so her announcement of a debate on the Royal Air Force is particularly welcome.

The right hon. Lady knows that we have been pressing for debates on statutory instrument 776 on lone parents and on statutory instrument 655 on nursery education. I hope that she can find time for such debates. Does she agree that it is time that we had a debate on foreign affairs now that we are halfway through the British presidency of the European Union? It would be of great value to the House if one could be arranged.

The right hon. Lady also knows that I have asked for a debate on the national health service in Government time at no fewer than six previous business questions. It is a matter of real concern that the Government continue to be unwilling to debate the NHS in their own time.

It is almost incredible that, although we have had eight statements on health policy, there has been no debate in Government time since the general election 10 months ago. I understand that the right hon. Lady has a great deal of business to cram into our working hours, and that she may not immediately be able to say when she might arrange for such a debate, but I hope that she will at least explain why the Government appear so reluctant to expose their health policies to examination in the House.

Can the right hon. Lady tell the House what precedent there is for the Government's handling of the introduction of national insurance changes in the other place? It appears that an amendment to the Social Security Bill in their Lordships' House has been used to introduce changes that were announced in the Budget, without any opportunity for debate or scrutiny in this House. Again, I understand that she may not be able to answer that point today, but if she cannot, I should be grateful if she could write to me to explain the precedent, and whether there has been an abuse of this House.

Many in the House and beyond will have been surprised to hear the Prime Minister yesterday give the job description of his press secretary as to "attack the Conservatives". I see from today's press briefing from Government sources that the press secretary's terms and conditions of employment have changed since the election. I think that we would all welcome the right hon. Lady's confirmation that that is so, and her reassurance that the House was informed of that change. When was it informed, and by what means?

Does the Leader of the House agree that it might be more open of the Government to re-title the post? If, as the Prime Minister was at pains to emphasise yesterday, Mr. Campbell is a political appointee, it is inappropriate for him to be called the Prime Minister's press secretary. I wonder whether it might be helpful and add to the gaiety of nations if the Press Gallery were to be asked to organise a competition among themselves to suggest a more fitting name.

I hope that, in her reply, the right hon. Lady will not provide us with an analogy with Sir Bernard Ingham, who began his distinguished professional career, as we all know, as an enthusiastic press officer for the right hon. Member for Chesterfield (Mr. Benn).

Will the Leader of the House arrange for the Secretary of State for Scotland to make a statement on why the sensitive issues of abortion and euthanasia are being treated differently in the Scotland Bill? The former is being reserved to the Westminster Parliament, and the latter devolved to the Scottish Parliament. The Leader of the House may be willing to explain the distinction that the Government are drawing between the two, and whether the Government regard the issue of which Parliament should deal with those issues as one of conscience.

Mrs. Taylor: The right hon. Lady has raised a number of points, and I shall try to answer them all. I am glad that she welcomes the defence debate. Some of her hon. Friends have been asking for such a debate for some time.

On the question of statutory instruments, the right hon. Lady will know that discussion always continues through the usual channels, and that it is on that basis that we decide where matters should be debated. I accept her request for a foreign affairs debate as legitimate, and I hope that we shall be able to find some time for some more general debates on foreign affairs in the not too distant future, although, as she acknowledges, we have some legislation in the pipeline that we have to deal with.

As for health issues, the right hon. Lady—I suppose that I should be grateful to her—reminded the House that there had been eight statements. That proves the willingness of my right hon. Friend the Secretary of State for Health to find a great deal of time to be accountable to the House.

The right hon. Lady asked for a debate in Government time. I have to remind her of the point that I made a few weeks ago: in the whole of the five years of the previous Parliament, the Conservative Government had only one health debate in Government time. We might be able to manage that. What happened then was that, when we wanted a health debate, we had one in Opposition time. That is one reason why we have Opposition days: they allow the Opposition to choose the debate.

On national insurance charges, it is true that amendments have been made to the Social Security Bill in the Lords. Those amendments must be in order, or they would not be debatable there. Those matters can, of course, be debated in this Chamber when the Bill comes back from the Lords for consideration of Lords amendments.

On the issue of the Prime Minister's official spokesman, I do not think that there is much need to add to what my right hon. Friend the Prime Minister said yesterday, except to welcome the right hon. Lady's enthusiasm for the gaiety of nations, as she called it. I am sure that the Press Gallery can and does have a great deal of entertainment making up names for people. I should point out that my right hon. Friend the Prime Minister's official spokesman said earlier this week that he hoped that everyone had not had a humour bypass. Perhaps the right hon. Lady has taken that to heart.

As for the Scotland Bill, euthanasia and abortion were dealt with this week, and I have nothing to add to what was said.

Mr. Jim Marshall (Leicester, South): Is my right hon. Friend aware of the great anger in Leicester arising from this year's local government revenue settlement, which has led to a reduction in services and a council tax increase of 25 per cent.? Against that backcloth, can she arrange an early debate in the House, so that we can try to influence the Government on the future of local government financing before they make any firm decisions?

Mrs. Taylor: We had debates on the settlements for this year a couple of months ago. My hon. Friend is an experienced Member of Parliament, and I am sure that he will find opportunities to raise the matter, even though I cannot promise him the debate he wants.

Mr. Paul Tyler (North Cornwall): We on the Liberal Democrat Benches would certainly support a debate on the future of local government finance, which would be of interest to all hon. Members on both sides of the House.

On the subject of statutory instruments, I draw the right hon. Lady's attention to early-day motion 1168.

[*That an humble Address be presented to Her Majesty, praying that the Council Tax Benefit (General) Amendment Regulations 1998 (S.I., 1998, No. 911), dated 30th March 1998, a copy of which was laid before this House on 30th March, be annulled.*]

It deals with statutory instrument 911 on council tax benefit, and has already been endorsed by both the leadership of the Conservative party and my right hon. and hon. Friends. This is a subject that causes considerable concern to hon. Members on both sides of the House, so can she the right hon. Lady find time as soon as possible for a debate on that early-day motion?

The right hon. Lady chairs the Select Committee on the Modernisation of the House of Commons, and I know that she is using her best efforts to secure an early date for a debate on its recent reports. Will she redouble those efforts, because there is growing frustration—especially among more recent entrants into the House—at the lack of progress on the recommendations of that Committee? Can we have an early debate and some indication of the timetable for any necessary changes to our Standing Orders that may result?

Finally, last week, I put to the Leader of the House a question that I am afraid I made too specific: I asked whether she was able to give me any indication as to whether the rumours were true that business would be interrupted the following day by a statement on the future of the Rural Development Commission and the Countryside Commission. The right hon. Lady, quite rightly, said that there was no proposal to interrupt business. However, on Friday afternoon, a written answer was slipped out that dealt with precisely that matter.

That is an extremely important issue, and not only for the commissioners and all their staff who have served the nation well. The Rural Development Commission goes back to the days of Lloyd George, and the Countryside Commission has done a great job for the rural areas. They are important agencies, which have done a great job, so to slip out, at the end of Friday afternoon, an important statement of that sort, with no opportunity for debate, is the worst possible example of the Government having learnt nothing from their predecessors. The previous Government used to do that, but we had hoped better of this Government.

Mrs. Taylor: I have noted that the Liberal Democrats would also like a debate on local government finance. The hon. Gentleman mentioned the statutory instrument, which will obviously be discussed through the usual channels. I have to point out to the Liberal Democrats' spokesman that today is their Opposition day, and, had they wanted to debate local government finance, they could have chosen that topic for today's debate.

It is true that the Modernisation Committee has produced four reports. We have had one full debate on the subject, and I am hoping that we shall be able to have another. We have been able to make further progress this week: yesterday's Bill was debated under a programme motion, which is another step in the right direction.

The hon. Gentleman moved quickly from modernisation to Lloyd George—I am not sure what we should read into that. I am glad that he acknowledged that the reply I gave him last week was accurate. I do not think that the written question was slipped out in any way, and I am glad that I was able to help the hon. Gentleman to obtain a copy of it last Friday. It was not slipped out—indeed, I should not be at all surprised if there had been a press release accompanying it.

Mr. Dennis Skinner (Bolsover): Is my right hon. Friend aware that it ill behoves the Tories to be rabbiting on about having a debate on the subject of the press secretary to the Prime Minister, given the role played by Bernard Ingham, who was press secretary to Tony Benn and then become a complete turncoat and joined Margaret Thatcher? He was responsible for sacking a Cabinet Minister, John Biffen, who at the time was doing a pretty reasonable job as Leader of the House. So I do not think we should take any lessons from the Tories about that.

As for the statement about knocking Ministers' heads together, let me say this to my right hon. Friend. When you decide to accept patronage, a ministerial car and some extra money, you leave the Back Benches, and you leave the freedom of being able to speak your mind as often as you would like to. Collective responsibility provides not only liberties but restrictions. If people want to open their mouth as often as I do, they should come and sit next to me.

Madam Speaker: Order. I hope that, when the hon. Member for Bolsover (Mr. Skinner) opens his mouth, he keeps within the procedures of the House. I have not actually heard him ask a question about what he wants next week, and it is too late now.

Mrs. Taylor: I think my hon. Friend was asking for a debate on the principle of collective responsibility. He outlined that principle so succinctly that there is no need for a debate.

Mrs. Caroline Spelman (Meriden): I wonder whether the right hon. Lady is aware how fast the crisis in agriculture is growing. That was brought home to me when I heard that the Massey Ferguson factory just

[Mrs. Caroline Spelman]

outside my constituency was going on to a three-day week. Perhaps she is not aware that the Welsh Institute of Rural Studies estimates that 7,300 job losses can be attributed to the crisis, or that, at the weekend, Bernard Matthews announced that he was on the point of moving his poultry business to eastern Europe. Will she therefore give Government time for a debate on the impact of the strong pound on agriculture?

Mrs. Taylor: I do not believe that all the problems that the hon. Lady mentioned are the consequence of the strong pound. If she believes they are, she might seek to catch your eye during the debate on manufacturing industry, Madam Speaker, because it obviously has relevance to agriculture.

Mr. Harry Barnes (North-East Derbyshire): May we have a debate on the backdating of social security benefits? Some harsh limitations have been placed on backdating, in previous legislation by the previous Government and in the Social Security Bill that is passing through another place. The process by which social security claimants must make applications is complex. Sometimes they find themselves going down one road and then having to apply down another road later, perhaps missing out on considerable benefits in the process.

Mrs. Taylor: I believe that we would all sympathise with the point that my hon. Friend makes about the complexities of the system, which is among the issues that we shall always take into account during the review. I cannot, however, guarantee to find time to reopen issues on which the House has taken a decision.

Mr. John Bercow (Buckingham): Notwithstanding the rambling reminiscences of the hon. Member for Bolsover (Mr. Skinner), will the Leader of the House consider seriously the express wish of Her Majesty's Opposition for a debate on the role of the Prime Minister's press spokesman? Does she agree that the analogy with Mr. Bernard Ingham is supremely inappropriate? Are we not considering a press spokesman who is supposed to offer advice but wishes to take executive decisions, and instructs Ministers what they should and should not do? Does the right hon. Lady agree that, if that is his preferred course, he should cut his salary in half, abandon his job and stand for election to the House?

Mr. Skinner: He is only a baby.

Mrs. Taylor: As my hon. Friend said, the hon. Gentleman is not terribly experienced in the House. He may like to suggest to Conservative Front-Bench spokesmen that, next time they have an Opposition day, they should choose a topic of that kind.

Mr. Brian White (Milton Keynes, North-East): Given that the Government's policy of promoting 60 per cent. of development on brown-field sites will require high-quality construction, given the concerns that have been expressed to Ministers about the warranty system and about the inspection system, and following the reply that she gave to my hon. Friend the Member for Heywood and Middleton (Mr. Dobbin) last week, can the Leader of the House find time for a debate about housing standards and the construction of houses in the near future?

Mrs. Taylor: I recall the point being raised last week, and I know that some of my hon. Friends have concerns on that matter. It is impossible to provide Government time for such a debate. Last week, I suggested that it might be possible for my hon. Friend the Member for Heywood and Middleton (Mr. Dobbin) and others to apply for an Adjournment debate. Perhaps I should mention at this point that the Wednesday morning debates are a useful opportunity for many Back Benchers to raise issues of that kind that affect their constituents; my hon. Friend might like to consider trying to catch your eye then, Madam Speaker.

Mr. Nicholas Winterton (Macclesfield): The right hon. Lady will be aware that I serve on the Modernisation Select Committee under her distinguished chairmanship. She will also be aware that, from time to time, I am inclined to display an independent tendency. I was most interested to learn earlier this week of the Labour party's extraordinary structure that allows Whips to vote one way on a single-line whip while the rest of the party is on a three-line whip. As I believe in independence in this place, will the right hon. Lady confirm whether the precedent that her Government set on that occasion during the passage of the Scotland Bill could be referred to the Modernisation Select Committee?

Mrs. Taylor: Opposition Whips will always be very interested in what the hon. Gentleman has to say about whipping and the rules that should apply. The hon. Gentleman raises the issue of the vote the other night concerning abortion. Abortion has always been a matter of conscience in the Labour party, and there has always been a free vote on that issue. The vote earlier this week was not about abortion, but about devolution and whether abortion should be devolved. Hon. Members who had a problem with their conscience were allowed, with the permission of the Chief Whip, to seek to exercise their principles.

Mr. John Cryer (Hornchurch): Could we have a debate in the near future about British sport? It has declined markedly in the past 20 years, partly because of the previous Government's destruction of local authority facilities and partly due to their destruction of industrial areas. Those areas provided room to play cricket and for, boxing, rugby and other sports. The problem of de-listing has also resurfaced, with Rupert Murdoch trying to get his grubby little fingers on every sporting event from the five nations rugby tournament to the national tiddlywinks championships.

If the Tories are so keen to debate the national health service, perhaps my right hon. Friend will consider holding that debate during Easter week. Plenty of Labour Members would attend, but I do not think that many of the gutless Opposition Members would be here.

Mrs. Taylor: My hon. Friend did not cover everything, but he had a good go. I understand why many people are concerned about the future of sport in this country, given some of the things that have happened in the past couple of decades. I am sure that my hon. Friend

welcomed the Government's announcement about the sale of playing fields, and the extra action that we have taken to assist in that respect.

My right hon. Friend the Secretary of State for Culture, Media and Sport is considering the recommendations regarding listed sports events. I think that my hon. Friend knows that, under the Broadcasting Act 1996, the Secretary of State is solely responsible for the list of protected events. He is taking significant steps to consult hon. Members—some of whom have been to see my right hon. Friend about the matter—and he intends to listen carefully to their advice. I am sure that all hon. Members have their own views about this issue, and my right hon. Friend is willing to listen to them. On that basis, I hope that he will reach the right decisions.

My hon. Friend suggests having a debate on the national health service during Easter week instead of the recess. I understand the pressure for extra parliamentary time, and the difficulties involved in fitting everything into the parliamentary programme. However, I believe that hon. Members are entitled to a recess—not least because some of them wish to work in their constituencies.

Mr. Andrew Robathan (Blaby): Will the right hon. Lady find time in the near future for a debate on the wider issue of civil service independence? That independence is highly respected and valued, not only by civil servants but by the British people whom they serve. That debate is necessitated not just by the Prime Minister's extraordinary statement yesterday that Alastair Campbell is a creature of new Labour, but by the recent sacking of several public information officers who were unwilling to embrace enthusiastically the new Labour manifesto. It is a serious point that should be discussed on the Floor of the House.

Mrs. Taylor: The independence of the civil service is an important principle. Some Opposition Members find it difficult to understand that civil servants do not represent their viewpoint. There was an attempt under the previous Government to make sure that the Government viewpoint was put, and some Opposition Members think that that viewpoint should continue, regardless of which Government are in power. Independence means exactly that: the civil service serves the Government of the day. In case the hon. Gentleman had not noticed, his party lost the last election.

Mr. David Taylor (North-West Leicestershire): Is my right hon. Friend aware of the death by explosion a few days ago at the age of about 200 of the Leicestershire deep mining industry, when the ventilation shaft at the Asfordby colliery was blown up by RJB Mining? Will she find time in an already crowded timetable to investigate the corrupt privatisation of the British coal industry? That has led to the loss of collieries like Asfordby, which has one third of Britain's clean coal reserves—1,000 million tonnes. Those have been for ever sterilised by that explosion.

Eight hundred million pounds of taxpayers' money has been invested in a project that could have secured the role of coal in power generation. Could my right hon. Friend find time to investigate why that pit was lost, in a carnival atmosphere generated by Richard Budge?

Mrs. Taylor: I can well understand the concerns expressed by my hon. Friend, in view of the impact of that decision on his constituents. He is aware of the pressures on parliamentary time, and will understand why I cannot give him the debate he seeks. Perhaps he will consider the possibility of getting an Adjournment debate, or of contributing to next Wednesday's debate.

Mr. Nick Hawkins (Surrey Heath): First, may I support what the hon. Member for Hornchurch (Mr. Cryer) said about the importance of listed sports events? In the light of the confirmation given by the Leader of the House that the Secretary of State for Culture, Media and Sport is listening on the issue, can we have an early debate after the Easter recess in Government time? The matter concerns many hon. Members of all parties, and many of us have already written to the Secretary of State about it.

Secondly, may I return briefly to the debate earlier this week, and the issue of the exception from reserved powers in relation to abortion? In the light of the right hon. Lady's earlier answer, in which she suggested that permission was given to two Government Whips to vote against the Government on the matter, it is extraordinary that many of her other colleagues were not informed that it was regarded by their Chief Whip as a free vote. In *The Scotsman* today, one Labour Member is reported to have said that he is livid about the matter, and others have complained that at no time were they told that it was a free vote on a matter of conscience.

Mrs. Taylor: I have nothing to add to what I said about the issue of abortion. The vote was about devolution, but there were some hon. Members who saw it as a conscience issue, and they sought the authorisation of the Chief Whip to vote as they did. That is the end of the matter.

On listed events, my right hon. Friend the Secretary of State for Culture, Media and Sport is, as I said, trying to get the opinion of the House, and to allow hon. Members to tell him what their priorities are. I cannot promise an early debate on the matter, but if hon. Members take up my right hon. Friend's offer to listen to their views, they can make their views known in that way. It is questions to my right hon. Friend on the Monday that we return from the Easter recess.

Mr. Derek Twigg (Halton): My right hon. Friend will be aware that a number of weeks have passed since the publication of the report on the scrutiny of evidence about the Hillsborough disaster, and she will know that I have asked many times for a debate. Can she tell us whether we are close to finding time for one, and can she confirm that it is hoped that that debate will take place between Easter and Whit?

Mrs. Taylor: My hon. Friend has raised this serious matter several times. I have expressed my sympathy with him in his desire for a debate, so that the families affected by that disaster can feel that every aspect has been discussed. I cannot give a date for such a debate today, but I am hopeful that we shall have a debate between Easter and Whitsun. He asked whether we were close to a debate, and that is as far as I can go at this stage: I believe that it might be possible to get a debate between Easter and Whitsun.

Mr. Tony Baldry (Banbury): Will the Leader of the House consider arranging a debate on farming in

[Mr. Tony Baldry]

Government time as speedily as possible? The farming community is concerned that the Government do not appreciate the seriousness of the situation in the countryside.

The right hon. Lady will recall that one of the first actions of the Government was to abolish the regional panels. Those were panels of farmers and others, which used to give advice to Ministers on what was happening in different parts of the countryside. Those have gone, so Ministers no longer have that line of communication.

The farming community will be surprised to learn that the Minister of Agriculture is to spend much of the Easter recess travelling through China. They would prefer him to travel through the United Kingdom to discover the state of British farming. Please may we have an early debate on the state of farming in the UK?

Mrs. Taylor: The hon. Gentleman says that Ministers do not have a full appreciation of problems. I reject that entirely. Perhaps Conservative Members do not have a full appreciation of the significant steps that have been taken by my right hon. Friend and his colleagues at MAFF, not least the extra aid to livestock producers and the agreement by the Agriculture Council on 16 March to lift the export ban on beef from Northern Ireland. My right hon. Friend and his colleagues take matters very seriously, and they are entitled to some recognition of the progress that they have made.

Mr. Gordon Prentice (Pendle): Last October, we learned that the Lord Chancellor had decided not to proceed with a judicial appointments commission as set out in the 1994 Labour party policy document "Access to Justice". The Lord Chancellor said, however, that he would report to Parliament annually on the exercise of his powers to appoint judges. I recall him saying that it was his intention to present a report to Parliament in April. Given the importance of the issue and the reservations expressed by many hon. Members on both sides of the House about the appointment of judges, is there not a powerful case for allocating time later this month to debate that report?

Mrs. Taylor: My hon. Friend, who has raised other requests at business questions, knows the pressure on time. I will consider what he said, but I cannot promise him a debate. It is questions to the relevant Minister on the Tuesday after we return from the Easter recess.

Dr. Julian Lewis (New Forest, East): Does the Leader of the House realise that the inadequacy of her answers to my hon. Friends the Members for Macclesfield (Mr. Winterton) and for Surrey Heath (Mr. Hawkins) makes it all the more necessary that, in her capacity as Chairman of the Modernisation Committee, she should explain to the House next week how the Government's attitude towards whipping practices allows a three-line whip to be put on a vote, which hon. Members are not allowed to break, but which two Whips are allowed to break? How can she seriously maintain that Whips alone wanted to exercise their conscience, and that other hon. Members had the opportunity but chose not to do so?

Mrs. Taylor: The hon. Gentleman could not have been listening to what I said earlier; nor can he be aware of the remit of the Modernisation Committee, which has nothing to do with the whipping in the House.

Mr. Ben Bradshaw (Exeter): Will my right hon. Friend do what she can to ensure that a copy of the Clarke Tilt report on the British film industry is placed in the Library and the Vote Office? That was promised a week ago, and it still has not happened.

Mrs. Taylor: I shall look into the matter, and try to remedy the situation.

Opposition Day

[4TH ALLOTTED DAY—SECOND PART]

International Arms Trade

4.48 pm

Mr. Menzies Campbell (North-East Fife): I beg to move,

That this House, mindful of the conclusions of the Scott Report, commends Her Majesty's Government for its efforts to obtain agreement for a European Union Code of Conduct on the arms trade; and urges Her Majesty's Government to ensure that any such code sets high common standards governing arms exports for all Member States, and, in particular, to insist that export guidelines are transparent, unambiguous and pay due regard to human rights.

A debate on the international arms trade is particularly timely today, for three distinct and important reasons. First, it is approximately two years since the publication of the Scott report. Secondly, only a few weeks ago, Britain was ready to go to war, if necessary, to eliminate Saddam Hussein's programmes of weapons of mass destruction. Thirdly, the Government are currently engaged, with the support, I hope, of all right-minded Members, in efforts to obtain an effective European code of conduct on the arms trade.

Mention of the Scott report allows us to remind ourselves of one or two features of that event. It is worth reminding ourselves that the central conclusion of the Scott report was that the Conservative Government deliberately failed to inform Parliament of Government policy on arms sales to Iraq. They survived the debate on the Scott report by one vote—as a result of persuading three Democratic Unionist Members to stay away and twisting the arm of Mr. Rupert Allason. One might think that that is hardly an expression of overall confidence in the House.

More than any episode, the arms-to-Iraq affair exposed the Tory Government for what they were. When the Leader of the Opposition goes on a circuit of the spa towns of Edwardian England saying to the collected membership of his party that the trouble was that the party allowed itself to be perceived as arrogant, the truth is that it was not perception but reality. The Conservative party was arrogant, and the Scott report underlined the extent of that arrogance and the degree of cynicism with which the Conservative Government regarded their responsibilities to Parliament.

In *The Observer* on 18 February 1996—about two years ago—the conclusion was reached that

"Britain helped to give Iraq the machine tools and the technology to wage nuclear and chemical warfare."

We now know that Britain did more than that. There is now clear and credible evidence that Britain laid the foundations for not only the nuclear and chemical programmes but the biological weapons programme that was being pursued in Iraq. It was Iraq's possession of those weapons and anxiety about the threat of their use, or of their actual use, that was the cause of the United Kingdom's being willing to deploy armed forces in the Gulf and, if necessary, to put the lives of those men and women at risk to prevent Saddam Hussein from utilising these programmes.

Some of the details of the biological weapons programme are now well known. We know, for example, that British and Swiss companies exported to Iraq large quantities of the growth media in which biological weapons are cultivated. Between 1987 and 1988, 39 tonnes of growth media were exported by two companies. That was enough for Iraq to produce four tonnes of deadly bacteria. Exports of the media in such large quantities are highly unusual. Indeed, sales of growth media for sound medical reasons are usually counted in pounds and not tonnes.

In addition, Britain trained many of the key Iraqi scientists. The covert biological weapons research programme was directed by General Amer Saadi, who obtained a masters degree in chemistry from Oxford university, and Rihab Taha, who had a doctorate in microbiology from East Anglia university. The procurement of supplies was controlled by one Ahmed Murthada, a British-trained engineer who led Iraqi research into the warfare uses of ricin, a toxin that derives from castor beans.

We know that British support was not confined to training or the supply of ancillary materials. There is now evidence to show that there is an irresistible inference that some of the anthrax that Iraq obtained as the foundation of its programme originated in Britain. It has emerged that Iraq obtained much of its anthrax supply from a United States company—the American Type Culture Collection, which is known as ATCC—with a base in Rockville, Maryland.

Between 1985 and 1989, Iraq obtained at least 21 strains of anthrax from ATCC and about 15 other class III pathogens, the bacteria that pose an extreme risk to human health. It has not been reported that many of the anthrax strains were British. Extensive American investigative journalism has revealed that they had been sold to ATCC, notwithstanding the fact that the company was well known to be re-exporting pathogens without restraint, not least to Iraq.

It was pretty easy to obtain pathogens from ATCC in the 1980s. It was necessary to submit a written request on headed notepaper from a credible but not necessarily reputable institution—[HON. MEMBERS: "The House of Commons?"] Those who suggest House of Commons paper are perhaps doing us less than justice. It was necessary to agree to responsibility for the receipt, handling, storage and use of the material, and then demonstrate in a short telephone conversation that one was scientifically literate. For the payment of a $78 fee, one could have access to deadly material. No more was required. It could hardly have been easier.

I have asked the Government recently in written questions whether any pathogens were exported direct to Iraq. I expected to receive confirmation that they were not, but in a written answer I have been told that the Department of Trade and Industry says that it has no way of telling whether any anthrax or other pathogens were exported direct to Iraq. Apparently no records are kept of destinations.

The DTI indicated that the remaining records of applications—there are records of applications but not of destinations—for licences to export to Iraq were in the Scott report. I doubt whether you will stay awake through the long hours of the night poring through the appendices to the Scott report, Mr. Deputy Speaker, but if you do it

[Mr. Menzies Campbell]

will be unhelpful and unrewarding. The appendices shed no light on any possible export of pathogens to Iraq. However, they raise other concerns about chemical weapons.

In the mid to late 1980s, Iraq made numerous attempts to purchase special chemicals from the United Kingdom, many of which are known as precursors—the vital ingredients for chemical weapons. Many of the export applications were blocked, but some were not.

In 1985, Iraq was able to import small quantities of chloroethanol and potassium fluoride, precursors for up to six different nerve gases. In 1989, an application was received for a licence to export phosphorus trichloride—a precursor to yet more nerve gas—but there is no record of whether that application was approved or refused. As far as we know, subsequent orders for these and other chemicals were refused, but the records attached to the Scott report are full of gaps. We have no way of knowing which chemicals were sold to Iraq or, more particularly, to what use they were put.

Recent events when UK forces were deployed to the Gulf—when their lives might have been at risk—show the price being paid for the failures of the Conservative Government in these matters. The country is entitled to say that we need protection against a recurrence. I think that the best protection against recurrence is domestic parliamentary scrutiny.

When the Foreign Secretary made his coruscating speech on the Scott report, one sentence summed up the strength and determination of what he had to say. He said:

"Secrecy made this scandal possible."—[*Official Report*, 26 February 1996; Vol. 272, c. 605.]

The damage caused by secrecy has been acknowledged by the Government in their White Paper on freedom of information, which was published at the end of last year. The opening line reads:

"Unnecessary secrecy in government leads to arrogance . . . and defective decision-making."

A little later, on page 18, it states:

"Commercial confidentiality must not be used as a cloak to deny the public right to know."

There is no reason in principle why Parliament should not exercise scrutiny over arms exports, or exports of dual-use technologies. It happens elsewhere. There is a system to that effect in Sweden—one of the most successful arms manufacturing countries. Commercial confidence does not appear to be breached.

If we can have parliamentary scrutiny of Government communications headquarters and the intelligence services, as we now have by a Committee whose members are drawn from both Houses of Parliament, surely we can have scrutiny of defence and defence-related equipment without any prejudice to the national interest.

Mr. Jeremy Corbyn (Islington, North): I am sorry to interrupt the hon. and learned Gentleman's flow. I agree with his point about parliamentary scrutiny. Does he accept that such scrutiny should also extend to information held by the UN weapons inspectorate in Iraq which, it is understood, has considerable knowledge of the individual companies that have, often in breach of the sanctions policy, exported chemical and biological material and weaponry to Iraq—yet it has maintained silence under the cloak of commercial confidentiality?

Mr. Campbell: I certainly agree with that. The hon. Gentleman and I were both in the House when the Scott report was published and discussed. He will recall that my attitude to these matters is similar to his. Transparency is the best protection against such abuse.

To be effective in these matters, Governments cannot act alone. That is why our motion commends the proposal for a European code of conduct on the arms trade, and in particular the Government on their efforts to secure such an agreement during their presidency of the European Union.

The stated objective of the code is to

"strengthen the exchange of information relevant to the export of conventional arms with the aim of setting high common standards for arms exports from all EU member states."

Those are laudable objectives but, unhappily, there is a gap between the present text and what I believe to be the essential standards that are required for an effective code. The preamble to the code states that member states are

"committed to the maintenance of a strong defence industry".

I do not dispute that for a moment, but in a code of conduct of this kind there should surely be a balance, or an acknowledgement, that the security of all of us in the European Union depends on the protection of human rights, the rule of law and economic and social development, and that a strong defence industry should serve those aims.

The code also proposes measures for the exchange of information and consultation. It provides that member states have to notify one another when they refuse export licences, but gives no details of the information that has to be notified, or indeed the time frame in which it should take place. To be effective, notification must surely include the type of equipment refused a licence and the prospective destination and end user, and the information should be circulated in a prescribed period.

There is a more fundamental and serious omission—there is no provision in the code for countries to notify other countries of licences that are granted. The code requires a country to intimate if it is refused a licence, but there is no obligation to intimate if it has granted a licence. That provision should lie at the heart of a code with such laudable objectives.

The code also proposes export guidelines, but these are ambiguous and leave too much room for subjective interpretation. If there is any ambiguity about whether a prospective military export breaks the guidelines, there should be a presumption that the export will be denied. In the case of ambiguity, the only possible conclusion to reach is that that export should not be entitled to take place.

There are eight guidelines in the code. I shall address three in particular. The signatories bind themselves to take into account human rights and not to export equipment that might be used for internal repression. However, there is a qualification to that obligation. Indeed, it constitutes a loophole. It allows the export of repressive equipment

"if the end-use is judged to be legitimate, such as protection of members of the security forces from violence".

Every state that has ever been guilty of repression will seize on that as a justification. If ever there were part of the code that defeated the code's objectives, it surely lies in that qualification.

Another guideline relates to regional security—there are references to regional security in the code—but the guidelines should be strengthened so that they state explicitly that arms exports will be denied where a proposed sale might have a destabilising effect on a region.

The code also talks about development. There should be an express presumption that arms exports will be denied to countries that spend more on the military than on health and education combined. There should be a presumption to deny exports that undermine the objectives of bilateral and multilateral aid.

There are additional measures that the code should embrace if it is to be effective. The code states that it is the duty of member states to "promote transparency" and the need to "harmonise export licensing procedures" is mentioned. Again, those are laudable objectives to which no one could object, but unhappily there are no measures to ensure that they are realised.

Parliamentary scrutiny, to which I have referred in a domestic context, should be embedded in a code that applies to member states of the European Union. All member states should be obliged to produce an annual report to their Parliaments of the arms export licences that have been granted or denied.

There should be a common system of end-use controls. End use is often the means by which transactions, which on the face of it are legitimate, are rendered illegitimate. These agreements should have the status of legally binding contracts and there should be a follow-up system to check that the end user is the one that was first proposed.

Brokering should be controlled. Member states should establish a central database of arms brokers. It should not be possible for people to create £100 companies with two £1 shares paid up and set themselves up in the United Kingdom, or anywhere else in the European Union, as arms brokers. If people want to practise that trade, they should be obliged to register so that we may know precisely who, in this dark and rather subterranean world, is active. It was perfectly plain that, throughout his inquiry, Lord Justice Scott was often thwarted because of inadequate details of some of the companies that were operating in this area.

Mr. Gordon Prentice (Pendle): The hon. and learned Gentleman called for transparency in these matters. Would that extend to commissions? As he will know, in some arms exports, some 25 per cent. of the value of the export is siphoned off to commissions. That must cause him concern.

Mr. Campbell: I hope that it would cause all hon. Members concern. There are newer Members to whom the hon. Gentleman's point may have been more expressly directed than those present this afternoon. He is absolutely right. Transparency in these matters is essential.

The Council of Ministers of the European Union should review annually the code's implementation and make recommendations for its development or alteration. The results of any such review should be reported to national Parliaments and to the European Parliament for debate.

European Union states are among the leading arms exporters in the world. In 1996, they had 40 per cent. of the world market in arms exports. That entitles us to say that they have a special responsibility to promote restraint and transparency in the transfer of conventional arms and technologies for military use. The aim of setting high common standards for arms exports from all EU member states is one to which I hope all hon. Members find it easy to subscribe.

In our recent history we have seen the consequence of the indiscriminate export of defence and defence-related equipment. Nothing would cause the public more concern, apprehension and even anxiety than the knowledge that there might be a repeat of the circumstances that obtained during the Gulf war—that British forces might find themselves on the wrong end of equipment or of materials, the ability to manufacture which had been provided in a profligate and wholly unrestrained way by the previous Government.

I commend the code as a common EU action that is entirely worth while and much more likely to be effective on a collective rather than an individual basis. The Government deserve the support of the House in their efforts to ensure that such a code is effective and meets the laudable and praiseworthy objectives set out in its preamble.

5.10 pm

The Minister of State, Foreign and Commonwealth Office (Mr. Tony Lloyd): I am not sure whether I have been damned with faint praise or praised with faint damns, but I strongly welcome the motion tabled by the Liberal Democrats. I thank the hon. and learned Member for North-East Fife (Mr. Campbell) for his courtesy in making me aware of one part of his speech to which I otherwise would not have been able to respond.

Clearly, the Government do not oppose the motion. We welcome the Liberal Democrats' support for our work on the EU code of conduct for arms exports. The proposals which we and the French have tabled will set genuinely high common standards for exports from all EU member states. In so doing, they represent a break from anything that has existed in this area in the past.

Let me set the EU code of conduct on arms sales in a wider context. It is an important measure but it is only one part of the story which the Government have to tell on the regulation of strategic exports. When the Government came to power we were determined to add an ethical dimension to British foreign policy. That, inevitably, has implications across the range of international relations, from greater readiness to raise human rights in bilateral dialogue to support for ethical trading standards.

When talking about ethical trading standards, it is inevitable that they should apply specifically to arms exports. The hon. and learned Gentleman was right when he said that we do not recoil from the idea that we have a strong defence industry. The industry's recent export performance, which has increased under the Government's tight export regime, is one of Britain's success stories. The International Institute for Strategic Studies estimates the United Kingdom's share of global arms exports in 1997 to be 22 per cent. of the global total, about half as much again as that of France and second only to that of the United States.

That is a tribute to the competitiveness of British industry. But it gives us—a point made by the hon. and learned Gentleman—a particular duty to manage arms

[Mr. Tony Lloyd]

exports responsibly. We need to ensure that arms exports are in line with UK interests and that jobs and prosperity, although important, are not bought at the cost of human rights abuses or international instability.

The hon. and learned Gentleman referred to the Scott report which partly inspired the Government's policy. There can be no doubt that that report revealed a scandal at the heart of the previous Government. I hope that, with time, that will become the common framework within which Britain judges the matter.

We are also aware that that was not the only scandal at the time. There were other areas in which arms exports were at best lax and at worst simply unacceptable. We were, and are, determined to ensure that the situation described by the Scott report does not happen again.

In February 1997, on the first anniversary of the Scott report's publication, the then Labour Opposition committed themselves to a range of measures designed to achieve that. In our election manifesto we said that we would not permit the sale of arms to regimes which might use them for internal repression or international aggression.

On taking office, one of the Government's first foreign policy priorities was to put that commitment into practice. We initiated a review of the criteria used in considering licence applications for the export of conventional arms and dual-use goods. In July last year, my right hon. Friend the Foreign Secretary announced the outcome of that, which was that the new criteria would give full weight to the UK's economic, commercial and financial interests. The Government are keenly aware of those.

The defence industry is a strategic part of the UK's economic base. It supports more than 400,000 jobs. Its ability to export is crucial to the viability of the defence industry and to the preservation of those benefits. Defence exports help the national balance of payments and reduce the unit cost of equipment for UK forces. They can also contribute to security and stability by helping to strengthen bilateral and collective defence relationships.

But the criteria—this is the important point about balance—also deliver in full on earlier commitments by stating that licences will be refused where there is a clearly identifiable risk that proposed exports might be used for internal repression, aggressively against another country, or to assert by force a territorial claim. Those are important changes in previous criteria and an important step forward in ensuring that Britain can claim to be staking out a position that balances national interest in terms of jobs and defence with national interest in terms of the promotion of human rights.

On the same day that my right hon. Friend the Foreign Secretary announced the new criteria for arms exports, he also announced another important step forward—a ban on the export or trans-shipment from the UK of weapons of torture, including such choice items as electric-shock batons and shields, stun guns, gang chains, leg irons, shackles and electric-shock belts. There is clear evidence that such equipment has been used to inflict torture or cruel, inhuman or degrading treatment on our fellow citizens in the world. Thus, another of our pre-election commitments was fulfilled by my right hon. Friend.

Mrs. Maria Fyfe (Glasgow, Maryhill): A firm in my constituency was involved in the sale of weapons of torture, allowing their manufacture to go on in Mexico while the paperwork was done in Britain. How might the Government be able to tackle such a problem?

Mr. Lloyd: My hon. Friend raises a genuinely important point. As with the EU code of practice on conventional arms exports, we are trying initially to work towards a European framework for the banning of sales and exports of weapons of torture, but it is our ambition to internationalise those processes. My hon. Friend may be more aware than I am of the state of legal proceedings in the case to which she refers. I do not know what stage it has reached in the Scottish judicial process, but such prosecutions should have the support of the House. We are considering ways of preventing third-country traffic and the use by British firms of offshore activities as a means of avoiding the impact of British legislation. My hon. Friend will probably recognise that there are serious legal difficulties in enacting such a frame of reference, but she raises an important point.

Similarly, the Labour Government quickly delivered on their commitment to ban the export of anti-personnel land mines. Britain was among the first to sign the Ottawa convention banning anti-personnel land mines internationally. As soon as the parliamentary schedule allows, we aim to introduce legislation that will allow us to ratify the convention.

Having spoken of national controls, I now want to turn to the reasons why the EU code of conduct represents a significant step forward. I note the points raised by the hon. and learned Member for North-East Fife, but he will appreciate that, in trying to break new ground and internationalise a process for the first time, inevitably we have to work at a pace that is acceptable to all our partners and allies.

Our primary concern was to make sure that national action would not prevent certain regimes from acquiring certain equipment, as we experienced when Britain was undercut by other countries. That would do our own industry a disservice but, more importantly, it does a fundamental disservice to the human rights values in the national code of conduct. Our intention to work for a European code was another of our February 1997 policy pledges and it was reconfirmed by my right hon. Friend the Foreign Secretary when he announced the new criteria.

Progress has been excellent. We started off by talking to the French. The hon. and learned Member for North-East Fife referred to the size of the European market, which accounts for some 40 per cent. of global exports. However, Britain and France account for some 80 per cent. of European exports. As nearly one third of global exports are from Britain and France, the House will understand the logic of beginning the process by talking to the French.

We have received enthusiastic responses from the rest of our European partners and that has been important in generating the will to take the process forward. We have been able to agree on a joint draft text with the French, and it is now being circulated among our other European partners. It is still our aim to achieve agreement during the United Kingdom presidency.

Mr. Harry Cohen (Leyton and Wanstead): I am delighted that the code of practice has received a positive

response from other European Union countries and I congratulate the Government on promoting it. However, certain loopholes have been pointed out by the hon. and learned Member for North-East Fife (Mr. Campbell), among others. Even if the code is signed, will my hon. Friend, together with our European partners, ensure that there will be an on-going process so that those and any future loopholes can be closed?

Mr. Lloyd: I am aware of the specific point to which the hon. and learned Member for North–East Fife and my hon. Friend referred, but we do not believe that it is a loophole as we find it acceptable to provide protection for security forces. However, the sale of certain equipment is acceptable only when it does not infringe the more important criterion that the equipment is not used for the purpose of internal repression. We do not believe that internal repression should be permitted to pursue what might be described as legitimate security operations. We take the opposite view—that legitimate security operations should not take place if they involve internal repression. Our national criteria upon which the European code is based allow for no such loopholes. We shall always look at the form of words and the practice to see whether improvements are required, but it is not our view that there is such a loophole.

Mr. Corbyn: I am glad that my hon. Friend has reached this point. Does he believe that the EU code, when it is fully operational, will prevent Britain from selling arms to Turkey? After all, we provide 10 per cent. of Turkey's armaments. Does my hon. Friend accept that the Turkish army is waging a civil war against the Kurdish people in eastern Turkey and that the most appalling violations of human rights are taking place using equipment manufactured and sold by Britain and almost every other EU country? Does he accept that an arms embargo on Turkey would have a dramatic effect on improving human rights there?

Mr. Lloyd: Neither the national code nor the European code introduces the concept of arms embargoes. As my hon. Friend will be aware, arms embargoes apply to certain countries. For example, the United Nations Security Council recently announced a global ban on arms sales to the former Yugoslavia.

The EU code would not provide a blanket ban. However, it would make our national framework operate on an EU-wide basis that would prevent the sale of arms to any country that fell foul of the criteria in respect of internal repression or external aggression. That is a test which, properly brought to bear, has a material impact on the sale of arms. It already has an impact on the way in which Britain has been conducting such affairs internationally and it will have the same impact at a European level.

The code that will operate at a European level is an elaboration of the common criteria agreed in 1991 and 1992, in line with UK national criteria that are already well defined and well understood. It is also designed to prevent undercutting—the specific point raised by the hon. and learned Member for North-East Fife. It includes a consultation mechanism providing for partners to circulate to other partners information about denials of export licences and requires a partner to consult the denying partner before deciding whether to issue an export licence for essentially the same goods to the same client. That will bring pressure to bear to prevent undercutting in arms sales that has allowed would-be purchasers to shop around. It gives European defence sales new and increased strength.

Agreement on the code will be a major step forward in the effective international regulation of arms exports. The consultation mechanism that we have proposed breaks significant new ground. Never before has such a mechanism been applied to conventional arms exports and the Government deserve credit for initiating work on the code and pursuing it so vigorously.

Agreement on the code, however, is not the be all and end all. Many complex issues such as strengthening end-use controls cannot adequately be addressed in a document such as the code. We are continuing to work on them at national level as it is important that we get our national framework right. They arise out of the Scott inquiry and, as the House knows, we have not yet received its final report. We want to take those matters forward in international forums. No one is pretending that an EU code of conduct is the final wisdom. We want to internationalise all the processes in which we are engaged and include such issues as end-use control in that European framework. When we have experience of how the code works in practice, we shall to consider what further measures are needed to improve its operation.

We are continuing to work on issues wider than the European framework. A good example is what we are doing in respect of the Wassenaar arrangement on export controls for conventional arms and dual-use goods and technologies. That international framework has the potential to make a valuable contribution to the promotion of responsibility and transparency in transfers of arms and dual-use equipment.

The United Kingdom has been at the forefront of efforts to develop the Wassenaar arrangement so that it can fulfil its potential. We continue to press for an expansion of the reporting categories for conventional arms transfers and we have volunteered to notify export licences denied on grounds of regional stability. Regional stability is an important criterion. It is a totally open reporting system and, in one case, we have already made such information available. We have played a leading role in work on what makes transfers destabilising. As a result, we have firmly established the United Kingdom as one of the most constructive and active players within the Wassenaar arrangement.

The United Kingdom remains determined to strengthen the UN register of conventional arms. That is not an easy process; last year, the UN panel of experts produced a disappointing report, although we endorsed it because we wanted to build on the consensus. The United Kingdom will continue to work individually and with European Union partners to persuade more countries to contribute to the register and to broaden the categories of weapons covered.

The biggest issue on which we want to make progress is illicit trafficking, especially in small arms and light weapons, which were the dominant weapons in virtually all the 49 large-scale conflicts that took place in 1995—the most recent reference point. It is estimated that over 55 per cent. of small arms are traded illicitly, and are often recirculated from one conflict to another. In southern

[Mr. Lloyd]

Africa in particular, there is no doubt that weapons were passed from one country to another and used in different conflicts at great human cost.

Graca Machel, widow of the former President of Mozambique, has campaigned on a range of issues, especially illicit arms. She recently told me that the effects of the glut of cheap, easily available small arms have been devastating, not only on her country, but throughout huge parts of the African continent and worldwide.

We are determined to play a role in the fight against small arms proliferation and illicit trafficking, and during our presidency of the EU we have taken forward vigorously work under the EU programme to combat illicit trafficking in conventional arms. The programme could achieve progress for the world.

In February, Britain hosted an international conference on the problems of arms trafficking within and into the EU. The United Kingdom believes that, outside the EU, the programme should focus initially on southern Africa. In May, the Department for International Development will fund a seminar in South Africa that will be run by Saferworld, a British non-governmental organisation, in co-operation with a South African NGO. It should identify practical ways of helping affected regions and, we hope, produce project ideas for funding by donors.

We are also supporting work outside the EU programme. We have previously expressed support for the work of the Government of Mali to secure a moratorium on the import, export and production of light weapons in the Sahara-Sahel region, and are putting money into the project.

At a conference in Oslo yesterday, £300,000 was pledged on behalf of my right hon. Friend the Secretary of State for International Development to the United Nations Development Programme project to co-ordinate and assist security development for the implementation of the moratorium once it is agreed. Those are practical steps.

The hon. and learned Member for North-East Fife spoke about Iraq's chemical and biological weapons programmes. The House was rapt in its attention to recent events, and there can be no doubt about the British Government's present commitment to ensure that the UN inspection system works. We demand the destruction of Iraq's capacity to deliver weapons of mass destruction of any kind—nuclear, biological or chemical.

The hon. and learned Gentleman is right to ask how those programmes came about. He asked about a number of issues, but I cannot give him answers because events took place under the previous Government—we are as tied as Scott was in pursuing them. We must ensure that we move to a regime that stops such events happening again and staining the honour of this nation. That can be achieved in a number of ways—for example, by examining controls of dual-use technology. I shall look carefully into the transfer of equipment to the American Type Culture Collection. We have made inquiries, but I hope that he will forgive me for saying that there was not enough time to provide a substantive answer. We will look into the matter.

The control of dual-use technology is an important and difficult issue, but although national controls are important, we can do better. The Government are determined to make progress on a convention for biological weapons; it would mirror the convention for chemical weapons, which allows for challenge inspection, and could provide a framework within which biological weapons production would be controlled in the same way as chemical weapons production and would ensure that it could not take place. We are working on it, and already have agreement at EU level. We are determined to pursue the matter as far as we can and to bring to the world the benefits of a convention that would ban biological weapons.

I have discussed the matter with the Indian Government through their high commission, and we shall take every opportunity to move the agenda forward to rid the world of these vile chemical and biological weapons.

The handling of defence exports raises difficult questions for foreign, industrial and defence policy. Inevitably, passions are aroused, and there is controversy. Striking the right balance between protecting the United Kingdom's prosperity and ensuring that British exports can be used only for legitimate purposes is important to the Government, who have given a clear commitment that their foreign policy is based on humanitarian principles.

Britain can be proud of the record that we are establishing. I have outlined a record of achievement and of progress in significant areas on which we are building the basis for a much more rational and much more acceptable frame of reference for arms controls. The story, across the board, is of commitments achieved or in hand, and of progress and responsible management of our exports in line with the United Kingdom's interests.

There was a significant break with the past when the Government took power, and I hope that hon. Members will endorse it.

5.36 pm

Mr. David Faber (Westbury): I, too, congratulate the hon. and learned Member for North-East Fife (Mr. Campbell) on raising this matter. I hope that he will forgive me if I do not follow him down every avenue, but I shall agree with him later in my speech on loopholes in the European code of conduct.

I shall continue the quotation from which the hon. and learned Member derived one line. The first paragraph of the declaration that forms part of the draft code of conduct states:

"EU member states are committed to the maintenance of a strong defence industry which is a strategic part of their industrial base as well as their defence effort. They recognise that defence exports can contribute to international stability by strengthening bilateral and collective defence relationships in accordance with the inherent right of self defence recognised by the UN Charter."

I endorse those views.

Article 51 of the UN charter clearly states the right of all nations to self-defence, and Conservative Members respect the right of other countries, as sovereign states, to protect their independence and exercise their right to self-defence. That is why I believe that a properly regulated arms trade is entirely legitimate. The responsible exporting of defence equipment to our friends and to our allies makes an important contribution to world peace and stability. It deters the expansionist aspirations of unfriendly and aggressive regimes.

As we have heard from the hon. and learned Member for North-East Fife and the Minister, the latest instance of the need for defence equipment was during the recent

United Nations operation, which was reinforced so well by British forces in the Gulf and elsewhere, to secure Saddam Hussein's agreement over weapons inspections in Iraq. Hon. Members saw only a few weeks ago the impressive range of military technologies that is at the disposal of our troops in the Gulf. It is a tribute to them and to the British defence industry that they were and remain so well prepared for military action.

Britain's defence industry is a success story. It is the second largest exporter in the world—second only to the United States. It takes the largest world market share of any British industry, and supports more than 415,000 jobs, 140,000 of which are directly dependent on defence exports.

The industry is the biggest contributor from exports to the Treasury—70 per cent. of defence production is for the export market.

In 1995, against stiff competition, the United Kingdom won export contracts worth some £5 billion, and in 1997 the figure rose to £5.5 billion, a record of which we can be justly proud. The value of our exports means that the cost of equipment for UK forces is reduced, and that the nation's essential technology base is secured. Most of the equipment supplied to Britain's armed forces comes from Britain's defence industry. The Ministry of Defence has estimated that British arms exports save it £300 million a year on what it needs to buy.

That is the constructive view of the Ministry of Defence, but we sometimes wonder whether it is also the view of the Foreign Secretary and the Foreign Office. When the Foreign Secretary came to power, he initially tried to improve his standing in his party by refusing a couple of small export licences to Indonesia: a decision which apparently infuriated the President of the Board of Trade. Other Foreign Office attempts to restrict arms exports to Indonesia have been stopped by the Ministry of Defence. As a result, the Foreign Secretary has understandably directed his efforts towards Europe, and much has been made of his efforts to persuade our European partners to sign up to the code of conduct.

What does the Ministry of Defence make of these machinations at the Foreign Office? I am sorry that the Under–Secretary of State for Defence, the hon. Member for Warley (Mr. Spellar), has had to leave the Chamber, because it would have been interesting to hear from him. Only last month, the MOD issued a press release boasting of a 10 per cent. increase in Britain's arms exports, and published a Green Paper, "Defence Diversification: Getting the most out of defence technology", which contained proposals for a defence diversification agency. Has the Foreign Secretary had a chance to read it? Paragraph 3 states:

"The Government said in its election manifesto: 'We support a strong UK defence industry, which is a strategic part of our industrial base as well as our defence effort.'"

The Opposition agree with that. The Green Paper also states that the Government

"believes in a strong defence against the new security challenges that face this country and its Allies in the post-Cold War world".

We agree with that, too. It says that whatever changes emerge as a result of the strategic defence review,

"one underlying reality is that a strong defence will continue to require a strong defence industry."

Paragraph 5 states:

"This country derives great benefits from a healthy defence industry—not only from being able to meet most of the equipment requirements of our own armed forces from domestic sources, but also from the wider industrial benefits including the economic and employment advantages that derive from the export of defence equipment."

The Minister of State touched on that at the end of his speech. I understand that that is also the view of the recognised organisations within the trade union movement.

Paragraph 10 of the Green Paper states:

"However, it is widely recognised that the defence industries of Europe must restructure if they are to meet the fiercely competitive challenge posed by the very large corporations that have already formed as a result of a series of mergers of US defence contractors. The impact of this process on the UK defence industry is yet to be seen, but our defence industry is highly competitive and is in a strong position to play a leading role in the restructuring process."

The Government are right to be concerned. While we have 25 per cent. of the current world market, the United States, with an industry 10 times the size of ours, already has 38 per cent., and that is before it has begun to flex its muscles in the export market, having always relied heavily on its internal market.

What role does the Foreign Secretary envisage his ethical foreign policy will play in helping the Ministry of Defence and the defence industry to meet the growing competitive challenge from abroad? The Green Paper says that one of the roles of the new defence diversification agency will be to encourage

"companies active in servicing defence needs . . . to exploit potential new opportunities for their products and technologies in the UK and overseas military and civil markets."

I hope that the Foreign Secretary will do what he can to achieve that aim.

The Green Paper contains six half-page reports describing the success that arms manufacturers and the MOD's Defence Evaluation and Research Agency have had applying military technology to civilian uses. In fact, the entire Green Paper is one big advertisement for Britain's defence industry.

There is, therefore, conclusive proof that the Ministry of Defence has largely ignored the Foreign Secretary's push for a so-called ethical foreign policy, and that he has little influence in the Government and especially in Departments that should be working closely together on Foreign Office-related business. *[Interruption.]* The Government Whip, the hon. Member for Doncaster, North (Mr. Hughes), tut-tuts, but an article in *The Spectator* informed us last week that

"George Robertson has gone completely native at Defence. He talks about 'his boys', and Robin Cook doesn't have a clue what's going on half the time, because the Foreign Office only knows what the MoD chooses to tell it."

This may be a good moment to mention the £2 billion arms deal that the Government are planning with South Africa, which we read about at the weekend. It is primarily for submarines, but is part of a wider arms deal involving aircraft, frigates, tanks and helicopters. Will the Minister confirm that the Government have agreed to repay the purchase price of the submarines—some £200 million—as "industrial participation"? Is that not a clear example of an arms-for-trade deal such as the Foreign Secretary opposed vociferously when he was in

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opposition? Is this the same Foreign Secretary who said that aid or trade should never again become entangled with arms sales?

The Green Paper says that, within the new criteria to be used in considering arms export licence applications,

"the responsible export of defence equipment will continue to bring benefit to the British economy."

In fact, little could be further from the truth. In reality, the Government have failed to process hundreds of export licence applications from British companies that are responding to perfectly legitimate orders from abroad, at a time when the Government's defence export service predicts that international demand will decline by 15 per cent. in the next two years. That is bad news for British business, most notably the defence industry.

The Select Committee on Defence heard only yesterday that the industry is gravely concerned that the policy reviews have created a backlog that is resulting in delays of up to nine months in some cases. That could allow foreign competitors to steal business that would otherwise have gone to British companies.

Export licences to export strategic goods are issued by the President of the Board of Trade: the export control organisation in the Department of Trade and Industry is the licensing authority. They are issued under part III of schedule 1 to the Export of Goods (Control) Order, otherwise known as the "military list". The ECO either deals with applications direct or circulates them to other Departments with an interest—most notably, the Foreign Office, the Ministry of Defence or the Department for International Development.

I shall give the House an idea of the number of applications involved. Between 3 May 1997 and 6 March 1998, 6,918 applications were circulated to the Foreign Office, 8,673 to the Ministry of Defence and just 783 to the Department for International Development. That is a great number of potential orders for British manufacturers on which a great number of British jobs depend.

In response to a question from my hon. Friend the Member for Reigate (Mr. Blunt) on 25 March, the Minister for Small Firms, Trade and Industry confirmed that, on 6 February 1998, 1,586 applications were outstanding, some going back to 1 September 1998. The ECO measures its performance against two stated aims: to provide a substantive response to applications that are circulated to other Departments within 20 working days, and to provide a response within 10 working days to those that are dealt with internally by the DTI.

When the Government took office on 1 May, the ECO was successfully hitting those targets. A remarkable 97 per cent. of non-circulated applications were dealt with within the 10-day period, and 69 per cent. of circulated applications were dealt with within 20 days. Since the Government came to power, and particularly since the DTI has had to consider the criteria set out by the Foreign Secretary on 28 July, that record has plummeted. By 6 February—which is the end of the last four-week period for which the DTI has been able to give me figures—the success rate for non-circulated cases had fallen from 97 to 61 per cent., and for circulated applications from 69 to 52 per cent. In the previous month, the latter figure had been as low as 41 per cent.

That is a disgrace. It represents an administrative logjam of scandalous proportions, and is a kick in the teeth for exporters already under pressure from the high level of the pound, as presided over by the Government. That is not the fault of those working in the Departments, but they have been thrown into a state of administrative confusion by the so-called ethical dimension of the Foreign Secretary's new policy.

The greatest irony is that, according to the little evidence we have, there is no noticeable rise in the number of applications that have been turned down in that period. For all the Government's rhetoric, there has been virtually no change in the number of applications being refused since 1 May. It is not surprising that the Government refuse to publish the figures on the number of licences that have been refused. The Minister for Small Firms, Trade and Industry was only too happy to publish figures of licences refused by the previous Government up to 1 May, but from now on, she tells us, rather grandly,

"the Government will report annually on the state of strategic export controls and their application since 2 May."—[*Official Report*, 12 December 1997; Vol. 302, c. *722*.]

We can be sure that actual figures will be noticeable by their omission.

When I asked the Foreign Office, the Ministry of Defence and the Department for International Development how many applications they had recommended for refusal, I received a standard reply from all three, which included the sentence:

"The advice that is given by these departments to DTI falls into the category of internal discussion and advice, the disclosure of which would harm the frankness and candour of internal discussion and which is being withheld under exemption number 2 of the Code of Practice on Access to Government Information."—[*Official Report*, 27 March 1998; Vol. 309, c. *310-11*.]

How very convenient. So much for open government.

Slowly but surely, anecdotal evidence is being replaced by hard facts, as increasing numbers of companies find that they are missing out on legitimate orders. The Minister may recall the case raised recently by my right hon. and learned Friend the shadow Foreign Secretary, involving a British company that lost an order to its competitors in Scandinavia for the supply of blue helmets to UNHCR personnel in Kabul. That firm has received no further approaches for equipment from the UNHCR.

Perhaps the Minister can confirm that a small company was approached to supply four machine guns to a Spanish shipyard, which were in turn to be fitted to four patrol boats and then to be sold to the Colombian navy to fight the drug barons in that country. That involved a thorny ethical decision, to be sure; but did not the Minister refuse the application, only to be overruled by the Foreign Secretary?

How ironic it is that, only last night, the Foreign Secretary made a welcome statement about resources for mine clearance. The money is certainly welcome, but it would appear that United Kingdom companies will not be allowed to participate in the mine clearance campaign. Recently, because of the inordinate time that it took to process its application, one of the leading mine-clearing device producers in the country lost a substantial order for mine-clearing equipment to its principal Scandinavian competitor. More ironically still, its competitors in Sweden and Finland do not even have to apply for such a licence, as the machinery is dealt with under the heading of agricultural machinery. So much for a level playing field throughout Europe.

On the issue of licensing, I am sorry that the Minister was not able to enlighten us about when the promised White Paper—which we hope will lead to primary legislation to reform the 1939 legislation—will be published. There is clearly a will in the DTI to proceed with such legislation as soon as possible, but I believe that the Minister himself recently confirmed that there would be no legislation in the current Session. It would be helpful to have an indication of the timing.

Let me now deal with the proposed EU code of conduct, of which the Minister gave details. It was constantly referred to by the Foreign Secretary when his party was in opposition, and, as we have heard, is now a central plank of the Government's EU presidency. As has been said, we already have eight EU common criteria for arms exports, the first seven of which were agreed at the Luxembourg Council in June 1991; the eighth was added at Lisbon in 1992. The previous Government were instrumental in drawing them up, and always supported them.

Some say that the criteria are too lax. At the risk of delaying the House, let me remind hon. Members of some of their contents. They refer to:

"The respect of human rights in the country of final destination.

The internal situation in the country of final destination, as a function of the existence of tensions of internal armed conflicts.

The preservation of regional peace, security and stability.

The national security of the member states . . .

The behaviour of the buyer country with regard to the international community, as regards in particular its attitude to terrorism, the nature of its alliances, and respect for international law.

The existence of a risk that the equipment will be diverted within the buyer country or re-exported under undesirable conditions."

Those criteria are clear and forceful; the only way in which to improve them is to introduce a means of enforcement. We now have a new United Kingdom code, and we are to have a new European code as well. The Minister recently referred to developing the EU criteria, and today he described the new code as an elaboration of them.

In a written answer on 2 February, and again today, the hon. Gentleman made much of the so-called "no undercut" mechanism. Having read the draft code carefully, however, I must disagree with him, and agree strongly with what was said by the hon. and learned Member for North-East Fife. At the beginning of my speech, I quoted the first paragraph of the declaration by EU member states. Opposition Members heartily support the Government's commitment to a strong defence industry, and to countries' right to self-defence, but many outside the House must be bitterly disappointed, having been given the impression by the Government that the code would sound the death knell of the European defence industry.

The draft code is considerably weaker than the Minister has suggested when it comes to undercutting. The relevant part of paragraph D of the declaration states:

"Before any member state grants a licence which has been denied by another member state for an essentially identical transaction within the last three years it will first consult the member State which issued the denial. If following consultations the member State nevertheless decides to grant a licence, it will notify the member State issuing the original denial giving a detailed explanation of its reasoning."

Although the code is supposed to introduce a common standard in the assessment of whether an arms export order should be processed, there is nothing in it to compel member states not to take up contracts previously turned down by others.

If a member state decides to undercut another, there will be a confidential bilateral meeting between those concerned. If the undercutting state decides to go ahead with the export contract, all it will have to do is confirm to the other state its reasons for so doing. Such a statement would remain confidential between the states concerned. Clearly, once a fellow member state has informed its partners of a decision to refuse a licence, it must then trust to the integrity of its partners. That is in stark contrast to what the Foreign Secretary told my hon. Friend the Member for South-West Devon (Mr. Streeter) on 10 February at Question Time. He said:

"I assure the hon. Gentleman that if any country proposed to take up a contract that we had denied, we would pursue the matter through all 14 member states."—[*Official Report*, 10 February 1998; Vol. 305, c. 127.]

We might well do that, but there is no provision in the draft EU code for other states in Europe to do likewise. Indeed—ironically—if undercutting becomes commonplace, member states are less likely to turn down arms contracts in the first place.

No one doubts the integrity of our partners, but different countries have different priorities for their defence trade and national interests. France's defence industry is heavily state-subsidised, and we should bear in mind the fact that almost universal public condemnation of its decision to carry out nuclear tests did not stop it doing so.

As well as issues of transparency and lack of ambiguity—rightly mentioned by the hon. and learned Member for North-East Fife—the Liberal Democrat motion refers to human rights. As I said earlier, that issue featured strongly both in the last Government's guidelines and in the common criteria agreed in Luxembourg and Lisbon. The draft EU code, however, is ambiguous at best, and at worst weak. Paragraph 2 is full of caveats concerning internal repression. I will not repeat the section already mentioned by the Minister, but a later section states:

"In some cases, the use of force by a government within its own borders does not constitute internal repression. The use of such force by governments is legitimate in some cases, e.g. to preserve law and order against terrorists or other criminals. However force may only be used in accordance with international human rights standards."

That is undoubtedly true, but, whether the Minister likes it or not, it is a loophole in what the Government claim they are trying to achieve.

Most astonishingly of all, the next section states:

"The attitude of recipient states towards relevant human rights instruments should also be taken into account although non-adherence should not preclude countries from receiving arms."

Mr. Tony Lloyd: Is the hon. Gentleman saying that the Government should not fight terrorism, or is he saying that, if they do, they should have no recourse to international law? In either case, the Government disagree fundamentally with the position of Her Majesty's Opposition.

Mr. Faber: Of course I am not saying that; I am saying exactly the opposite. I entirely agree that, in many

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instances, it is necessary to sell such arms. As the hon. and learned Member for North-East Fife pointed out, many countries have traditionally used that as an excuse, and will continue to do so. However, there is no instrument in the draft code of conduct to enforce the code, as such. Contrary to what the Minister says, it does not represent a step forward in terms of enforcement from the EU common criteria agreed in Luxembourg and Lisbon. The final statement that

"non-adherence should not preclude countries from receiving arms"

strikes me as an open invitation to many countries to use the excuse available to them.

I and, I am sure, the House look forward to the Foreign Secretary's report, which is due in the summer, on the impact of his policy on arms exports. I hope that it contains an apology to the hundreds of contractors whose exports have been stalled in the past few months, and I hope that he remembers to mention the exports to South Africa and Indonesia that he has approved. I hope that the Government and the Foreign Office, in particular, will give serious thought to a sensible balance between support for our own industry and the crucial need, agreed by all hon. Members, to uphold basic human rights throughout the world.

5.59 pm

Ms Tess Kingham (Gloucester): In debating the international arms trade, it is important not to engage in sterile discussions about profit and loss statements, balance sheets and technicalities. We should consider not the recipients of arms—the military—but the civilians—the ordinary women, men and children who are most touched by the arms trade. Some 84 per cent. of all casualties are civilians, and they are the people on whom I should like the debate to focus.

I should make it clear at once that I am not a pacifist. I believe in a country's legitimate right to self-defence, and I have no difficulty with countries purchasing arms for such use. The area in which my constituency is situated relies greatly on the defence industry. I stress "defence industry". Before being elected to Parliament, I worked for 10 years for international aid agencies. Much of the work centred on areas in conflict, and I witnessed, or was told about, weapons that were sold by European countries and used not for defence but to wreak havoc and terror on civilian populations.

With War on Want in Mozambique, I saw people with their noses and lips cut off by the Renamo rebels who had shot, raped and looted, using weapons that had been supplied through South Africa and Europe. With Oxfam in El Salvador, I spoke to survivors of the Rio Sul Lempa massacre. That was a horrendous atrocity in which more than 200 women, children and old men, with nowhere to flee, were massacred on the banks of a river. I am told that, on that day, the water ran red. The El Salvador army was implicated in that massacre, and the previous British Government had given it military assistance. I was ashamed. European countries have continued to supply arms to Morocco, which illegally occupied Western Sahara in 1974 and used napalm on its people, attracting the condemnation of the international court and a UN resolution against the occupation. Those experiences motivated me to become involved in politics and today's debate is close to my heart.

I am well aware of the role of European countries and their arms export policies in conflicts such as those that I have outlined. In my work before I came to Parliament, I came to realise that, as the Minister has said, small arms do much damage throughout the world and cause much instability. The small arms industry is not of major economic significance to Europe. It has a low value and few jobs depend on it, but small arms cause devastation. I was in Albania for last year's elections, and at that time a rifle could be bought for $15. The proliferation of small arms makes that country volatile. I have recently returned from Rwanda. During the outbreak of genocide in 1994, people were killed with machetes and hoes but small arms were used to corral people, to contain them, before they were killed. It was mechanised, systematic murder.

It is estimated that 6,500 people a week are killed by small arms, and I welcome the Minister's statement about their control. There is no doubt that the irresponsible sale of arms to unscrupulous regimes costs civilian lives. It also takes a vast amount of public money to clear up the mess that is left by conflicts. There are currently more than 30 conflicts in the world, and the resulting damage consumes billions in international aid, and the donors include Britain. Such money is used for emergency relief, post-conflict reconstruction and peacekeeping. In 1995, the estimated cost of that was £2 billion.

There is no doubt that stricter controls on arms transfers are long overdue. That is why I am proud to be a Labour Member. My Government took action on this issue soon after they came to power. My right hon. Friend the Foreign Secretary announced an ethical code for arms sales in July, just two months after Labour came to power. Our new ethical code is to staunch the flow of weapons to countries that use them for internal repression or external aggression. The Government are also committed to an EU code of conduct on arms transfers. The Minister outlined much of that code, which I welcome, but I want to make sure that it has teeth. I am reassured by the Minister's statement, but several areas must be addressed and tightened up if the code is to have an impact.

The first issue is parliamentary scrutiny. As we have heard, the Scott report concluded that, if exports to Iraq had been subject to such scrutiny, they would not have been approved. European Union countries should produce annual reports on arms sales, and we should press for a comprehensive EU register of arms.

Ms Julia Drown (South Swindon): Should annual reports cover just strategic arms exports or should they cover all arms exports? Furthermore, in examining such annual reports, should we not assess the whole cost of arms, including public investment in research and matters such as export credits and offsets, because the absence of such costs makes arms and defence appear much cheaper than they are?

Ms Kingham: I welcome my hon. Friend's intervention. Annual reports should be comprehensive, but I am sure that the Minister will respond to that. Perhaps we should look at those matters in more detail. I should like to see such reports and a register of arms being debated in the House, but Parliament should at least be notified of proposed exports to sensitive countries. As we have heard, that happens in Sweden and it does not seem to cause much difficulty in the parliamentary process there. Perhaps the matter could be investigated under freedom of information proposals.

The second area of major concern relates to end use and brokering. There is a major loophole and an urgent need for arms brokers to be subjected to national and European Union scrutiny. EU countries could establish a central database of arms brokers with all proposed transactions subject to licensing. The EU should also have a common system of legally binding procedures on end use. There are too many loopholes, some of which are to be found in the Channel Islands, and they must be closed.

Many arms deals by companies and individuals in the EU involve the transfer of arms via third countries. The weapons never pass through the EU. In 1994, the company Mil Tec in the Isle of Man sent arms from Israel and Albania to Rwanda. That was in defiance of a UN arms embargo and those weapons were used at a time of genocide when up to 1 million people were butchered. There was blatant contravention of the embargo. There must be an EU agreement on a standard mechanism for implementing EU, Organisation for Security and Co-operation in Europe and United Nations arms embargoes because, at the moment, there is no such mechanism.

Much of the small arms trade is conducted outside the EU. The Minister has spoken about illegal trade so I need not cover that ground again. I was encouraged by his statements on that issue. I hope that the Government will press hard for an international code of conduct on arms transfers and that they will support the Arias initiative. We should also use our persuasive powers on countries that wish to join the EU or to enter into formal agreements with it so that they are responsible in their legal arms exports and will clamp down on the many illegal arms sales in their territories, especially those of small arms. The UK is the second major exporter of arms. We have already taken the lead in Europe by pushing for an EU code of conduct on arms, which I fully support.

With the memory of the victims of conflict whom I have seen and spoken to over the years ever fresh in my mind, I sincerely hope and believe that the new Labour Government will address the concerns that I have raised today. A strong and bold code of conduct on arms transfers will leave a legacy of hope and peace for millions around the world whose lives are blighted by the fear of conflict. As we enter a new millennium, I can think of nothing more appropriate or worth while for the Government to do.

6.9 pm

Mr. Nick Harvey (North Devon): I start by congratulating my hon. and learned Friend the Member for North-East Fife (Mr. Campbell) on the characteristically lucid and precise way in which he opened the debate on a subject which, for too many years, has been dark and shadowy in terms of parliamentary scrutiny. I agree entirely with him that we can and must recognise the change in attitude on the part of the British Government on the issues since the change in regime last May.

I join my hon. and learned Friend in paying tribute to the Foreign Secretary in coming forward with an ethical foreign policy—a worthwhile initiative, which will be judged over time by what it is able to achieve. The initiative was welcome and it struck a different tone and headed in a different direction from that to which we had become accustomed under the previous regime.

Government Back Benchers, such as the hon. Member for Gloucester (Ms Kingham), can bring to the subject not only personal knowledge, but a different point of view from those we have seen and heard from Government Back Benchers when the Conservatives were in power. A combination of the initiative on the part of the Foreign Secretary and Back Benchers with a different perspective will, over time, bring about a significant change from what we have seen in the past.

My hon. and learned Friend said that it was now two years since the Scott report was published and debated in this House. Anyone who was there that afternoon will recall clearly the drama of the occasion, and the fact that the Foreign Secretary—who was then in the Opposition—and my hon. and learned Friend had, I think, three hours in which to digest several volumes. None the less, they were able to pinpoint some key facts which, after two years, have not been treated as seriously as they should have been. I wish to refer to the matter of accountability to this House—a matter that I hope that the new Government and the Leader of the House will address. We must make changes to ensure that such things can never happen again.

For the benefit of those who were not here, and as a reminder to those who were, let me say that particular condemnation fell on the head of the former right hon. Member for Bristol, West, William Waldegrave, who was found by Scott and the inquiry to have wilfully misled this House. In particular, it was said that letters that he had written did not seem "to correspond with reality". His claim that the answers he had been giving to questions and in letters and public statements, in which he denied that any change in the Government policy's towards arms exports had taken place, was

"so plainly inapposite as to be incapable of being sustained by serious argument."

This was

"misleading to anyone who does not know the substance of the decision."

I recognise fully that Ministers in this Government are not likely to find themselves engaging in the same sort of activities, but it is a point of procedural and constitutional necessity that changes must be made to prevent any member of any Government ever getting involved in that sort of concealment and subterfuge.

As Members of Parliament, we depend on certain things, such as straight answers to parliamentary questions. Occasionally, one does not put the right question and one may not receive an informative answer, but one expects a straight answer. It was found that

"answers to PQs, in both Houses of Parliament, failed to inform Parliament of the current state of Government policy . . . This failure was deliberate and was an inevitable result of the agreement between the three junior Ministers"

who had set out on a policy of concealing from both Houses of Parliament the truth about what had been going on. There was specific condemnation of what they had done. The giving of answers to parliamentary questions, the report said,

"is not simply a part of the game . . . played for the benefit of and under unexpressed rules understood by the Parliamentary players. The answers are also an important medium by which information about government and its activities is made available to the public. It is to be noticed that the respects in which the answers to the PQs about Government policy on defence exports to Iraq were inadequate and misleading were also respects in which some of the letters written in response to correspondence from members of the public were inadequate and misleading."

[Mr. Nick Harvey]

The report concluded:

"In the circumstances, the Government statements made in 1989 and 1990 about policy on defence exports to Iraq consistently failed . . . to comply with the standard set by paragraph 27 of the Questions of Procedure for Ministers and, more important, failed to discharge the obligations imposed by the constitutional principle of Ministerial accountability."

That was a damning condemnation of the previous Government and members of it who, acting in deliberate and wilful collusion, had concealed from the House the details of what they were doing.

Mr. Paul Tyler (North Cornwall): My hon. Friend is performing a helpful and important function for the House. Does he share my disappointment that, apart from a political eunuch—a Whip who cannot speak, or even listen to this attack—there is not a single Conservative Member in the Chamber? Is there some way that we can be sure that those very important lessons for the Conservative party are taken back to those who should be listening?

Mr. Harvey: I agree that it is shocking, but by no means surprising, that there are precious few Conservatives here to defend the record of the previous Government, but I hope that we shall be able to channel back to them the opinion of the House on their performance at that time.

My hon. and learned Friend the Member for North-East Fife is known to have been a sportsman of some note, and it was characteristically sporting of him not to lay about the Conservative party because he felt that it was not here to answer. I shall show no such restraint. I have bitter recollections of a number of campaigns in which I have engaged over time on those matters which seem to bear out precisely the account of the Conservatives' activities that the Scott report highlighted.

I have been involved for some time in the campaign to prevent the export of Hawk aircraft to Indonesia. I listened with some astonishment to the words of the hon. Member for Westbury (Mr. Faber) on this point. *[Interruption.]* I welcome the hon. Gentleman's return to the Chamber. It was astonishing that he condemned the Government for the export of arms to Indonesia since the election last year. While I would not wish to query the validity of what he said, had I been wearing spectacles, I would have wiped them to check who was speaking. It was almost as astonishing as listening to Conservatives lambast the appointment of councillors to quangos or listening to the Conservatives' environment team complain about the construction of houses in the countryside—a policy that they started.

Mr. Faber: It is probably not the hon. Gentleman's glasses which need wiping—perhaps he needs to turn up his hearing aid. I pointed out that, when in opposition—with the notable exception of the right hon. Member for South Shields (Dr. Clark), who took a more pragmatic view—the Labour party was vigorously opposed to arms sales to Indonesia. Since they came to power, the Government have changed their mind and have endorsed the very same sales—presumably because they have access to the same information and security advice at the Foreign Office as we had when we were in government.

Mr. Harvey: I take the hon. Gentleman's point, but two wrongs do not make a right. The new Government are wrong to have sanctioned those sales of Hawk aircraft to Indonesia, and any other sales that have taken place. They have argued that the contractual position bequeathed to them by the Conservative party meant that it would have been extremely expensive to cancel the sales, but I still say that they should have done it.

The hon. Member for Westbury looked at the international competitive market in arms and argued that, if we did not get stuck in to make sure that we got our share, others would take the market away. That is exactly the same argument used centuries ago about slavery—we could not possibly afford to get out of the slave trade because others would take the market.

Sale of weapons to Indonesia cannot be justified. Under the Conservative Government, I attended meetings between representatives of Tapol, the campaign for human rights in Indonesia and East Timor, and Ministers from various Departments. The discussions were, frankly, farcical—despite being shown photographs of tanks that had been built in the midlands being used to quell crowds with Hawk aircraft flying overhead, Ministers argued that arms exported from Britain had not been used directly to suppress the citizens of Indonesia. Water cannon from this country have been used for the same purpose.

I could barely believe the discussions—the Ministers seemed supremely indifferent about whether it could be proven that British arms had been used. I believe that the fact that the regime was capable of such acts, and willing to use arms no matter where they had come from, renders Indonesia a market in which we should not be interested and to which we should not make any endeavour to sell.

Mr. Richard Allan (Sheffield, Hallam): Is it not precisely such issues that cause so much concern about loopholes? The use of water cannon or armoured cars for crowd control could be justified on the ground of security force self-defence, which would enable such sales to continue.

Mr. Harvey: My hon. Friend is right. Such arguments can be constructed precisely to justify the circumstances that I have been describing. I echo the appeal of other hon. Members that the Government closely consider that point, perhaps giving the legitimate use of self-defence argument an alternative form of expression.

In reflecting on the record of the previous Government, one cannot help but recall the Pergau dam saga, in which the confusion between aid, trade and arms sales was exposed most horribly. We must take such issues into account in establishing whether the Government's ethical policy is a success.

Mr. Menzies Campbell: Does my hon. Friend remember that the decision about the Pergau dam was the subject of a successful application by a non-governmental organisation for judicial review in the High Court? Does that not reflect the bankruptcy of the previous Government's policy?

Mr. Harvey: It certainly does, and it emphasises the point that Parliament must have an effective means by which to consider those issues. I know that Governments have sometimes felt that some issues are so sensitive and confidential that it is not appropriate or possible for Parliament to discuss them, but I do not believe that that argument should be tolerated in those matters.

The Prime Minister has appointed a Committee comprising Members of both Houses of Parliament to scrutinise very sensitive issues of national security, so I believe that an equivalent mechanism can and must be found to consider arms sales. Moreover, as has been suggested, there must be detailed reports to Parliament.

During the previous Parliament, I tried on several occasions, as trade and industry spokesman for the Liberal Democrats, to pursue at oral questions the matter of the export of electric-shock batons. I can still hear the bland responses of Ministers, who said that my questions were irrelevant, impertinent and not a matter of legitimate interest. They claimed that nothing untoward had taken place, and refused to give informative answers or recognise the fact that Britain could in any way be condemned for its part in helping brutal regimes to suppress civilians.

I also recall that, in the Argentinian conflict, there was considerable evidence that British troops were confronted by enemies bearing arms that had come from the United Kingdom and France—such was the mess into which the previous Government's policies inevitably led us.

I do not pretend that the Foreign Secretary has set himself an easy task in mapping out an ethical policy. For example, all trading nations are guilty in their attitude towards China, which represents a huge, appetising and lucrative market. All those countries proceed with great caution, not wishing to offend China and imperil their chances of exploiting the future market—

Mr. Allan: Including newspaper proprietors.

Mr. Harvey: Most assuredly including newspaper proprietors. By treating the regime in China with kid gloves, we shall make it increasingly difficult to take a stand in the future. Unless we take a strong line at the outset, it will become more and more difficult, as contracts are signed and supply arrangements are made, to intervene.

When the period between 1979 and 1997 is written about in the history books, many facts that were hidden or misunderstood will begin to emerge. When people in this and other countries tell their stories, it will be not only Mr. William Waldegrave who will stand condemned, but many others, including prominent individuals from the Conservative regime. It will be seen that, for all its proud claims about its achievements, the Conservative party collectively acted in a very untoward way. The House and the public would not have wanted or approved of some of the diplomatic efforts to secure trading advantages for this country. There will be a stain on the Conservative party and this country when the world comes to understand what the previous Government presided over and, in some cases, actively colluded in, and gained profit from.

I congratulate my hon. and learned Friend the Member for North-East Fife on raising this matter. We encourage the new Government in their efforts to build a meaningful ethical policy and in their work on the code of conduct. Serious warnings have been given, which we urge the Government to address. I hope that the message will be taken to the Leader of the House that our procedures need to be reformed, so that the House can, in some way, get to grips with those issues. We must ensure that no Government of any colour can carry on as the previous Government did—there must be a mechanism for preventing what went on then.

6.28 pm

Mr. Jeremy Corbyn (Islington, North): It is a pleasure to follow the hon. Member for North Devon (Mr. Harvey). I congratulate the hon. and learned Member for North-East Fife (Mr. Campbell) on what he said, and on choosing this subject for debate.

Times have assuredly changed. If such a debate had occurred a year ago, Conservative Ministers would have obfuscated, refused even to consider the human rights implications of arms sales, and become hysterical at any mention of the Scott report and sales of arms to Iraq, Iran or anywhere else.

I welcome the Government's initiative in stopping the export of weapons of torture, in moving so rapidly to eliminate anti-personnel land mines from the world stage, and in at least making a start down the road to the European Union code of conduct on arms sales. That code rightly mentions human rights, parliamentary scrutiny, end-use control, implementation of embargoes, brokering and legal status, all of which are important issues.

We should be slightly careful when we talk about controlling what happens to arms sales. I have a vivid memory of 11 September 1973, when British-built planes and Land Rovers and British-made equipment were used by the Chilean army to murder the elected President. All that equipment was sold to democratically elected Governments: the Christian Democrat Government of President Frei before 1970, and the Popular Unity Government of President Allende after that.

Those weapons would have fitted in with any of the criteria that we have discussed. The Chilean army was not willing to accept the democratic will of its people, and staged a coup that was successful in the sense that it murdered the President and ushered in a reign of terror that lasted for a very long time and cost the lives of very many people.

We must remember that arms are made to kill people, and if they are used to abuse human rights anywhere in the world, those who have made them and those who have caused them to be made and exported should consider their role carefully.

Last night, the House of Commons was invaded—in the nicest way possible—by more than 750 people who came to an Amnesty International-sponsored meeting on the situation in Algeria. The meeting was so successful that we had to organise two overflow rooms.

What is going on in Algeria is absolutely horrific. I do not pretend that an arms embargo on Algeria would solve the whole problem there, but the monumental arms sales have exacerbated the situation. Someone, somewhere along the line, promoted the sale of the weapons that are now being used in probably the most horrific conflict anywhere in the world. The percentage of Algeria's population that has been killed in the present conflict is higher than that of Britain's civilian population killed in the whole of the second world war, from 1939 to 1945.

On 8 March, we held a memorial meeting, in Committee Room 10, on the 10th anniversary of the chemical bombardment of Halabja. We showed a film, survivors spoke, and people described the continuing loss of life in Halabja as a result of the use of chemical and biological weapons. The film was deeply disturbing. We must recognise that the precursor chemicals that were used to manufacture the weapons, the manufacturing ability, the delivery systems and the aircraft, all came from western Europe.

[Mr. Jeremy Corbyn]

Many Members of Parliament at the time constantly asked questions about those sales and exports, and about the denial that anything was going on. The United Nations inspection team in Iraq apparently knows the identity of all the companies that manufactured and exported fertiliser-making equipment, which much of the offending material was sold as before being used for the foul purposes to which it was put.

A veil of secrecy is being used to protect those companies and the people who work for them, but I am not sure that they should be protected. The people of Halabja were not protected: they are still dying, and the pollution continues. The least that we can do is to give what support we can to humanitarian and medical agencies that are trying to get help there to deal with the cancers and the many deaths from other causes.

Arms exports to Nigeria have gone on for a long time, despite the endless military coups, the abuse of democracy and the execution—more like state murder—of Ken Saro-Wiwa and other Ogoni activists. The United Nations seems none the less to condone and support Nigeria in a quasi-peacekeeping role elsewhere. We should be careful. The weapons embargo on Nigeria is important, but so is Nigeria's recognition, or lack of it, of human rights.

I have in front of me a picture with the caption "Butcher of Jakarta comes to London", inviting people to a protest rally this weekend. President Suharto is visiting Britain at the moment. I have before me an Amnesty International report on East Timor, where 200,000 people have been killed.

Time after time, when hon. Members raised the issue of the sale of Hawk aircraft, anti-personnel weaponry and other equipment, Tory Ministers told us that they were being used not for internal repression but for external defence. Where is the external threat to Indonesia? Suharto bought the weapons to continue the illegal occupation of East Timor. I am disappointed that the new Government cancelled only some of the export orders for Indonesia that were in train at the time of the general election.

The imposition of a total arms embargo on Indonesia would make a significant difference, but above all it would be seen as a signal to those who have lost friends and relatives in East Timor and are being overflown and bombed by Hawk aircraft that somebody, somewhere in the world, cares about them. It is all very well applauding Jose Ramos Horta and Bishop Belo and awarding them prizes, but if we carry on selling arms to the regime, what is it all for? They want not awards but peace and self-determination.

The situation in Turkey has not been good since the coup in 1980. There is brutal repression of trade unions and human rights organisations, with imprisonment and executions. A major conflict is taking place in Kurdistan, with aerial surveillance, bombardment, the rasing of villages and constant incursions into northern Iraq by the Turkish army.

Human rights abuses in Turkey are well documented, and, indeed, legion. The least we can do is examine the criteria that we apparently support on the sale of weaponry to other countries, and measure Turkey's record against them. Where are the democratic controls, the parliamentary scrutiny, the respect for human rights? Where is the right of the Kurdish people to self-expression, let alone self-determination?

We are keen on banning arms sales to some countries because we are worried about human rights, but we seem perfectly happy, for other geopolitical or commercial reasons, to sell arms to other countries with an equally appalling record. For example, Saudi Arabia is a major purchaser of British arms and equipment, but there is not much discussion about it, even in the media, because we do not want to upset the oil barons of the middle east.

If we are to follow an ethical foreign policy, we must look in the long run at the whole industrial base of the arms trade. In promoting his ethical foreign policy immediately after the general election, my right hon. Friend the Foreign Secretary probably understood very well that there would be tensions among the arms industry, the Department of Trade and Industry, the Foreign Office and others.

The policy enabled those of us who are passionate in the interests of human rights at least to raise the subject, and that is important in itself, but I would prefer it if we could aim for the longer-term objective of ensuring that we have a proper arms conversion agency, to allow the brilliance and skill of those who manufacture weapons of mass destruction, high-quality aircraft and other military equipment to be put to use manufacturing goods for the benefit rather than the destruction of humankind.

We could not achieve a transfer of that entire manufacturing base overnight, but we have to start somewhere.

Ms Drown: Does my hon. Friend agree that there is some tension in the House, because there is much agreement today about the need for an ethical arms trade policy, but, when another debate comes up about jobs, hon. Members will defend jobs in the arms industry in their constituencies? Does he agree that, as a strong part of the new Government's developing policy, the first part of money released through defence diversification should go back into the areas concerned, so that the skilled people there can find jobs in more constructive areas of employment?

Mr. Corbyn: My hon. Friend reads my mind. What brilliance; no one else can. Her point is important. I do not seek to make enemies or to criticise people who work in the arms industry. That is not my purpose, or that of anyone else concerned about human rights. I am concerned that a diversification agency should reduce Britain's dependence on arms manufacture and export. It must invest so that, instead of the market madness of the Tory Government, we examine rationally how to reduce the volume and value of the arms industry and its exports, and put the money into socially useful products.

The subsidy to the arms industry is enormous. About £5,000 per job is subsidised every year. The subsidy on exports is more than £300 million a year. The Export Credits Guarantee Department's exposure on arms exports is vast. Following the collapse of the south-east Asian tiger economies, I understand that £800 million is still unpaid by Indonesia. The figure is duplicated in many other countries.

The British taxpayer is to be asked to pay for the weapons that are going to be used to kill people in Indonesia and many other places. It is a ludicrous business

to depend on. If we are concerned about human rights, we cannot at the same time promote arms exports knowing full well that Governments such as Suharto's will use them against the poor people of East Timor and many other places.

Since the second world war, conflicts have arisen all over the globe. They were sometimes cold war conflicts by proxy, sometimes demands for self-determination, and often arguments about oil and natural resources. The common thread is that, in every one of those conflicts, in which 40 million people have died since 1945, someone along the line has made a great deal of money from the export of the weapons that helped to fuel them.

What always sticks in my mind is visiting a scrap metal yard in northern Iraq after the Iran-Iraq war. I walked around and saw the manufacturer's labels on the shell casings and aircraft remains, and thought of all the money made all over the world from that appalling and useless conflict in which 500,000 people on each side were killed. We pay that price in our conscience, but other people pay it with their lives as a result of the arms export industry and the competition of arms dealers around the world. Why not instead look ahead to something a bit bolder than the diversification agency proposed in the Green Paper, to a time when the skill and brilliance involved in producing arms produces goods that benefit humankind rather than killing it?

6.42 pm

Dr. Jenny Tonge (Richmond Park): It has been an interesting debate, but Her Majesty's Opposition are conspicuous by their absence. Earlier, they challenged the Leader of the House to give them time for debates on defence and foreign policy, but they cannot be bothered to turn up to a debate on the international arms trade. A plague on them.

Mr. Faber: Will the hon. Lady give way?

Dr. Tonge: No, I will not, because I have very little time. The hon. Gentleman took more than enough time.

We had a detailed response from the Minister. There were a lot of words, but they must be matched by action. I urge him to more action and a few less words. I agree with the hon. Member for Westbury (Mr. Faber) that there was a lot of rhetoric, and that nothing much seems to have changed yet. We shall see.

The hon. Member for Gloucester (Ms Kingham), my hon. Friend the Member for North Devon (Mr. Harvey), and, of course, the hon. Member for Islington, North (Mr. Corbyn) brought passion to the debate. We heard about the effects of the international arms trade.

We live in an unstable world, because the end of the cold war left us with a paradox. There is less threat, but also less peace. Of the major armed conflicts in the world today, not one is a classic war of one state against another. Typically, wars today are violent, and ethnically or religiously oriented. Almost all are in poor countries. For those embroiled in such conflicts, the dominant threat is not nuclear arsenals but small arms controlled by warlords, as so aptly noted by the hon. Member for Gloucester.

Civilians suffer 90 per cent. of casualties, of whom more than 40 per cent. are children, as the hon. Member for Gloucester and I saw illustrated vividly in Rwanda—something we will never forget. Such violence, ethnic cleansing and mass rape undermine the values on which depend human relationships and respect for human rights. A little bit passion in the debate would have been appreciated.

As civilised nations with human rights, we call on the world to do something. However, those called upon to do something are the men and women in the military who once protected us from a single threat. I am grateful for that, as one of the generation that was protected and given a good life as a consequence. They are now called on for peacekeeping, and, more often, peace enforcement.

I hope that the defence review—which, it was promised, would be policy-led—reflects the strategic change, while recognising the continuing need for a well-equipped military. The hon. Member for Westbury was very hot on the importance of a strong defence industry.

Mr. Stephen Hesford (Wirral, West): The hon. Lady mentioned the hon. Member for Westbury (Mr. Faber). Does she agree that speeches such as his make the Government's position very difficult, in an area which is already difficult? There was no support from Conservative Members for an ethical foreign policy. The Opposition said virtually nothing about human rights.

Dr. Tonge: I agree. I remind the hon. Member for Westbury that a strong defence industry that is good for the economy comes at the expense of the lives of women and children and the torture of people all over the world. In the next century, that cost must be taken into account.

Mr. Faber: Does the hon. Lady accept that most of my quotations in defence of the British defence industry were from last month's Government Green Paper?

Dr. Tonge: I thank the hon. Gentleman for pointing that out, but I stick to what I said about his remarks.

If we are to promote an ethical foreign policy, it must be backed by a code of conduct for arms sales, as ably argued by my hon. and learned Friend the Member for North-East Fife (Mr. Campbell). My first major concern is the matter of licences not being granted if there is a risk of arms being used for internal repression.

I still have no idea who or what decides what internal repression is. I should be grateful if the Minister would explain it. Baroness Chalker spoke in terms similar to the Government's about internal repression, but still licences are granted. Not much has changed. Since 1 May, there have been 22 to Indonesia, 16 to Kenya, 86 to Turkey, two to Algeria, and so on. That is why full parliamentary scrutiny of arms sales in advance is imperative.

Arms broking was also mentioned by my hon. and learned Friend the Member for North-East Fife and the hon. Member for Gloucester. It is essential that all EU residents and registered companies comply with the European policy on arms exports. We must stop the scandal of brokerage. The hon. Member for Gloucester told us about the scandal in Rwanda and Mil Tec's involvement. The issue must be cleared up and included in the policy.

On the subject of scrutiny in Parliament, I ask the Minister to consider carefully Sir Richard Scott's suggestion of a standing interdepartmental committee.

[Dr. Tonge]

The Department of Trade and Industry is responsible at the same time for promoting and for restricting exports. The Scott report questioned whether the DTI should continue to be the licensing authority when the material reasons for refusing export licences were usually the preserve of other Departments such as the Department for International Development.

A standing committee would facilitate communication between the DTI, the Foreign Office, the Ministry of Defence and the Department for International Development, and concerns could be raised. It would enable parliamentarians to scrutinise sensitive export licences in advance.

Several hon. Members mentioned annual reports, but they allow only retrospective debate after the exports have been licensed. In Sweden, a parliamentary committee scrutinises proposed exports to countries of concern in advance. Even the United States—the largest arms exporter—has a system of prior notification. As three former distinguished members of the armed forces said in a letter to *The Times* recently, Britain must have a more restrictive and transparent arms policy at the same time as it supports our armed forces and promotes an ethical foreign policy.

This year is the 50th anniversary of the universal declaration of human rights. It is an opportunity for a global effort to work towards the new world order that western leaders declared after the end of the cold war, but which has evaded us. The horrors of recent years have proved that peace will not come by rhetoric alone. We are approaching a new century. As we led in the fight against dictators and repression in this century, Britain, along with her allies, must promote humanitarian principles and codes of conduct in the next. In a world of less threat, less peace, we must work for peace.

6.51 pm

Mr. Tony Lloyd: With the leave of the House. This has been a fascinating debate in many ways. I have some sympathy with the remarks of the hon. Member for Richmond Park (Dr. Tonge) about the need for passion. I have just returned from Sierra Leone. I shall say this dispassionately, because if I say it emotionally it will be almost an abuse of emotion.

I saw pictures that almost defied description of the torture that had been meted out to the victims of the former junta. People had been beheaded or had their limbs torn off. I met survivors of torture. That is what war and brutality are all about, and that is, among other reasons, why we have to introduce ethical standards into all our debates on foreign policy and our relationship with our fellow human beings in this world.

The hon. Member for Richmond Park called for fewer words and more action. Perhaps she will forgive me for saying that a considerable amount of action is being taken. I shall give her some instances.

Even this debate about arms sales has to be put into the wider context of a world that moves away from the perception of conflict as the norm towards conflict prevention as a more rational way of going forward. Picking up the pieces after a conflict is always incredibly expensive and inefficient and can never recompense the victims. In various areas, the Government are making progress, and in some areas we are doing precisely what I have described.

The hon. Lady described rape as an act of war. The Government are working hard to establish an international criminal court. Among the things that we want such a court to do is to accept that rape as a tactic of war will be seen as a war crime.

Dr. Tonge: Does the Minister accept that rape is an act of genocide, not only of war?

Mr. Lloyd: We are in danger of getting into a battle of semantics rather than a battle of practicalities. We want to ensure that the crime of rape as an act of war is penalised through the international criminal court and seen for what it is—an act of atrocious violation.

Those are practical steps forward. We are doing work in The Hague and in Arusha, where an international tribunal on events in Rwanda is being held. We are giving practical support to ensure that those two tribunals are able to provide a framework within which justice is seen to be part of the process of reconciliation. We are taking steps in Africa, where Britain is undertaking active training in peacekeeping to prevent the outbreak of conflict. We are taking part at the level of the United Nations in efforts to move things forward in a practical way to build a capacity to stop conflict breaking out. Those are practical steps, and they are important.

Britain ought to be proud that we are at the forefront of practical steps, and that we are part of moving this world on. The hon. Member for Richmond Park is right: passion is necessary in defence of the rights of those who get little by way of defence elsewhere, but it is in that context that we are making real and tangible progress in the context of arms sales. I have already explained to the House the practical steps that we are taking on illicit arms trafficking and international registration. Those are practical steps.

The European Union code of conduct is a practical step. It brings our European allies on board in a process that they have never previously undertaken collectively. Again, that is progress. That is why, sadly, the speech of the hon. Member for Westbury (Mr. Faber) was so sad and so churlish. After a new leader of the Conservative party has been elected and after time for reflection, it would have been enough to say, "We are genuinely sorry. What the previous Government did was an outrage. It was a disgrace and a stain on this nation." That would have been a sensible speech.

The Minister of State, Foreign and Commonwealth Office (Mr. Derek Fatchett): He did not vote for the new leader.

Mr. Lloyd: Perhaps we have an old Tory here—proud of Scott, proud of the Pergau dam scandal, proud of all those stains on our national honour, which are now being washed away because Britain does not want that any more.

The hon. Member for Westbury talked about delays. When the Labour Government came to power, they inherited a system in which the previous Government did not care about arms sales, had no proper control system and asked no questions. Ministers took no decisions except the decision to sell.

Inevitably, when a new Government come to power determined to break with that past, the system creaks under the strain. We have had to rebuild the system. We have had to work with the very competent officials who are now making the system work. Yes, we inherited a system that produced delays. We are now getting those delays out of the system, but the responsibility falls on the previous Government. That is widely understood in the industry, which recognises that the balance is now being got right.

It is astonishing that the hon. Member for Westbury wants us to apply a system in which the delays would not occur. He wants us to go back to the system in which everything went through, and we let whatever was put to us pass by; in which there was no control. We are not prepared to do that, because we must have better standards of practice.

Mr. Faber: Will the Minister give way?

Mr. Lloyd: The hon. Gentleman will forgive me—

Mr. Faber: The hon. Gentleman referred to me.

Mr. Lloyd: The hon. Gentleman referred to me in his speech, and he will forgive me if we cannot always give way on that basis.

The hon. Gentleman has to make up his mind whose side he is on. Is he on the side of an arms sales policy that balances out national interest—of course—and jobs—of course—but recognises that recourse to the words of respect for human rights is not enough and that it must be put it into practice? That is what is happening under the Labour Government, and what we did not see under the previous Government.

Several hon. Members referred to Mil Tec. Mil Tec was itself something of a scandal, because the previous Government failed to include the Isle of Man in the legislation that brought the UN embargo into effect. That was astonishing, but lax, as was so much that was done by the previous Government. We are simply not prepared to operate according to those standards.

This has been an important debate. It is the first to concentrate on how we get the balance right. The Government are happy for the debate to have taken place, and we congratulate the hon. and learned Member for North-East Fife (Mr. Campbell). We believe that Parliament has a right to be involved in the process, and today Parliament has taken part. It is a shame that the hon. Member for Westbury, speaking on behalf of the main Opposition party, failed to take part in the process of parliamentary scrutiny.

Question put and agreed to.

Resolved,

That this House, mindful of the conclusions of the Scott Report, commends Her Majesty's Government for its efforts to obtain agreement for a European Union Code of Conduct on the arms trade; and urges Her Majesty's Government to ensure that any such code sets high common standards governing arms exports for all Member States, and, in particular, to insist that export guidelines are transparent, unambiguous and pay due regard to human rights.

Orders of the Day

Criminal Procedure (Intermediate Diets) (Scotland) Bill

Order for Second Reading read.

6.59 pm

The Minister for Home Affairs and Devolution, Scottish Office (Mr. Henry McLeish): I beg to move, That the Bill be now read a Second time.

I am grateful for the agreement that has been reached through the usual channels to allow time for this very short but very important Bill to be debated. Many right hon. and hon. Members present tonight have been in the Chamber long enough this week, so we shall try to dispatch the business as quickly as possible.

The importance of the matters the Bill addresses cannot easily be overstated. As a result of a procedural irregularity, which has only recently come to light, a large number of summary prosecutions and previous convictions dating back to 1981 have been called into question. As of 27 March, the Crown had already been forced to abandon 71 cases. Many more are in the pipeline. The situation has already attracted widespread public attention and the purpose of the Bill is to put matters right as quickly as possible.

The difficulties the Bill is designed to address emerged as a result of recent judgments of the High Court of Justiciary in the cases of Mackay and Milligan. Taken together, those judgments make it clear that a summary court has no power to hold an intermediate diet if the trial diet has to be postponed for any reason. It follows that any order made at such a diet is a nullity, including the decision to fix a new date for trial, and that any subsequent proceedings, including a conviction and sentence, may themselves become fundamentally null.

Before considering the implications of the High Court decision, it may be helpful to hon. Members if I take a moment to explain, as briefly as possible, the background to it. Intermediate diets were first introduced into summary procedure in 1981 by virtue of section 15 of the Criminal Justice (Scotland) Act 1980, which enabled, but did not require, the court to fix a diet, known as an intermediate diet, in respect of a case that was going to trial.

The purpose of the intermediate diet was to ascertain whether the parties were ready for trial and the accused still intended to plead not guilty—and therefore to ensure, so far as possible, that cases did not have to be adjourned on the day. Such last-minute adjournments are not only expensive and disruptive to court business; they cause a great deal of inconvenience to witnesses who have been summoned to court in the expectation of the trial going ahead. After their introduction in 1981, it appears that intermediate diets had comparatively little success and most courts gradually stopped holding them routinely.

However, in the early 1990s, following consultation and pilots in a number of sheriff courts, it was concluded that, with minor procedural changes, intermediate diets had the potential to be more productive in anticipating and avoiding the need for adjournment on the day of trial. Accordingly, the Criminal Justice (Scotland) Act 1995 contained provisions enabling the court to make inquiries

[Mr. Henry McLeish]

into the state of preparedness of the parties. It also empowered the Secretary of State by order to make the holding of intermediate diets mandatory in prescribed courts. That power has been exercised from April 1996 onwards, so that almost all summary courts, with the exception of a few of the smaller ones, are now required to hold intermediate diets before trial.

There is no doubt that the introduction of mandatory intermediate diets has resulted in a considerable increase in the number of cases disposed of without the need for a trial diet. In 1993–94, for example, 3,177 summary cases were disposed of by a plea of guilty at an intermediate diet. Three years later, in 1996–97, that figure had increased fourfold, to 13,583.

However, a widespread practice developed of fixing a further intermediate diet in cases where the trial diet had to be adjourned until a later date, in order to ascertain whether the case would go ahead on the new date. The purpose of these further intermediate diets was exactly the same as the initial diet, which was to determine whether the parties were ready for trial and therefore to avoid last-minute adjournments, if at all possible. That is the practice that has now been held to be invalid by the High Court's recent judgments.

In Mackay, the appellants appealed against the competency of proceedings on the ground that no intermediate diet had been fixed when their trial was further adjourned. That appeal was dismissed, but in doing so the High Court concluded that there was no statutory basis for intermediate diets to be held before any adjourned trial diet. In the light of the court's opinion in that case, which was handed down on 19 November 1997, the Crown took the view that further such diets should no longer be fixed, although some sheriffs continued to fix them.

Following Mackay, pleas as to the competency of summary proceedings were taken in a large number of cases around the country. A number of sheriffs raised the same issue themselves and, in order to clarify the situation, the Crown appealed against the decision of a sheriff in one such case, which resulted in the case of Milligan coming before the Appeal Court. On 12 March, the court held that a summary court had no power to make an order at what was described in Mackay as an "unintended" intermediate diet and that any such order was a nullity. It followed that the proceedings themselves became fundamentally null where the adjourned trial diet did not proceed on the date originally fixed.

I should emphasise that, to the best of my knowledge, no case has yet come to court in which a person has sought to have his or her conviction quashed in a case in which proceedings have been completed, but the same issues could well arise. The decision therefore raises a real possibility that persons convicted and sentenced at trial diets that were fixed at an invalid intermediate diet would be able to have their convictions and sentences quashed. In that event, those concerned might seek compensation—for example, where they had been imprisoned or disqualified from driving—the return of any fines they had paid and their criminal record to be expunged. In current cases, the Crown would have to consider instituting fresh proceedings, which might themselves be the subject of challenge.

Although no precise figures can be given of the number of cases involved, the Crown Office estimates that about 1,000 current cases are likely to be affected. Several thousand completed cases may be involved as well. Although the cases involved are those dealt with under summary procedure, which generally involves less serious offences, they are also likely to include persons who have received custodial sentences for violence, indecency, housebreaking and drugs offences and custody and disqualification for offences involving dangerous, disqualified or drunk driving.

If the Government took no action to address what appear to be the likely consequences of the High Court's decision, I have no doubt that the effect on both the criminal justice system and public confidence in Scottish criminal justice would be extremely severe. There would be considerable additional delays, expense, uncertainty and in a very real sense injustice. That is why we have brought forward the Bill today, with the agreement of the Opposition parties.

We have concluded that the best remedy is to amend the provisions relating to intermediate diets in section 148 of the Criminal Procedure (Scotland) Act 1995, to make it explicitly clear that courts may fix an intermediate diet at any time, whether before, on or after any date assigned as a trial diet. That provides the courts with the discretion they always thought they had to fix an intermediate diet when a trial diet is adjourned to a later date. That is the effect of clause 1(1)(a) and (b). Clause 1(2) provides that the amendment shall operate retrospectively, and clause 1(3) applies the same amendments to the Criminal Procedure (Scotland) Act 1975, which preceded the 1995 Act.

Parliament is rightly reluctant to resort to retrospective legislation, unless a compelling case can be made out for doing so, because of the obvious potential for unfairness and oppression. There is no such unfairness or oppression in this instance, so I believe that this is one of the very rare cases in which it is both necessary and appropriate that legislation should have retrospective effect. The holding of an intermediate diet where a trial diet had been adjourned, which is what has been found to be invalid, involved no prejudice of any kind to the accused. Indeed, in many cases the additional intermediate diet which, it now appears, rendered the subsequent proceedings invalid, will have been fixed on the application of the defence.

Intermediate diets were introduced as long ago as 1981 and have operated ever since to the benefit of all parties, with no suggestion being raised until now as to the validity of such diets in certain circumstances. It would surely be absurd if Parliament did not legislate to cure what is no more than a technical procedural irregularity that caused no prejudice of any kind to the accused, with the result that a large number of cases had to be abandoned or reopened.

The Bill is vital to the proper administration of criminal justice in Scotland. Without it there is a risk of severe damage being done to public confidence in the system of justice and the prospects of substantial resources having to be expended in dealing with cases that, apart from a purely technical irregularity which the High Court found to be fatal, are otherwise entirely sound. I commend the Bill to the House.

7.8 pm

Mr. Michael Ancram (Devizes): This is an unusual situation because this is a question not only of emergency legislation, but of retrospective legislation. Although we want this business to be concluded swiftly, I think it right that we show that we have tested it against the criteria that emergency legislation and retrospective legislation should be tested against. After all, emergency legislation bypasses the normal tests and democratic restraints that the House and the other place can exercise, and it should be used only in exceptional circumstances; there is a natural democratic presumption against retrospective legislation.

I believe that the tests are severe and precise. It must be seen that the legislation is strictly necessary and, significantly, that it does not cause injustice or unfairness after the event.

As the Minister said, a number of cases—I think he said 70 or 80—have been deserted or abandoned because of this situation. There are also 1,000 cases hanging around, waiting to be tried, and thousands of cases—the number is unquantifiable—could be affected retrospectively if the Bill were not passed.

I am grateful to the Minister and to the Secretary of State for consulting us, not only generally on the issue, but on the terms of the Bill and for being prepared to accept certain suggestions made by us to, I believe, make the Bill more effective. I also place on the record my gratitude to Lord Mackay of Drumadoon, a former Lord Advocate, who I readily accept has helped me to find my way through this procedural minefield in a way that might otherwise not have been possible, and who has enabled me to apply the tests that I have set out and to say tonight that I believe that they are met.

There are two areas: current cases and cases that have gone before. For current cases, the practical consequences of not changing the law are as follows. The Crown would be unable to seek convictions in cases in which more than one intermediate diet had taken place. Any orders made at such further intermediate diets would be incompetent. Such orders would include not only procedural decisions, such as the adjournment of trials; warrants for apprehension granted at such diets would also be affected. In such cases, the Crown would have no alternative but to abandon the proceedings. In certain instances, it might be possible to raise fresh proceedings, but in others the case would be time-barred. There may be other current cases in which a conviction has taken place, but the accused has not yet been sentenced or the days for making an appeal have not yet expired. In such cases, also, unless the law is changed, the conviction will fall.

On those grounds, to protect current cases, there is an obvious need to move with urgency. That is why I am satisfied that the tests for emergency legislation are met in this instance.

Obviously, the more sensitive question is whether the Bill should have retrospective effect. In my view, such legislation is justified only in the rarest of instances. Having very carefully considered all the issues involved, I believe that the circumstances justify the Bill having retrospective effect. That is necessary to protect some current cases, which will be affected by the problem that has arisen. It may also be necessary to protect an unquantifiable number of completed cases, dating back to 1981, in which convictions have been returned in proceedings in which more than one intermediate diet has taken place.

Since intermediate diets were introduced, sheriffs, procurators fiscal and defence lawyers have proceeded on the basis that it has been competent to hold more than one intermediate diet. That was the position before the holding of intermediate diets became mandatory, and that remained the position until the decision in Mackay, which the Minister mentioned.

Much more important, it should be remembered that the problem that has arisen relates to the competency of pre-trial procedure rather than the rules of procedure regulating the conduct of trials or questions relating to the admissibility or sufficiency of evidence at such trials. If the law is changed retrospectively, therefore, no question can arise of any accused being able to argue that the change has prevented him from arguing that he has suffered any substantive interference in his right to a fair trial. That is an important test.

The worst that an accused could complain of is that he has been inconvenienced by requiring to attend court more often than might have been the case and, I think in a few instances, that he has been remanded in custody, pending trial, for failing to attend a second or subsequent intermediate diet that, in the light of Mackay, ought not to have taken place. However, in the few instances in which the accused has ended up in custody, he would have done so only because he disobeyed an order of the sheriff to attend a specified diet, and in such circumstances it would be difficult to argue that any great injustice had arisen.

In those circumstances, I believe that it is necessary to balance the public interest and the interests of any accused that may be affected. I believe that, when that is done in the light of the circumstances, the balance tilts firmly in favour of allowing the Bill to proceed with retrospective effect. It would be most unsatisfactory if current prosecutions were to founder, or past convictions were to be quashed, as a consequence of a procedural irregularity of a nature that has only recently, and totally unexpectedly, been identified, in the circumstances that the Minister set out.

On the basis of those exceptional circumstances, on behalf of the Opposition, I am prepared to support the Second Reading of the Bill and to see it pass through all its stages as speedily as possible.

7.14 pm

Mr. Menzies Campbell (North-East Fife): I suppose that, technically, I should declare an interest as an occasionally practising member of the Faculty of Advocates, although, until now, my interest in the intermediate diet has been somewhat peripheral and I do not believe that I have ever attended one, even in a professional capacity.

Like every lawyer, I find retrospective legislation repugnant. That is why I consistently voted against legislation the purpose of which was to allow the prosecution of alleged war criminals many years after some of them had first come to the United Kingdom. Leaving aside questions of principle, looking at the matter pragmatically, it seems to me that my opposition to that legislation has proved more sound than even I thought at the time.

[Mr. Menzies Campbell]

However, in this case, cogent arguments exist to justify both emergency and retrospective legislation, so I can adopt much of what has been said by the right hon. Member for Devizes (Mr. Ancram). I am prepared to give the Bill a fair wind, for two reasons. First, it creates no crime that did not previously exist; secondly, it constitutes no extension of the jurisdiction of the court. Had either of those principles been offended against, my position might have been different. However, in the light of what has been said by the Minister on behalf of the Government, it seems to me that the Bill should pass speedily through the House, because it is in the interests of justice that it should do so.

7.16 pm

Mr. Alex Salmond (Banff and Buchan): I have a fellow feeling with the Minister of State to be among such luminaries—adornments—of the Scottish legal system. I do not know whether we are Daniel in the lion's den or have fallen among thieves, but perhaps we should be careful about how much expertise we both claim with so much talented advice available to us.

I shall not detain the House except to say that I support the remarks made on behalf of the Opposition parties. Obviously, retrospective legislation is extremely undesirable, but in this case the case has been made. In fact, in this case the Government had no alternative but to introduce the Bill. For that reason, the Scottish National party will join other Opposition parties in supporting the Bill.

I want to pursue with the Minister a point that I have been pursuing with the Secretary of State for Scotland. I understand that the legal advice available to the Government is that there is little chance of an appeal to the European Court of Human Rights, basically because, for the reasons that have been given by the right hon. Member for Devizes (Mr. Ancram), it is difficult to substantiate an argument that a person has been prejudiced as a result of the Bill, but the right hon. Gentleman did mention that people may have been detained in custody, albeit as a result of their own actions, as a result of the procedures that, currently, are regarded as irregular.

The Government have received from their lawyers advice to the effect that, because of the circumstances of the case, the European Court is unlikely to rule in favour of any person who goes before it pursuing such a claim. However, there have been circumstances—in relation to the fishing industry, for example—where Government lawyers have been extremely confident about their advice to the then Government before the European Court but were then sorely disappointed when judgments came in on the other basis.

Although I accept that the Bill is necessary, that there is no alternative, and that the retrospection is necessary—however undesirable it may be—I want to ask whether there is any possibility of a Treasury indemnity for the Scottish Administration of a new Parliament, established next year. I would not like there to be the possibility—however remote—that the Scottish Parliament may be presented with an unquantifiable legal bill as a result of cases that may be pursued. I accept that that may be a remote possibility. If it is, there should be no difficulty presenting such an indemnity as it is unlikely to cost the Treasury any money. I know that the Secretary of State has considered the point and that the Minister has had an opportunity to do likewise. I should like to pursue that point while giving general support to the Bill and the arguments about why it is necessary.

7.19 pm

Mr. McLeish: With the leave of the House, Mr. Deputy Speaker, I should like to reply to the debate.

I thank the Opposition for adopting a very constructive and thoughtful approach. The right hon. Member for Devizes (Mr. Ancram) identified the important principles behind the Bill and outlined the criteria that have been satisfied—at least in his eyes. I also thank the hon. and learned Member for North-East Fife (Mr. Campbell) for his support.

I shall deal briefly with the point raised by the hon. Member for Banff and Buchan (Mr. Salmond), who had the courtesy to write to my right hon. Friend the Secretary of State. The hon. Gentleman raised the question of an indemnity for the Scottish Parliament in the event of its having to meet financial liabilities as a result of the problems that have arisen in relation to intermediate diets. As I understand it, the hon. Gentleman is concerned that either the domestic courts or the European Court of Human Rights might find the retrospective nature of this legislation unlawful, leaving the way open for convictions to be quashed and resulting in entitlement to compensation.

I assure the hon. Gentleman and the House that we have taken careful legal advice and, on the basis of that advice, we are totally satisfied that the retrospective provisions of the Bill are entirely consistent with both domestic and European law. I would not otherwise commend it to the House. From the perspective of the Scottish Parliament, the position would be far worse if the legislation were not enacted. While I recognise that the hon. Gentleman has made a reasonable point, it is a hypothetical one. I assure the hon. Gentleman that we do not envisage any unquantifiable liability ending up with the Scottish Executive or the Scottish Parliament. The most important consideration this evening is to move forward with the Bill in order to ensure that the liabilities to which the hon. Gentleman referred do not end up with the Scottish Executive or the Scottish Parliament.

Question put and agreed to.

Bill accordingly read a Second time.

Motion made, and Question put forthwith, pursuant to Standing Order No. 63 (Committal of Bills),

That the Bill be committed to a Committee of the whole House.—*[Mr. McFall.]*

Question agreed to.

Bill immediately considered in Committee; reported, without amendment; read the Third time, and passed.

Swale Crossing

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. McFall.]*

7.23 pm

Mr. Derek Wyatt (Sittingbourne and Sheppey): Mr. Deputy Speaker, thank you for giving me the chance to put the case for the second crossing of the Swale. I have placed copies of this speech on two of my local constituency websites: Swale chamber of commerce, www.fenet.co.uk/swale; and Swale borough council, www.swale.gov.uk.

I am sorry that it is not possible to show a video of the current problems with the bridge or even colour slides in the Chamber tonight. I hope that one day this will be a Chamber of the 20th century of which we may be proud. In the meantime, I welcome my hon. Friend the Minister this evening. I hope that he will watch—and persuade the whole transport team to watch—the video depicting the problems with the bridge. It was made by Ray Featherstone, the youth leader of Sheerness county youth centre, with the help of local youngsters on the Isle of Sheppey a few years ago.

When I was parliamentary spokesperson for the new constituency of Sittingbourne and Sheppey in 1996, I was asked by Councillor Dennis Grover whether I could arrange a meeting on behalf of the Sheppey Industry Association with the then shadow Minister of Transport, my right hon. Friend the Member for Birmingham, Ladywood (Clare Short). I duly did so. The day before we were due to meet her in the House, she was transferred to what was then Overseas Development. I called Dennis to tell him that the meeting was off because my right hon. Friend had been moved to Overseas Development. As quick as a flash, he responded, "That's all right. The island has a better chance with her there—after all, we've been overseas for 1,000 years."

Although Great Britain is an island, there are people in our country who share a different understanding of the word "island". They are the people who live on Mull, Skye, the Isle of Wight, or, in my case, the Isle of Sheppey. They call themselves "islanders" because, for 1,000 years or more, they have been detached from mainland Britain. Islanders possess a different view of life and increasingly, because the islands have suffered greater hardships in terms of employment opportunities, health care, education and housing, they feel that they have been unloved and left out in the cold because no one in government understands their unique problems.

Our legal offshore islands suffer, at a micro level, all the problems of the United Kingdom mainland—but they suffer them at a level that is much more personal and debilitating. For instance, in the community of Leysdown on the east end of the Isle of Sheppey, where I recently conducted a Saturday surgery, it costs the population of 1,060 £4.20 return to go to the nearest shopping centre in the town of Sheerness. The bus runs once an hour and stops at 6 pm. The nearest accident and emergency unit is at Medway hospital on the mainland, which is only 20 miles away. As that hospital's A and E record is not what we would wish, many people travel to the A and E unit at the Kent and Canterbury hospital, which is only 32 miles away and is currently facing closure. Our new Sheppey community hospital has been delayed and delayed and delayed.

Worse still, if plans to close the magistrates courts in both Sheerness and Sittingbourne go ahead, it will cost citizens £6.80 to go to Chatham, or more to go to Maidstone magistrates court. They will have to travel across the bridge every time. Public transport currently takes more than three hours to get from Leysdown to Chatham—and longer to get to Maidstone—but it does not necessarily go at a convenient time when cases may be heard, and there is a considerable cost to the individual. Those problems have been compounded by the bridge. Nevertheless, they have been borne with some stoicism for generations, not just by the people of Leysdown, but by the people of Warden Bay, Eastchurch, Minster, Halfway, Queenborough, Bluetown and Sheerness.

The 1991 census gave the population of the island as 35,500, and today it is close to 40,000. The population almost doubles at weekends—especially when the clocks go forward—as many Londoners travel to Sheppey to visit their caravans at the east end of the island. The traffic is constantly delayed by the bridge.

Thirty-eight years ago yesterday, the then Conservative Government closed the naval dockyard at Sheerness, which caused unemployment on a scale never before experienced in our community. It broke up our community. Long-term unemployment continues to be a huge problem on the island, and stands at 23.8 per cent.—one of the highest levels in the south-east of England. Today, the port, under the ownership of the Mersey Docks and Harbour Board, is thankfully booming. It is the fifth biggest port in the United Kingdom and is perfectly placed to serve continental Europe—if we could only sort out the bridge.

Two years ago, the port was in competition with other United Kingdom and continental ports for a huge contract with a car importer. The port already imports cars for Citroen, Mazda, Volkswagen, Peugeot, Hyundai and Chrysler. The deal was done in that hands were shaken on it. The port management was chuffed as it had again proved the excellence of the port. Twenty minutes or so later, the car importer phoned from his car cancelling the contract—he was caught in an horrendous tailback of traffic as a result of the bridge being up.

The current bridge is a single-span lifting bridge. At the time of the closure of the docks, Percy Wells—our best ever Member of Parliament for the old constituency of Faversham—had campaigned for 20 years for a new bridge. He had been told by the Admiralty that it had to be a single span, as the other two bridges had previously been. How amazing—just before the bridge was built, the Admiralty left Sheerness. The bridge design was already redundant.

Every time a small yacht or a small tanker goes through it for pleasure or en route for Ridham dock, the bridge has to go up. In the summer, because it is a concrete bridge, it expands, and it has to be hosed down manually before it will come down again. It might be thought that such a small irritant, causing a waiting time of perhaps 20 to 30 minutes, is not much to shout about in the general scheme of things, but that would be wrong.

Ridham is expanding. In 1987, there were 442 liftings a year caused by the dock. By 1995, that had risen to 1,034 liftings a year or three a day—an increase of 120 per cent. The bridge was built in 1960 for traffic flows with a design capacity of 13,000 vehicle movements a day. Now the flow is just over 24,000 vehicle

[Mr. Derek Wyatt]

movements a day, or 85 per cent. over the design capacity. At the weekends it can double or treble. In April 1997 the Kent county council 12-hour traffic flow recorded 21,063 vehicles, including 3,003 heavy goods vehicles.

The heavy goods vehicles equate to 14.25 per cent. of all traffic using the bridge and according to a Swale borough council report, there would be serious problems for the port, should the HGV traffic continue. We hope that it will continue, because Railtrack wants to make Sheerness a nodal point for rail freight, linking the port ultimately through the channel tunnel to Europe. That would not only create more jobs for Sheerness, but substantially increase the HGV traffic over the bridge.

As public transport declines—it cannot get any worse for us on the island—more and more people have to consider the car as the only way of getting around, notwithstanding the helpful changes in the Budget for rural transport. Over the past three years the problems relating to the bridge have been compounded by the new A249 dual carriageway, as well as a series of awful accidents on the bridge itself and either side of it, leading to delays of up to 10 hours and queues of 12 miles or more.

The Conservative Government, in their wisdom, decided that the solution to the bridge was to build the new A249 first. The A249 connects the M2 motorway to a roundabout, which in itself has caused unnecessary accidents because it is so poorly designed. The roundabout is 200 yd short of a single road leading to the bridge. In other words, 1,750 cars and lorries an hour travel on the new dual carriageway, only to meet a roundabout and then a single track across the bridge, which in the summer goes up eight times a day, but sometimes fails to come down.

It is not surprising that the group of Tory Ministers responsible for that decision are known as the East Ham group—East Ham being one stop short of Barking on the underground. Of course it had been their intention to build the bridge. Plans had been drawn up and £2 million of public money—our taxpayers' money—was spent on its design before the public inquiry was due to get under way last June.

The scheme was seriously flawed. It was back to front. It was the island that needed to be connected to the mainland, not the other way round. The islanders' needs should have been addressed first.

I support the transport review being conducted by the Department of the Environment, Transport and the Regions, even though it has led to a delay in our bridge, because it is wrong to waste taxpayers' money on schemes that have no Treasury Bills attached to them and which do not fit into a UK-wide transport strategy. Moreover, I am grateful to my hon. Friend the Paymaster General, who has reversed the previous Government's private finance initiative policy, by not insisting that PFIs take the risk of paying for planning inquiries.

The results of the current review will be published in July. Whether our bridge goes forward fully funded depends on five criteria: accessibility, safety, economy, environment and integration. On accessibility, safety, economy and integration, I make the score 10 out of 10. I could be biased. On environment, we have had some problems, but all the environment groups have bought into the need for the island to be connected to the mainland. The Royal Society for the Protection of Birds must be especially congratulated on seeking a practical solution for the bridge.

To those like the Council for the Protection of Rural England who want a tunnel, the Highways Agency responded earlier in the week. It stated:

"A tunnel crossing has been considered in detail but rejected primarily on environmental grounds. You will be aware that the Swale and its surroundings are Special Protection Areas under EU legislation, Sites of Special Scientific Interest under UK legislation and an internationally important Ramsar wetland site. Our proposals are required to have the smallest possible ecological effect on any option considered."

The Highways Agency went on:

"In conclusion, the ecological effects of the proposed bridge would be less than those of a tunnel, and it must be borne in mind that it is the ecological aspect of the environment for which the Swale area is protected."

There is one criterion missing from the list: the Isle of Sheppey's psyche. Such a concept does not fit neatly into the way in which civil servants frame regulations, and cannot easily be understood by Ministers who never visit the island and have no real understanding of it.

In spite of the existing bridge, the Isle of Sheppey has some world-class businesses—Weidmuller, a family-owned German company in Halfway, is expanding by one third and hopes to open a new extension at the end of June; Abbott Laboratories, a Chicago-based pharmaceutical company listed on Wall street, in Queenborough; and the port of Sheerness, especially its fresh fruit operations and its car imports, as well as Co-Steel from Canada. There are businesses that have aspirations to become world class, such as Danepak, a Danish company, and our own local furniture maker, Regis Ltd.

In the global economy that the Chancellor of the Exchequer has asked us to embrace, those industries will not stand: they will fall if the bridge is not built. That would plunge the community into a new economic scenario worse than anything it has ever experienced.

Mr. Jonathan Shaw (Chatham and Aylesford): I congratulate my hon. Friend on securing this Adjournment debate. The second crossing over the Swale is not only important for the good people of the Isle of Sheppey; it is essential for the regeneration of my constituency, the Medway towns and further afield, right down the Thames gateway area. That is reflected in the early-day motion tabled today by Kent and London Members of the Thames gateway group. Does my hon. Friend agree that the crossing is essential not just for Sheppey, but for the wider area of Kent and east London?

Mr. Wyatt: I thank my hon. Friend, and of course I agree with him. One of the problems is that we are running out of space on the mainland of Sittingbourne to develop new factories. We have space on Sheppey, but we have no bridge that works.

I urge my hon. Friend the Minister to fulfil a pre-election pledge, which apparently emanated from Millbank tower and is frequently quoted in my local papers, that the bridge would be built before the end of the century. I urge the Minister to sign the cheque this evening for the second crossing of the Swale.

7.37 pm

The Minister for London and Construction (Mr. Nick Raynsford): I congratulate my hon. Friend the Member for Sittingbourne and Sheppey (Mr. Wyatt) on his success in securing the debate. I appreciate that the matter is important not just for him, but for all the people of north-east Kent, those who live and work on the Isle of Sheppey, and, as my hon. Friend the Member for Chatham and Aylesford (Mr. Shaw) emphasised, others who live in the Medway area.

My hon. Friend the Member for Sittingbourne and Sheppey made a powerful case for a second Swale crossing. As he knows, the Government have embarked on a fundamental review of transport policy. The case for this scheme must be considered in the context of that review. Our objectives are a strong economy, a sustainable environment and an inclusive society. Transport links are a vital part of those aims.

Good communications, including transport links, are central to the economy and quality of life. However, the backdrop to the fundamental review is a candid recognition that we need a shift in direction. Revised national road traffic forecasts published last autumn show traffic increasing by almost 40 per cent. over the next 20 years. If current policies continue, congestion will get worse, the impact on the environment will be even more severe, and those who have no access to private transport will be even more disadvantaged.

Therefore, we must develop an integrated transport system that makes the best use of the contribution that each transport mode can make, and ensures that all options are considered on a basis that takes into account from the outset considerations of accessibility, integration, safety, the environment and the economy—factors which my hon. Friend highlighted, because he has taken account of our review, and he knows that those are the criteria by which schemes are being assessed.

Above all, an integrated transport system must be sustainable. One of the encouraging aspects of what is an ambitious task is the degree of consensus on the need for change. We cannot achieve that in isolation, and we are actively engaging those involved in transport. It is a feature of the policy development work now under way that we are involving a wide range of external advice and expertise, including local authorities, businesses, trade unions, transport professionals and transport users. That is the context for the roads review—examining the role that trunk roads should play in an integrated and sustainable transport policy.

My right hon. Friend the Deputy Prime Minister returned from the successful Kyoto summit at the end of last year with a legally binding target for the European Union to reduce greenhouse gases by 8 per cent. The United Kingdom contribution towards this target, which has to be determined by the spring or the summer, is likely to be above the average, but, for CO_2 emissions, it is still likely to be somewhat lower than the domestic 20 per cent. reduction aim.

To meet that target, measures will need to be taken in all sectors of the economy. Under unchanged policies, emissions from transport are projected to rise at a faster rate than any other sector. The Government have signalled their intention to tackle the growth of emissions from the transport sector. A number of measures to reduce CO_2 emissions from transport, in addition to the fuel duty strategy, are being considered as part of the integrated transport policy review.

Against that background, and the background of increased congestion, we have three broad options for roads: first, to make better use of existing infrastructure; secondly, to manage demand; and, thirdly, to provide new infrastructure. I shall briefly cover those options.

The first option is to make the best use of the existing road network. It is the obvious first choice to make best use of existing infrastructure. It has been provided at substantial cost, and we must optimise that investment. Technologies old and new can help us to make better use of our roads network. They include variable speed limits on, for example, sections of the M5, variable message signs to guide motorists away from congested areas, and the dedicated bus lane on the M4 to Heathrow airport. Those are examples, and I readily accept that none of those options would tackle the problem that my hon. Friend has rightly identified—the difficulty with a bridge that opens, but does not always close, on the link to Sheppey.

Some of the measures to which I have referred may also bring safety benefits, and we shall need to ensure that those are given proper priority. However, we need to be realistic about the benefits that the various options can bring. I hope that I have made it clear that I recognise their limitations in relation to the circumstances of the case that my hon. Friend has raised.

The second option is managing demand, to which we must give serious consideration. Managing demand encompasses reducing the need to travel, by land use planning—for example, an assessment of the extent to which a shift to other modes can be encouraged—and, inevitably, the question of controlling demand by pricing or rationing mechanisms. At a local level, many local authorities are exploring, by means of integrated transport packages, how to combine those measures so that mobility is maintained, but the adverse environmental consequences of that mobility are reduced.

The third option is providing new infrastructure. The Highways Agency's programme of small safety schemes is continuing, but all major new construction is under review. Providing new infrastructure is a difficult option, financially and in terms of the impact that it may have on the environment. Our starting point is that we shall not proceed with major new road construction unless we are satisfied that there is no better alternative; even then, there will be difficult choices to be made within the limited resources available.

There is no substitute for a rigorous case-by-case examination of the options. The second volume of the roads review consultation document, which we published last year, sets out, region by region, the perceived traffic problems and the roads programme inherited from our predecessors. We are carefully examining all the responses, and we expect to publish the outcome of the review later this year.

The existence of a scheme in the inherited programme is seen as prima facie evidence that there is a transport problem. We sought from our regional consultations a view on whether those are the most important problems or whether others deserve greater priority. We envisage two outputs from this part of the review: first, a firm short-term investment programme and, secondly,

[Mr. Nick Raynsford]

a programme of studies to consider the remaining problems out of which the medium and long-term investment programmes will emerge.

As my hon. Friend rightly said, the A249 trunk road provides the only road link between the Kent mainland and the Isle of Sheppey, with its important deep-water port at Sheerness. The single-carriageway road is heavily trafficked, and the Swale has to be crossed on the lifting road-rail Kingsferry bridge, which is raised to shipping several times a day. Long queues often form, and traffic can be delayed, which is of considerable concern for a variety of reasons. Individuals are inconvenienced and, as my hon. Friend has suggested, investors may be deterred from investing because of concern about congestion. The emergency services and the region's national health trust, whose nearest accident and emergency hospital is located off the isle, are also concerned.

The prospects for Sheppey's commercial and industrial development are significantly hampered by the current poor access arrangements for the isle. The Government recognise that.

The second Swale crossing scheme has been proposed to improve the reliability of access to and from the isle for the benefit of local residents and businesses, and to provide a second emergency access. The scheme would provide a fixed-bridge crossing with a 29 m clearance for shipping. It would improve a 5 km section of the trunk road route up to Queenborough. I note that implementing the scheme would complete the programme of improvements from the M2 to the port of Sheerness. My hon. Friend rightly said that the rest of the programme had been put in place, but that that crucial element had been left behind by the previous Government.

The Swale and surrounding areas are recognised nationally and internationally as important sites for birds and their habitats. My hon. Friend has rightly and fairly mentioned the potential environmental difficulties that might arise from the proposed scheme. Great care will need to be taken to minimise the impact of the scheme on these important ecological sites. The project will allow intended developments such as the Thames gateway project to help to generate employment, enhancing the commercial prospects of the isle. The cost of the scheme is estimated at £79 million, which includes the cost of preparing and supervising the project, but excludes value added tax.

The Government office for the south east held three day-long seminars last autumn as part of our consultation process on integrated transport. A seminar in Ashford on 14 October considered transport corridors in the east of the region, including links with Sheppey.

Strong representations were made in support of the second Swale crossing scheme, and there was a clear consensus among delegates that the scheme should be given high priority. That view has also been strongly reflected in the written contributions that we have received about the scheme. My hon. Friend has been diligent in pressing the case for the scheme, and has been in regular correspondence with my noble Friend Baroness Hayman, who is responsible for roads policy within the Department.

I recognise the importance of a second Swale crossing scheme for the local community, and I take this opportunity to assure my hon. Friend that we shall be taking all these views, as well as the points that he and others have made, fully into account in the current review.

Developing a forward-looking integrated transport policy that supports a strong economy, contributes to a sustainable environment and helps to create a just and inclusive society is a huge challenge. Through the work now under way on trunk roads, we want to achieve a robust short-term programme and a system for planning future investment in the road network—whether by measures to make better use of the existing network, or by providing new infrastructure—that is fair and seen to be fair, and which addresses transport problems squarely in the context of an integrated strategy.

I am grateful to my hon. Friend for bringing these important transport issues to the attention of the House. I know that he has been consistent in his advocacy of the proposed second Swale crossing, and I am sure that he will continue to press the case for this project in the months ahead. However, I am sure that he will also appreciate that, until we have completed our review, we cannot say what conclusions we shall reach on the proposed Swale crossing.

Question put and agreed to.

Adjourned accordingly at twelve minutes to Eight o'clock.

Written Answers to Questions

Monday 23 March 1998

ENVIRONMENT, TRANSPORT AND THE REGIONS

Drinking Water

Mr. Brake: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 12 March 1998, *Official Report*, column *261*, if he will enable the Drinking Water Inspectorate to seek financial authorisation for water companies from Ofwat to enable water companies to carry out remedial works which will prevent a breach of standards before that breach occurs. [35299]

Angela Eagle: It is the duty of water companies to supply drinking water which complies with the Water Quality Regulations. The financial regime operated by Ofwat already allows companies money to maintain their systems at the levels required to meet current water quality standards. Allowing companies further money for such works would not be appropriate. If unforeseen circumstances arise, or new standards are introduced which result in water companies needing to carry out works or install new treatment plant, the mechanism already exists for this expenditure to be certified as necessary by the DWI and taken into account by Ofwat in the next price review.

Secure Stations Initiative

Mr. Brake: To ask the Secretary of State for the Environment, Transport and the Regions what assessment he has made of the Suzy Lamplugh Trust's Secure Stations Initiative; and if he will make a statement. [35127]

Ms Glenda Jackson: The Suzy Lamplugh Trust has worked with the Department in the development of the Secure Stations initiative which we will be launching shortly. We are also aware of a research project put forward by the Trust into Safety at Stations for Disabled People with North West Trains but we understand that it is not yet underway. We greatly value the work of the Trust in these and other areas of personal security in public transport.

Local Government Finance

Mr. Edward Davey: To ask the Secretary of State for the Environment, Transport and the Regions what are the outstanding arrears for each London borough with respect to *(a)* domestic rates, *(b)* community charge, *(c)* council tax and *(d)* rents. [35211]

Mr. Raynsford: Information on outstanding arrears with respect to domestic rates is not available.

Information on community charge and cumulative council tax arrears for local authorities is not collected centrally. However, the Chartered Institute of Public Finance and Accountancy (CIPFA) regularly publishes estimates for individual authorities. The information shown is provisional and relates to the position at 31 March 1997, and will be available in its Revenue Collection Statistics 1996–97 publication which is expected to be available from May 1998.

The information collected on rent arrears for English authorities is based on the cumulative total of rent arrears at the end of the financial year, and is reported to the Department on Housing Subsidy Claim returns.

	Community charge Arrears[1] outstanding at 31.3.97 £000	*Council tax Arrears[1] outstanding at 31.3.97 £000*	*Rent arrears Cumulative Arrears[1] outstanding at 31.3.97 £000*	*Rent arrears Arrears as a percentage of rent roll for 1996–97* per cent.
London				
Corporation of London	n/a	n/a	313	4.7
Inner London				
Camden	6,087	13,231	7,921	8.8
Greenwich	7,454	7,186	14,772	17.5
Hackney	2,080	27,395	35,087	30.1
Hammersmith and Fulham	4,800	8,618	5,786	12.6
Islington	n/a	n/a	16,854	15.6
Kensington and Chelsea	[2]1,314	3,289	2,422	8.7
Lambeth	54,314	41,426	30,186	26.0
Lewisham	25,261	16,469	9,007	10.8
Southwark	24,608	13,508	23,500	16.7
Tower Hamlets	[2]4,841	[2]5,128	4,278	4.9
Wandsworth	29	7,857	5,679	8.4
Westminster	5	3,797	3,041	5.8
Outer London				
Barking and Dagenham	845	2,100	1,949	3.6
Barnet	8,952	8,731	1,167	3.1
Bexley	1,989	1,680	795	3.3
Brent	19,927	13,198	13,500	24.4
Bromley	1,649	2,933	[3]0	0.0
Croydon	3,604	9,793	2,907	5.4
Ealing	n/a	n/a	10,549	20.3
Enfield	2,661	10,828	3,054	7.1
Haringey	10,948	23,393	13,715	22.3
Harrow	n/a	n/a	912	4.2
Havering	2,221	3,581	893	2.9
Hillingdon	n/a	n/a	981	2.3
Hounslow	14,046	7,789	3,659	8.4
Kingston upon Thames	708	1,630	667	3.7
Merton	4,265	3,981	1,149	4.2
Newham	[2]3,427	[2]14,898	6,126	10.2
Redbridge	[2]472	[2]4,722	859	3.8
Richmond upon Thames	2,376	2,422	1,243	5.8
Sutton	590	1,224	1,592	6.1
Waltham Forest	8,478	11,949	4,442	11.2

[1] Comparisons of amounts of arrears can be misleading as authorities' figures reflect decisions about when to write off arrears, and the amounts of debts originally debited.

[2] Where 31 March 1997 information is not available, the previous year's figures (where available) have been substituted.

[3] Local authority has made a large scale transfer of dwellings to a Housing Association.

Chrysotile

Mr. Pike: To ask the Secretary of State for the Environment, Transport and the Regions which substitutes for Chrysotile the EU Scientific Committee on Toxicology, Ecotoxicology and the Environment identified on 11 February as being more hazardous than Chrysotile. [35300]

Angela Eagle: The report the European commission presented to its Scientific Committee included a review of the main substitutes for white asbestos such as polyvinyalcohol, para-Aramid and cellulose fibres. The Scientific Committee's interim opinion was that insufficient evidence had been provided to justify a conclusion that substitute fibres had been proven to be safer. The Committee did not conclude they were more hazardous. Nor did it argue that the categorisation of Chrysotile Asbestos as a category 1 carcinogen was wrong.

Mr. Pike: To ask the Secretary of State for the Environment, Transport and the Regions what discussions he has had with countries that have bans on Chrysotile concerning the lifting of such bans on the basis of the report by the EU Scientific Committee on Toxicology, Ecotoxicology and the Environment. [35301]

Angela Eagle: There have been no discussions whatsoever about lifting existing bans on white asbestos.

Mr. Pike: To ask the Secretary of State for the Environment, Transport and the Regions how many members there are on the EU Scientific Committee on Toxicology, Ecotoxicology and the Environment; and how many of them are specialists in asbestos-related illness. [35302]

Angela Eagle: There are 15 members of the European Commission's Scientific Committee on Toxicology, Ecotoxicology and the Environment. Members are appointed by the European Commission as independent specialists. I understand that the European Commission considered the range of expertise necessary in making its appointments.

Mr. Pike: To ask the Secretary of State for the Environment, Transport and the Regions what toxicological effects other than those of Chrysotile were considered at the 11 February meeting of the EU Scientific Committee on Toxicology, Ecotoxicology and the Environment; and if he will make a statement. [35303]

Angela Eagle: The European Commission's Scientific Committee on Toxicology, Ecotoxicology and the Environment has a wide remit. The meeting on 9 February considered several issues in addition to white asbestos and its substitutes.

Social Housing

Mr. Stephen Twigg: To ask the Secretary of State for the Environment, Transport and the Regions if he will publish figures on Government investment in social housing, giving the numbers of beds for each year since 1994–95 in *(a)* London and *(b)* the United Kingdom. [35128]

Mr. Raynsford: Investment by Registered Social Landlords in new social housing in England is funded by the Housing Corporation through its Approved Development Programme (ADP) and by local authorities under the Local Authority Social Housing Grant (LASHG) scheme.

The table shows the number of new social homes approved under these programmes in London and England in each year since 1994/95 together with the number of people they can accommodate. Additional social lettings are also provided through grants to tenants to help them buy a new home and vacate their existing dwelling for reletting, and the Housing Corporation's Do-It-Yourself Shared Ownership scheme for tenants (DIYSO). The social lettings provided by these home ownership schemes are not included in the figures.

	1994/95		*1995/96*		*1996/97*	
	ADP	*LASHG*	*ADP*	*LASHG*	*ADP*	*LASHG*
London						
Units	11,064	2,379	8,025	1,876	10,279	1,434
Persons	36,640	8,713	28,06	27,034	37,126	5,448
England						
Units	46,196	17,155	29,789	11,736	41,176	10,763
Persons	164,327	63,061	105,256	41,763	148,970	39,947

Note:
ADP includes output from Rough Sleepers Initiative and City Challenge.

Aircraft Noise

Mr. Ottaway: To ask the Secretary of State for the Environment, Transport and the Regions (1) if he will make a statement on his policy on aircraft noise nuisance; [35400]

(2) if it is his policy to continue to reduce aircraft noise after 2002. [35399]

Ms Glenda Jackson: The Government's policy is to minimise the impact of airports on the environment while ensuring that land use planning and conservation policies take account of the economic benefits of maintaining a strong and competitive British airline industry and providing sufficient airport capacity where it is economically and environmentally justified. This necessarily involves striking a balance between the needs of an efficient aviation industry, providing jobs and serving the local, regional and national economy and the need to minimise the impact on the environment and the communities around airports. There has been a substantial improvement in the noise climate around Heathrow over the past two decades, which has been accelerated since 1990 by the compulsory progressive phase-out of Chapter 2 jet aircraft, a process due to be completed by 31 March 2002. While this makes the securing of further improvement all the more challenging, the Government are committed to doing everything practicable to ensure that the noise climate around the airport continues to improve after 2002. We have given local people around Heathrow an additional commitment to take all practicable steps to prevent a deterioration in the noise climate after the Chapter 2 phase-out is complete.

Mr. Ottaway: To ask the Secretary of State for the Environment, Transport and the Regions how often he meets the BAA and airline representatives to discuss aircraft noise from planes using Heathrow Airport. [35398]

Ms Glenda Jackson: DETR Ministers meet with airline representatives and BAA plc from time to time to discuss a wide range of matters, including the nuisance caused by aircraft landing and taking off at Heathrow.

Water Pressure

Mr. Touhig: To ask the Secretary of State for the Environment, Transport and the Regions (1) what plans he has to ensure that water companies meet their water leakage targets and maintain enough water pressure for fire fighting; [35388]

(2) what statutory obligations are placed on water companies to maintain adequate water pressure for fire fighting; [35387]

(3) which water companies in respect of which areas have reduced the mains water pressure since 1991. [35386]

Angela Eagle: Water companies continually monitor and alter the water pressures in their systems to meet prevailing circumstances in their areas. Under section 65 of the Water Industry Act 1991, water companies have a duty to ensure that water in mains which serve domestic properties or have fire hydrants fixed on them will normally be supplied at sufficient pressure to reach the top most storey of every building within their area. The Director General of Water Services has a duty to ensure that companies meet these provisions of the 1991 Act. Where water companies reduce pressure as one means of reducing leakage, they must still meet the requirements of the Act.

Dr. Cable: To ask the Secretary of State for the Environment, Transport and the Regions (1) what is *(a)* the average pressure in water supplies made available to the London Fire Brigade by Thames Water and *(b)* the (i) optimal and (ii) minimum required level for operational efficiency; [35351]

(2) what was the average pressure in water supplies made available by Thames Water to the London Fire Brigade in each of the last 10 years. [35352]

Angela Eagle: The average pressure of water in the mains in London is between 15 and 30 static head. There has been no appreciable variation in the pressure in the last 10 years.

For operational purposes, the London Fire Brigade requires a minimum flow rate from a hydrant of approximately 760 litres per minute. At present, they do not have any difficulty with flow rates.

Marine Pollution (Wales)

Mr. Ieuan Wyn Jones: To ask the Secretary of State for the Environment, Transport and the Regions what representations he has received on the cleaning of vessel tanks off the coast of Wales and its impact on the marine environment. [35520]

Ms Glenda Jackson: None.

Transport Policy

Mr. Matthew Taylor: To ask the Secretary of State for the Environment, Transport and the Regions what submissions concerning traffic management as a means of road traffic reduction he has received in respect of his consultation document, "Developing an Integrated Transport Policy"; and if he will place a copy of these in the Library. [35637]

Ms Glenda Jackson: A large number of the 6,500 responses received mentioned ways of making better use of the existing network and urban traffic management although not always explicitly in the context of seeking road traffic reduction. A report of the views expressed in the consultation is being prepared for publication with the White Paper on Transport policy. I will ensure copies of that report are placed in the Library.

M62 (Junction 8)

Helen Jones: To ask the Secretary of State for the Environment, Transport and the Regions when the public inquiry into plans to build Junction 8 on the M62 will take place. [35422]

Ms Glenda Jackson: The public inquiry for this scheme is planned for this Autumn. We have yet to fix a precise date for its opening, but I will ensure that my hon. Friend is notified as soon as we have.

Rural Social Services

Mr. Prior: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the impact of the 1998–99 rate support grant on the provision of social services in rural areas. [34065]

Mr. Raynsford: The impact of the 1998–99 revenue support grant settlement on the provision of social services in rural areas depends upon local authorities' decisions on the size and allocation of their budgets.

Regional Airports

Mr. Stringer: To ask the Secretary of State for the Environment, Transport and the Regions when he expects to make a decision regarding air service access to regional airports. [35424]

Ms Glenda Jackson: Liberalisation of air services agreements to permit the operation of international services to regional airports is considered during many air services talks. Air services within the European Economic Area are already fully liberal. The airlines of a further 66 countries have access to any regional point in the UK, and the airlines of a further 21 countries have access to some regional points.

We are reviewing the responses to the informal consultation on international access to regional airports and are also mindful of the current deliberations of the Environment and Transport Select Committee on access to regional airports. A decision will be made when all the relevant information and advice has been considered.

Council Tax

Mr. Yeo: To ask the Secretary of State for the Environment, Transport and the Regions if he will publish figures for band D council taxes in England in 1998–99, showing *(a)* figures for each notifiable authority excluding parish precepts, *(b)* figures for each notifiable authority including parish precepts, *(c)* the percentage increase in council tax for each notifiable authority including parish precepts, *(d)* council tax for the area of each billing authority, *(e)* the percentage increase in council tax for the area of each billing authority and *(f)* equivalent figures for each class of authority. [35660]

Mr. Raynsford: The information requested will be placed in the Library of the House.

Rail Franchising

Mr. Webb: To ask the Secretary of State for the Environment, Transport and the Regions when plans by First Group plc to take over Great Western Holdings were submitted to the Director General of Passenger Rail Franchising; what powers the Director General has in such cases to prevent takeovers; what range of conditions he can impose on such takeovers; what are the duties of consultation of the Director General before determining such conditions; and if he will make a statement. [35419]

Ms Glenda Jackson *[holding answer 20 March 1998]:* The first intimations that First Group were considering the takeover of Great Western Holdings Ltd. (GWHL) were given to the Franchising Director orally in the latter part of January 1998. The Franchising Director confirmed to the First Group that any change of control would require his approval; that in considering his approval he would take into account the Objectives, Instructions and Guidance (OIG) issued to him on behalf of the Secretary of State on 6 November 1997 (a copy is in the Library of the House) which, in his view, obliged him to ensure that benefits were secured for passengers if the change of control were to be allowed; and that the Office of the Rail Regulator and the Office of Fair Trading would deal with competition aspects of the proposed takeover. He was not party to the properly private discussions between First Group and GWHL. He heard from First Group on the evening of 3 March that, in view of Press speculation, they wished to announce on 4 March that they were in advanced discussions with GWHL. On 4 March the Franchising Director met First Group to discuss the passenger benefits to be provided under the 3 franchises involved, Great Western Trains and North Western Trains (which First Group seek to acquire) and Great Eastern (which First Group already own).

The Franchising Director's powers are contractual. Under the franchise agreements for Great Western Trains and North Western Trains his prior consent to change of control must be obtained. He has unfettered contractual discretion to refuse or attach conditions to his consent.

Having taken the view that, as a result of the proposed takeover none of the terms and condition of the franchise agreements would be changed the OIG obliged him to ensure that additional benefits were secured for passengers if the takeover were to be allowed. The Franchising Director announced on 6 March 1998 various benefits on the basis of which, subject to contract, he proposes to approve the takeover. These will include additional rolling stock; station improvements, including the provision of wheelchair access and bicycle facilities; security cameras and greater bus/rail through-ticketing. He is discussing details of the package with PTEs who, as parties to the North Western Trains franchise agreement, he is required to consult on issues affecting them. The Franchising Director has general obligations under his OIG to consult and liaise with other bodies. He has no specific duties of consultation about conditions to his consent to a change of control.

Environmental Task Force

Mr. Llew Smith: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the number of non-governmental groups that have to date shown an interest in participating in the Environmental Task Force within the New Deal welfare to work programme; and what responses he has received from these organisations. [33113]

Mr. Andrew Smith: I have been asked to reply.

Many non-governmental groups have shown great interest in the Environment Task Force option of the New Deal. However, the contracting process for this option is currently underway and the numbers participating are now yet available. Responses from non-governmental groups have been varied, ranging from comments on the design and implementation of the option to expressions of interest in tendering for delivery.

TREASURY

Individual Savings Accounts

Mr. Jim Cunningham: To ask the Chancellor of the Exchequer (1) if current holders of TESSAs and PEPs will be required to transfer their investments to ISAs from April 1999; [33270]

(2) what assessment he has made of the impact on existing holders of TESSAs and PEPs of the replacement of TESSAs and PEPs by ISAs in April 1999. [33271]

Mr. Geoffrey Robinson *[holding answer 10 March 1998]:* As my right hon. Friend the Chancellor announced in his Budget, 17 March 1998, *Official Report*, column 1102, all PEPs held at 5 April 1999 can continue to be held as PEPs, outside the new savings account, but with the same tax advantages as the new account. TESSAs held at 5 April 1999 can run to maturity outside the new account, and the capital from maturing TESSAs can be rolled over into the new account without counting against the annual subscription limit.

Mr. Lilley: To ask the Chancellor of the Exchequer if the Government will require providers of ISAs to submit sufficient information to provide a breakdown of how many people invested *(a)* up to £1,000, *(b)* £1,001 to £2,000, *(c)* £2,001 to £3,000, *(d)* £3,001 to £4,000, *(e)* £4,001 to £5,000 and *(f)* £5,001 to £6,000 in the most recent year for which figures are available. [34961]

Mr. Geoffrey Robinson *[holding answer 17 March 1998]:* Precise details of the information to be submitted will be for discussion with industry representatives when drafting detailed regulations for the ISA.

Mr. Lilley: To ask the Chancellor of the Exchequer how much of the estimated cost of tax relief on PEPs in *(a)* 1996–97, *(b)* 1997–98 and *(c)* 2000–1, as calculated in the consultative document on ISAs, is attributable (i) to CGT exemption and (ii) income tax relief. [33510]

Mr. Geoffrey Robinson *[holding answer 9 March 1998]:* I refer the right hon. Member to the answer my right hon. Friend the Chief Secretary gave on 11 March 1998, *Official Report*, column *210*, and to the answer I

gave to my hon. Friend the Member for Newcastle upon Tyne, Central (Mr. Cousins) on 3 February 1998, *Official Report*, column *574*.

Pensions (Tax Relief)

Mr. Webb: To ask the Chancellor of the Exchequer what are the most recent statistics collated by his Department on the distribution, by income, of the benefits from tax relief on contributions to occupational and personal pensions. [34339]

Dawn Primarolo: The distribution of tax relief by income of participants in occupational and personal pension schemes is not available, but the total cost of tax relief, based on aggregate information from a variety of sources, is published annually in table 1.6 of "Inland Revenue Statistics".

Airports (Seizures of Medicines)

Mr. Corbyn: To ask the Chancellor of the Exchequer (1) if he will list for each year since 1991 those medicines and medical equipment seized from passengers at airports, who were travelling to Baghdad via Amman; and if he will make a statement; [31678]

(2) if medicines seized at Heathrow on 6 February from Amman-bound passengers will be returned to them; [31677]

(3) what medical materials were seized at Heathrow airport on 10 February from passengers bound for Baghdad via Amman. [31674]

Dawn Primarolo *[holding answer 27 February 1998]:* No medical materials were seized at Heathrow airport on 10 February from passengers bound for Baghdad via Amman. Certain items understood to be destined for Iraq were detained pending further inquiries.

Following the adoption of the UN Security Council Resolution 661 (1990) the export to Iraq of any goods, unless under the authority of an export licence, has been prohibited under the Export of Goods (Control) (Iraq and Kuwait Sanctions) Order 1990 [SI 1990/1640], which came into force on 9 August 1990. No seizures of medicines and medical equipment from passengers at airports travelling to Baghdad via Amman have been made as a consequence of these restrictions.

Beer Duty

Mr. Nicholas Winterton: To ask the Chancellor of the Exchequer what representations he has received urging him to introduce a progressive beer duty. [35516]

Dawn Primarolo: The Society of Independent Brewers (SIBA) is a trade association which represents the smaller breweries. SIBA sent a detailed representation about the introduction of a progressive rate of duty to me on 9 March 1998. I have also received a number of letters from SIBA members urging me to consider SIBA's proposals and I have agreed to do so.

Mr. Nicholas Winterton: To ask the Chancellor of the Exchequer what assessment he has made of proposals for the introduction of a progressive beer duty; and if he will make a statement. [35515]

Dawn Primarolo: I received proposals for a sliding scale of beer duty from The Society of Independent Brewers on 9 March 1998. I have asked Customs and Excise to examine them and to provide me with advice in good time for the next Budget.

Industrial and Provident Societies

Mr. Timms: To ask the Chancellor of the Exchequer if he will make a statement about the current regime for co-operatives and other industrial and provident societies. [36181]

Mrs. Liddell: The Treasury and the Registry of Friendly Societies have issued a consultation document today inviting views on what changes to the existing legislation would be desirable if a suitable opportunity were to arise. Copies have been placed in the Libraries of both Houses.

Valuation Office

Ms Lawrence: To ask the Chancellor of the Exchequer what targets will be set for the Valuation Office Executive Agency for the year 1998–99. [36182]

Dawn Primarolo: I have set the following key targets for the Valuation Office in 1998–99:

Operational

- to clear 275,000 appeals in aggregate against the 1995 and earlier rating lists
- to clear 83,500 appeals against the council tax valuation lists; with the aim, in co-operation with the valuation tribunals, of clearing all cases within 6 months of receipt
- to clear Inland Revenue cases equal to the number received up to a maximum of 57,000—with the aim of clearing 90 per cent. of cases within:
  - 42 days where a valuation only is requested
  - 6 months where negotiation with the parties is required

Quality of service

- to provide a substantive reply to:
  - 90 per cent. of correspondence within 15 working days of receipt
  - the remaining 10 per cent. within 20 working days of receipt
- to see all callers to our offices within 5 minutes
- to achieve a further improvement against our indicator for valuation accuracy—by 1 per cent. to 87 per cent.
- to maintain performance against our indicator for timeliness at 98 per cent.

Finance and cost efficiency

- to break even overall after charging for the full cost of chargeable services including notional interest of 6 per cent on the average working capital
- measurement will be within a tolerance of the greater of 2 per cent. of relevant turnover or £1 million
- to achieve financial efficiency gains of 4.6 per cent.

Further details are contained in the Valuation Office's Forward Plan, copies of which will be placed in the Library of the House on publication.

MINISTER WITHOUT PORTFOLIO

Millennium Experience

Mr. Mitchell: To ask the Minister without Portfolio if it will be the responsibility of companies contributing to the Millennium Experience to finance and create exhibits in their section. [31524]

Mr. Mandelson: I refer my hon. Friend to the answer I gave him on 9 March 1998, *Official Report*, column *59*.

Mr. Mitchell: To ask the Minister without Portfolio what estimate he has made of the additional tourist revenue which will be generated by the Millennium Experience. [31878]

Mr. Mandelson: I refer my hon. Friend to the reply I gave to the hon. Member for Lewes (Mr. Baker) on 17 November 1997, *Official Report*, column *77*.

Mr. Mitchell: To ask the Minister without Portfolio if he will publish a full list of proposals for the content of the Millennium Experience *(a)* he and *(b)* the New Millennium Experience Company has rejected. [34789]

Mr. Mandelson: All proposals which come direct to me are passed to the New Millennium Experience Company for consideration. To date, the Company have received over 1,220 ideas from the public, interests groups, voluntary organisations and businesses, and they continue to receive a steady flow.

All unsolicited proposals received by the Company are subject to review and assessment. To date about 340 have been rejected following this review process.

Millennium Dome

Mr. Hoyle: To ask the Minister without Portfolio what assessment he has made of public reaction to the Millennium Dome to date. [31965]

Mr. Mandelson: The presentation of content, launched by my right hon. Friend the Prime Minister, on 24 February has prompted a very positive response from the public.

Mr. Hoyle: To ask the Minister without Portfolio whom he has appointed as creative director of the Millennium Dome; and who has overall creative responsibility for the Dome. [31968]

Mr. Mandelson: This is a matter for the New Millennium Experience Company. They are currently considering whether a single creative director is required or whether the current arrangements whereby the creative team report to the Directors of the Company remains the best way forward.

DEFENCE

Brazilian Mahogany

Mr. Alan Simpson: To ask the Secretary of State for Defence on what dates his Department received certificates of conformity for the Brazilian mahogany purchased from Parker Kislingbury Ltd; and if he will place copies of the certificates in the Library. [34449]

Mr. Spellar *[holding answer 13 March 1998]:* This is a matter for the Chief Executive of the Ships Support Agency. I have asked the Chief Executive to write to my hon. Friend.

Letter from J. D. Coles to Mr. Alan Simpson, dated 23 March 1998:

I am replying to your Question to the Secretary of State for Defence about the Certificates of Conformity we received for the Brazilian mahogany purchased from Parker Kislingbury as this matter falls within my area of responsibility as the Chief Executive of the Ships Support Agency.

Parker Kislingbury provided the initial Certificate of Conformity related to supplies of Brazilian mahogany from Madeireira Juary on 16 July 1997. Subsequent Certificates of Conformity which relate to later deliveries are also held. The Certificates are required in accordance with our long-standing policy that all material offered by contractors, and subsequently accepted under Contract, must be obtained from sustainably grown sources. The contract was placed with Parker Kislingbury on this basis on 30 July 1997.

I will be pleased to arrange for copies of the Certificates of Conformity relating to the MOD Contract with Parker Kislingbury to be placed in the Library in the House of Commons.

US Military Personnel

Mr. Baker: To ask the Secretary of State for Defence how many United States personnel have been based at *(a)* RAF Menwith Hill and *(b)* RAF Croughton in each year since 1987; and what was the maximum number present at one time in each year. [35602]

Dr. Reid: I will write to the hon. Member and a copy of my letter will be placed in the Library of the House.

DUCHY OF LANCASTER

Freedom of Information

Ann Clwyd: To ask the Chancellor of the Duchy of Lancaster when he expects to introduce legislation on freedom of information. [35088]

Dr. David Clark: I expect to publish a draft Bill later in the year, which will continue the consultation process started with the White Paper "Your Right to Know". In the light of comments on this, a Bill will be introduced into Parliament as soon as the legislative timetable permits.

INTERNATIONAL DEVELOPMENT

Pakistan

Mr. Blunt: To ask the Secretary of State for International Development, pursuant to her answer of 9 March 1998, *Official Report*, column *25*, if Pakistan falls within her category of countries diverting limited resources into excessive military expenditure. [35241]

Clare Short: Pakistan has traditionally spent a high proportion of its national budget on defence. We understand and welcome the fact that defence spending measured as a percentage of GDP has been declining steadily in recent years. The UK's bilateral development co-operation programme with Pakistan focuses particularly on working to improve basic social services which benefit the poor.

Children and Armed Conflict

Mr. Timms: To ask the Secretary of State for International Development what support her Department is giving to the work of the UN Special Representative for Children and Armed Conflict. [35203]

Clare Short: We contributed £200,000 in November 1997 to support the work of the new UN Special Representative for Children and Armed Conflict and intend to continue to work closely with him to ensure the protection, healing and rehabilitation of war affected children world-wide. We recognise that children who find themselves in the unique situation of caring for younger children, possibly because parents have died in conflict or from conditions such as AIDS, are particularly vulnerable. We are trying to address these issues in our development programmes and will highlight our concerns to Mr. Otunnu when his proposals for international action on children and armed conflict are discussed with our European partners at a ministerial meeting in London on 23 June 1998 which my Department will host.

Afghanistan

Ms Roseanna Cunningham: To ask the Secretary of State for International Development how many British-based aid agencies are currently undertaking work in Afghanistan; and if she will name them. [35712]

Clare Short: The Department for International Development (DFID) works with a number of British and international aid agencies in Afghanistan and funds projects in a variety of sectors including demining, health, community development and education. The British based Agencies which are funded by DFID are as listed. There may be other British NGOs working independently within Afghanistan supported by other donors.

Afghanaid
Agency Co-ordinating Body for Afghan Refugees (ACBAR)
British Agencies Afghan Group
British Red Cross Society
CAFOD
CARE
Children in Crisis
Christian Aid
Halo Trust
Medair
Merlin
Ockenden Venture
OXFAM
Support for Afghan Further Education
Sandy Gall's Afghanistan Appeal
Save the Children
TEAR Fund.

Terrorism

Mr. Blunt: To ask the Secretary of State for International Development, pursuant to her answer of 9 March 1998, *Official Report*, column 25, if it is her policy that sponsoring terrorism in other countries is not a bar to countries receiving development assistance from the United Kingdom. [35240]

Clare Short: This Government like all responsible governments condemn state sponsorship of terrorism. Where the policies of other governments make a development partnership with them impossible, but where effective help can be given directly to poor people, it is my Department's policy to deliver development assistance through alternative channels, including community based and non-governmental organisations.

Public Bodies

Mr. Burns: To ask the Secretary of State for International Development if she will publish *(a)* the number of places on each of her Department's non-departmental public bodies, *(b)* the number of places that are currently unfilled on each non-departmental public body, *(c)* the total number of members that have resigned since 1 May 1997, *(d)* the total number that have retired since 1 May 1997, *(e)* the total number that have not had their contracts renewed since 1 May 1997, *(f)* the total number that have remained in place since 1 May 1997 and *(g)* the total number that have been appointed since 1 May 1997. [35284]

Clare Short *[holding answer 19 March 1998]:* The information is as follows:

Non-Departmental Public Body	*(a)*	*(b)*	*(c)*	*(d)*	*(e)*	*(f)*	*(g)*
Commonwealth Scholarships Commission	10–15	0	0	1	0	11	4
Crown Agents Holding & Realisation Board	7	0	0	0	0	7	0
Economic and Social Committee for Overseas Research	10	2	1	0	0	8	3
Indian Family Pensions Fund Body of Commissioners	10	1	0	0	0	9	0
Know How Fund Advisory Board	20	5	1	0	0	14	0
Overseas Pensions Scheme Advisory Board	4	2	1	0	0	2	0

HOME DEPARTMENT

Firearms Certificates

Mr. Blunt: To ask the Secretary of State for the Home Department what is the current average time taken for the Metropolitan Police to amend and return firearms certificates. [35239]

Mr. Michael: The arrangement for processing firearm certificates in the Metropolitan Police area is an operational matter for the Commissioner. We understand that the average time for processing routine amendments to firearm and shotgun certificates is between two and three weeks.

Following the surrender of handguns under the Firearms (Amendment) Acts 1997, some former handgun owners have sought variations to their certificates in order

to permit them to take up new shooting sports. No fee is payable by handgun owners in respect of amendments involving replacement, rather than additional, firearms. However, the proposed acquisition of new firearms may involve the police in inspecting the applicant's security arrangements and confirming the details of his proposed shooting activities. For these reasons, the time taken to deal with amendments and return certificates to their owners may take several months. While the Metropolitan Police have confirmed that they are seeking to deal with any backlogs as a matter of urgency, this will have to depend to some extent on the urgency of competing demands.

As well as dealing with variations to firearm certificates recently, police firearms licensing departments have dealt with the considerable volume of work relating to the surrender of handguns and the processing of compensation claims, as well as routine licensing and firearms matters.

British Citizenship

Fiona Mactaggart: To ask the Secretary of State for the Home Department how many applications for British citizenship by *(a)* naturalisation on the grounds of residence, *(b)* naturalisation on the grounds of marriage, *(c)* registration as an adult and *(d)* registration as a child were made in (i) 1994, (ii) 1995, (iii) 1996, (iv) 1997 and (v) 1998 to the latest convenient date; and what was the average length of time taken to deal with each application in each of the years listed. [35130]

Mr. Mike O'Brien: The number of applications received in each category in the years 1994 to 24 February 1998 are as follows. We do not record the average time taken to deal with each application within a calendar year. The figures in brackets show the average number of months taken to consider applications as at 31 December each year with the exception of 1998 when the position at the end of February is shown.

	Registrations		*Naturalisation*	
Year	*Adult*	*Minor*	*Residence*	*Marriage*
1994	3,630	6,355	21,835	16,586
	(6)	(8)	(14)	(13)
1995	3,646	11,339	21,470	17,822
	(5)	(6.3)	(14.2)	(13.5)
1996	3,694	12,673	23,758	19,580
	(7)	(7.4)	(16.1)	(15.3)
1997	4,003	11,407	20,140	16,266
	(6.6)	(7.1)	(20.8)	(20.1)
1998	85	208	104	124
	(7.5)	(6.7)	(20.5)	(20.6)

Airline Offences

Mr. Gordon Prentice: To ask the Secretary of State for the Home Department how many United Kingdom citizens have been prosecuted and convicted of committing an offence on board a commercial airliner in each year since 1990; and if he will make a statement. [35195]

Mr. Michael: Under Part IV of the Civil Aviation Act 1982, as amended by the Civil Aviation (Amendment) Act 1996, and Part I of the Aviation Security Act 1986, criminal proceedings can be brought if an offence takes place on board a commercial British-controlled aircraft, or a foreign commercial aircraft while in flight to the United Kingdom. However, although the Home Office Court Proceedings database records all prosecutions in England and Wales, the data held centrally do not identify whether the offence took place on board an airliner, nor the defendant's nationality.

Court proceedings data for offences including the hijacking of an aircraft are given in the table.

Number of defendants prosecuted at magistrates' courts and convicted[1] at all courts for offences under Sections 1–3 and 6(2) of the Aviation Security Act 1982, 1990–1996

England and Wales

Offence	*1990*	*1991*	*1992*	*1993*	*1994*	*[2]1995*	*[2]1996*
Hijacking; destroying, damaging or endangering safety of aircraft; other acts endangering or likely to endanger safety of aircraft; and ancillary offences							
Sections 1–3 and 6(2)							
Prosecutions	—	4	6	3	2	5	15
Committed for trial	—	2	3	3	—	5	13
Convictions	3	2	2	—	3	2	1

[1] Includes persons proceeded against in earlier years

[2] From 1995 onwards data also include offences under the Channel Tunnel (Security) Order 1994 Articles 4,5,7 and 8 (Sec 1(7) Channel Tunnel Act 1987)

Hospitality

Mr. Bercow: To ask the Secretary of State for the Home Department if he will list planned expenditure on hospitality for April and May, indicating the date, location and purpose of each event. [35117]

Mr. Straw: Events planned so far for April and May for which expenditure on hospitality will be incurred are as follows:

Date	*Location*	*Purpose*	*Estimated expenditure (£)*
7 April	Yet to be decided	Dinner for Canadian Prisons Minister	150
16 April	Police Training Centre, Ashford	Dining-in guests	85
16 April	Police Training Centre, Ryton	Passout parade	127
21 April	Vienna	Dinner for United Nation Crime Commission	2,500
23 April	Queen Elizabeth II Conference Centre	Seminar on prison health care	4,960
23 April	Goring Hotel, London	Dinner for Community Fire Safety Task Force	400
30 April	Police Staff College	International Commanders Programme course dinner	60
21 May	Police Training Centre, Ryton	Passout parade	145
21 May	Police Training Centre, Ashford	Dining-in guests	85
23 May	Police Training Support, Harrogate	Dining-in guests	60

It is not possible to provide a comprehensive estimate for total expenditure on hospitality as the majority of events and meetings will not be finalised until nearer the time.

Correspondence

Mr. Gray: To ask the Secretary of State for the Home Department when he plans to reply to the letter dated 17 November 1997 concerning Mr. and Mrs. Utting from the hon. Member for North Wiltshire. [35771]

Mr. Michael: I replied to the hon. Member on 18 March 1998. The Home Office has received a lot of correspondence on the subject of law and order in recent months; this has meant that not all letters have been answered as quickly as we would have liked. We have also put measures in hand to improve the Home Office correspondence system in order to provide speedier, high quality responses in future.

Gambling

Mr. Letwin: To ask the Secretary of State for the Home Department what definition his Department applies to hard and soft gambling; and if his Department defines slot machines as a form of hard gambling. [35765]

Mr. George Howarth: We regard as hard gambling those forms likely to cause problem gambling among customers—for example, because of high frequency combined with high staking.

We regard as soft gambling low stake, long odds forms where it is very difficult to chase losses.

There are various types of gaming machines. How hard and how soft they are depends on their stake limits, prize levels and, to some extent, their locations and numbers.

Crime Figures

Mr. Allan: To ask the Secretary of State for the Home Department when he intends next to publish recorded crime figures; and if he will make a statement on the methodology used to compile them. [34686]

Mr. Michael: The next recorded crime figures for England and Wales, covering the calendar year 1997, will be published in a Home Office Statistical Bulletin on 7 April 1998.

The recorded crime figures are based on statistical returns provided by the 43 police force areas in England and Wales. The data are compiled using rules for classification and counting issued by the Home Office to maintain the consistency of recording some of the more complex and potentially difficult offences, such as multiple, continuous and repeated offences.

Periodically, the Home Office rules and police recording practices are reviewed to ensure consistency and to determine whether updates are necessary. Recently, both Her Majesty's Inspectorate of Constabulary and a joint Home Office/Association of Chief Police Officers working party have undertaken such reviews. Their recommendations are being adopted in a package of measures for implementation on 1 April 1998, which were announced initially by my right hon. Friend on 1 October 1997. More detail was given by the Home Office's Director of Research and Statistics on 14 October 1997.

The main measures comprise the logical extension of the coverage of recorded crimes (or notifiable offences) to include all indictable and triable either way offences; the revision of the counting rules for certain offences to move closer to the concept of one crime per victim; a move to financial year publication; and less emphasis in publications on the overall total of recorded crime in favour of individual offence groups.

Public Bodies

Mr. Burns: To ask the Secretary of State for the Home Department if he will publish *(a)* the number of places on each of his Department's non-departmental public bodies, *(b)* the number of places that are currently unfilled on each non-departmental public body, *(c)* the total number of members that have resigned since 1 May 1997, *(d)* the total number that have retired since 1 May 1997, *(e)* the total number that have not had their contracts renewed since 1 May 1997, *(f)* the total number that have remained in place since 1 May 1997 and *(g)* the total number that have been appointed since 1 May 1997. [35275]

Mr. Straw *[holding answer 19 March 1998]:* The information requested is not held centrally within the Department. When it has been assembled and collated I will write to the hon. Member.

Young Offenders

Dr. Cable: To ask the Secretary of State for the Home Department how many psychologists and assistants are currently in post at each Young Offenders Institution in *(a)* London and *(b)* the Home Counties; what is the full complement for each unit; and what were the number in post for each of the last five years. [34794]

Ms Quin: The number of psychologists and psychological assistants in post in Young Offender Institutions and the current complement of these units are:

	Current	*Complement*
London		
Feltham	5	6
Home Counties		
Aylesbury	4	5

A visiting psychology service is provided to young offenders at Bullwood Hall, Dover and Reading, East Sutton Park can call upon the services of a psychologist when necessary.

Additionally, there are psychology units at Highpoint, Rochester and Woodhill. They provide a service to adult offenders but not to the young offender unit. The number of psychologists and pschological assistants in post and the complement of the psychology units in these three establishments are:

	Current	*Complement*
Home Counties		
Highpoint	3	3
Rochester	1	1
Woodhill	5	5

The number of psychologists and psychological assistants in post in the psychology units listed above for each of the last five years are:

Establishment	*31.03.97*	*31.03.96*	*31.03.95*	*31.03.94*	*31.03.93*
Aylesbury	3	3	5	5	4
Feltham	5	6	7	7	8
Highpoint	3	3	4	3	4
Rochester	—	—	—	—	—
Woodhill	3	3	3	3	2

Dr. Cable: To ask the Secretary of State for the Home Department how many young offenders in young offenders units are assessed to be suffering from mental health problems; and how many are awaiting placement in a secure psychiatric hospital. [34804]

Ms Quin: A study conducted by the Institute of Psychiatry for the Prison Service in 1988–89 indicated that a psychiatric diagnosis, including substance dependency or abuse, could be given to 33 per cent. of sentenced male youths, wherever detained. Data on female young offenders were not collated separately from data on adult women.

On 18 March 1998 the Mental Health Unit of the Home Office, which authorises transfers to hospital exercising the warrant of the Secretary of State, had no cases outstanding on which medical reports had been submitted by Young Offender Institutions recommending transfer to hospital under section 47 of the Mental Health Act 1983.

Dr. Cable: To ask the Secretary of State for the Home Department what are the training and qualification requirements for staff of young offenders units *(a)* prior to employment and *(b)* during their term of employment. [34803]

Ms Quin: Individuals who want to join the Prison Service as prison officers require five GCSEs or the equivalent. All newly recruited prison officers attend an eleven week course to equip them to work in a variety of prison establishments. Prison officers who will be working in Young Offender Institutions are also required to attend a specific module on the course which deals with issues related to working with young offenders.

The Prison Service, working with the Trust for the Study of Adolescence, has produced a specialist training pack "Working with Young People in Custody". This specialist training pack is delivered in the workplace and external accreditation is now being sought. The Senior Command Course, aimed at Governors who will be taking up their first 'in charge' post, deals with issues of governing a Young Offender Institution.

Dr. Cable: To ask the Secretary of State for the Home Department what percentage of young offenders on remand in Young Offenders Units were in the care of the local authority prior to remand in each of the last five years. [34793]

Ms Quin: It is not known what percentage of young offenders on remand in Young Offender Institutions were in the care of the local authority prior to remand in each of the last five years as this information is not held centrally. However, according to the 1991 National Prison Survey, 43 per cent. of young offenders on remand said that they had been in the care of the local authority at some time in their childhood.

Shotguns

Mr. Alan Campbell: To ask the Secretary of State for the Home Department what proposals he has to alter legislation regarding the certification of shotguns. [35377]

Mr. Michael: There are no current proposals to alter legislation regarding the certification of shotguns.

Countryside March

Mr. Colvin: To ask the Secretary of State for the Home Department what is the current estimate by the Metropolitan Police of the number of participants in the Countryside March in London on 1 March. [35360]

Mr. Michael: The Commissioner of Police of the Metropolis estimates that 250,000 people participated in the Countryside March in London on 1 March.

Campsfield House Detention Centre

Mr. Gerrard: To ask the Secretary of State for the Home Department when he expects to publish HM Chief Inspector of Prisons' report on the Campsfield Detention Centre. [35551]

Mr. Mike O'Brien: The date for the publication of the report on Campsfield House Immigration Detention Centre has not yet been announced, but it is expected to be published shortly.

Immigration Officers

Mrs. May: To ask the Secretary of State for the Home Department at what date seasonal staff employed as immigration officers were informed of his Department's new retirement policy for seasonal staff. [35391]

Mr. Mike O'Brien: In October 1996, seasonal immigration officers at ports were advised that, with effect from 1 November 1997, the normal retirement age would be sixty to bring them into line with the rest of the Department.

Mrs. May: To ask the Secretary of State for the Home Department how many seasonal staff in the Immigration Department will reach the age of 60 years during the next year and have their contracts terminated under the age retirement policy for seasonal staff. [35390]

Mr. Mike O'Brien: In the year up until 31 March 1999, three seasonal immigration officers who are currently on the Home Office payroll will reach the age of sixty and are liable to have their contracts terminated under the age retirement policy for seasonal staff.

Asteroids

Mr. Öpik: To ask the Secretary of State for the Home Department (1) if he will evaluate the reports concerning an asteroid on a near-collision course with the Earth; and if he will make a statement; [34873]

(2) what contingency plans have been made in the event of a threat arising from asteroids colliding with the Earth; and if he will make a statement; [34874]

(3) what provision exists for international consultation and co-operation over potential dangers arising from asteroids striking the Earth; and if he will make a statement. [34875]

Mr. Battle: I have been asked to reply.

The asteroid 1997 XF11, which was discovered last year, has an orbit around the Sun which crosses the Earth's orbit. It will pass by the Earth in 2028. Computations made by American scientists earlier this month indicated that the asteroid could come within 30,000 miles of the Earth. However, I understand that scientists from the American space agency NASA have now been able to locate pre-1997 images of the asteroid. This has enabled them to calculate a more precise orbit for 1997 XF11 which indicates that it will miss the Earth by a much larger margin of 600,00 miles (or about 2.5 times the distance to the Moon).

The probability of a major impact from an asteroid is extremely low, but the emergency services and the emergency planning community in the UK prepare for a wide range of disasters and scenarios and they would respond if the need arose.

International co-operation and consultation on this issue are taken forward in Europe through the European Space Agency and globally through the United Nations Committee on the Peaceful Uses of Outer Space (UNCOPUOS). The UK is involved in both.

NORTHERN IRELAND

Multi-party Talks

Rev. Ian Paisley: To ask the Secretary of State for Northern Ireland what public money has been paid in respect of *(a)* political parties and *(b)* individuals from political parties involved in the multi-party talks for transport to London for meetings with the Government. [25331]

Mr. Paul Murphy: To date a total of £5,811.50 has been spent on transportation costs conveying representatives from parties participating in talks to London for meetings with the Government.

Paramilitary Organisations

Mr. Trimble: To ask the Secretary of State for Northern Ireland, pursuant to her answer of 11 March 1998, *Official Report*, column *251*, what account she took of the involvement of the IRA in the murder of Kevin Conway in confirming the invitation to Sinn Fein to rejoin the peace talks on 6 March. [34863]

Marjorie Mowlam: The invitation to rejoin the talks issued to Sinn Fein on 6 March took into account all aspects of the state of the IRA ceasefire.

By confirming the invitation to Sinn Fein, the two Governments demonstrated that they were satisfied the IRA ceasefire was being observed.

Voting Methods

Mr. Hunter: To ask the Secretary of State for Northern Ireland if she will make a statement on the Government's policy in respect of the way in which the future structures for government within Northern Ireland will be determined with particular reference to methods of voting. [32960]

Marjorie Mowlam: It is for the multi-party talks to reach agreement on new structures of government within Northern Ireland, and the method of voting by which they are elected. We shall do all in our power to facilitate such agreement in the coming weeks.

Sports Funding

Mr. Pendry: To ask the Secretary of State for Northern Ireland if she will list, by individual governing body, the grant-in-aid made available by the Sports Council for Northern Ireland to governing bodies of sport for each of the financial years 1992 to 1998. [34246]

Mr. Worthington: The information is as follows:

Sports council for Northern Ireland Grant aid to governing bodies 1992/93—2000/2001

£

Governing body	*1992/93*	*1993/94*	*1994/95*	*1995/96*	*1996/97*	*[1]1997/98*
Aeromodelling	1,009.75	1,900.00	1,000.00	725.00	—	2,489.98
Aikido	—	—	1,044.48	121.71	—	1,000.00
Angling (inc Sea)	8,563.19	5,101.83	8,518.25	6,329.50	1,043.90	5,000.00
Archery	2,453.06	5,637.41	3,184.23	3,547.77	3,625.60	2,500.00
Athletics	50,836.01	39,403.71	57,907.90	57,396.44	75,885.51	70,204.20
Badminton	21,867.32	31,598.33	18,855.83	24,277.18	33,832.74	—
Basketball	284.49	2,435.61	1,196.60	1,904.49	9,223.80	16,401.00
Billiards/Snooker	5,928.58	1,800.51	5,679.72	2,624.97	3,517.32	3,500.00
Bowling (men)	5,424.92	9,453.48	6,441.37	10,377.44	8,959.52	5,500.00
Bowling (women)	429.79	6,046.05	5,560.07	6,093.07	4,097.89	2,500.00
Bowling (indoor)	5,649.24	2,852.51	4,503.61	4,375.21	1,203.62	2,000.00
Boxing	4,204.29	11,305.00	19,625.90	9,698.23	10,326.37	6,380.00
Camogie	—	365.00	1,000.00	8,784.00	3,500.00	10,000.00
Canoeing	1,355.05	10,108.59	5,327.19	4,148.05	6,344.42	—
Caving	—	—	—	—	—	2,000.00
Coarse Fishing	3,220.00	1,626.00	1,574.00	1,632.80	1,500.00	1,500.00

Sports council for Northern Ireland Grant aid to governing bodies 1992/93—2000/2001

£

Governing body	1992/93	1993/94	1994/95	1995/96	1996/97	[1]1997/98
Commonwealth Games	—	—	—	—	—	8,773.01
Cricket (men/women)	7,982.32	15,086.96	25,865.75	25,840.75	25,799.46	25,527.00
Cycling	9,633.84	15,929.30	24,595.53	20,819.37	18,808.73	12,954.10
Dancing	1,013.92	3,289.27	1,504.72	1,500.00	—	3,000.00
Dancing (Scottish)	1,012.99	1,910.18	1,329.06	737.22	144.11	2,000.00
Feat	585.17	378.11	474.54	426.52	—	—
Fencing	3,515.38	7,572.16	7,356.97	180.57	3,581.12	3,750.00
Fitness NI	—	—	—	—	4,962.38	3,792.48
Football	8,303.75	8,617.15	12,042.60	2,628.00	60,000.00	47,500.00
Football (association)	6,085.43	19,508.32	22.63	25,100.00	—	—
Football (schools)	5,382.66	5,896.64	2,983.21	8,516.65	103.58	—
Football (women)	575.00	875.00	100.00	800.00	11.45	—
Football (American)	—	1,055.50	1,015.88	300.00	1,012.17	1,000.00
Gaelic Games (hurling/football)	29,627.44	24,485.49	18,489.68	35,166.81	32,090.35	42,570.00
Gliding	407.06	400.00	2,000.00	599.90	—	1,000.00
Golf (men)	1,000.00	2,000.00	2,000.00	—	3,500.00	2,775.00
Golf (women)	1,110.85	881.64	1,878.67	907.49	88.94	1,000.00
Gymnastics	12,506.20	18,902.14	22,169.74	21,975.15	24,239.09	21,254.55
Handball	3,080.83	3,226.78	6,045.27	2, 354.88	3,052.10	3,000.00
Hockey (men/women/joint/dev)	49,418.45	48,387.68	65,296.02	73,688.55	60,444.71	33,443.00
Ice Skating	1,274.37	3,135.89	1,500.00	1,200.00	—	1,500.00
Judo	18,757.52	16,900.11	17,877.07	11,751.99	16,156.30	4,880.00
Ju Jitsu	—	1,548.38	261.40	200.00	—	—
Karate	1,434.49	4,386.22	2,817.09	171.87	4,748.97	2,500.00
Karting	1,366.89	3,600.00	1,500.00	—	1,500.00	5,250.00
Keep Fit	6,588.56	4,665.19	5,277.14	2,698.50	—	—
Kung Fu	—	—	1,042.80	—	2,000.00	—
Life Saving	—	—	—	—	1,254.52	1,000.00
Martial Arts	—	—	20,150.00	—	—	—
Motor Cycling	13,650.70	9,715.32	11,522.60	12,107.21	3,999.12	7,258.00
Mountaineering	4,000.00	500.00	—	—	5,603.50	6,900.00
Netball	5,332.37	8,210.98	14,793.59	20,535.76	17,578.63	8,711.00
Orienteering	1,886.84	10,858.87	6,450.48	5,420.15	189.41	10,000.00
Pool	—	1,000.00	1,000.00	1,000.00	—	1,000.00
Racquetball	1,591.48	1,581.09	5.31	682.94	1,000.00	1,000.00
Rambling	120.60	93.72	70.12	59.62	—	—
Riding	30,292.41	20,966.67	13,078.79	18,882.08	4,773.74	—
Rowing	8,610.06	12,087.52	7,122.93	6,259.21	12,624.93	4,480.00
Rugby	12,392.59	9,090.25	6,973.70	3,631.35	5,829.75	23,533.00
Sailing	19,190.51	23,913.23	10,445.68	18,159.99	14,201.60	6,839.00
Shooting Federation	2,410.90	7,039.15	53.50	5,055.50	34.35	—
Shooting (clay pigeon)	6,489.23	1,567.49	10,407.09	3,331.94	8,122.14	6,650.00
Shooting (rifle)	1,483.61	4,725.10	4,390.35	2,898.44	5,145.65	2,000.00
Shooting (smallbore)	6,662.25	4,110.15	9,684.50	10,319.60	5,011.45	8,930.00
Skiing	3,874.52	1,345.50	3,361.56	2,155.94	3,891.60	3,000.00
Squash (men & women)	15,922.00	14,978.70	26,366.14	15,906.88	22,447.29	18,900.00
Student Games	—	—	—	—	—	8,000.00
Sub Aqua	1,143.56	702.87	1,185.30	1,400.00	68.70	1,000.00
Surfing	—	—	5,968.83	400.00	—	2,000.00
Swimming	27,831.91	28,181.23	26,457.56	12,410.40	31,729.06	23,828.00
Teakwon Do	1,180.00	1,778.53	1,070.30	54.93	2,000.00	1,000.00
Table Tennis	9,058.43	8,830.66	7,265.95	13,234.37	8,692.13	19,603.00
Tennis (inc lawn)	10,287.64	12,043.66	13,451.91	11,645.58	11,299.41	6,442.00
Ten Pin Bowling	10.15	1,794.03	1,529.55	1,500.00	9,522.90	11,500.00
Trampolining	558.84	6,616.83	1,803.21	1,303.13	6,849.84	4,750.00
Triathlon	1,706.14	3,525.57	3,375.38	86,037.06	1,103.89	3,000.00
Tug of War	5,390.00	7,600.00	4,060.00	3,725.00	6,076.00	4,000.00
Volleyball	—	2,360.00	4,514.49	937.09	3,753.42	4,050.00
Water Polo	2,249.53	4,146.56	2,032.72	2,255.81	518.99	4,000.00
Water Skiing	4,071.00	1,310.50	1,510.70	1,072.20	2,000.00	2,000.00
Weight Lifting	1,154.78	4,213.26	1,039.96	3,385.45	4,675.93	800.00
Wildfowling	—	—	21.20	—	—	—
Wrestling	440.26	1,717.34	1,000.00	—	—	—
Yoga	2,103.71	2,471.78	2,819.46	2,632.85	1,606.15	1,000.00
Disabled Sport	—	16,012.19	8,252.77	1,515.24	31,417.71	13,500.00
Miscellaneous	54,783.03	35,851.35	25,619.93	7,090.26	627.47	2,115.79
Total	537,767.86	613,212.24	625,720.48	656,606.06	658,953.43	581,234.11

[1]To 28 February 1998

Mr. Pendry: To ask the Secretary of State for Northern Ireland what was the total grant-in-aid made available by the Sports Council of Northern Ireland to governing bodies of sport for each of the financial years 1992 to 1998; and what it is projected to be for the next three financial years. [34244]

Mr. Worthington: The information is as follows:

Year	*£*
1992–93	537,767.86
1993–94	613,212.24
1994–95	625,720.48
1995–96	656,606.06
1996–97	658,953.43
1997–98[1]	630,000
1998–99[1]	620,000

[1] Estimate.

It will not be possible to project figures beyond 1998–99 until the results of the Comprehensive Spending Review are known.

Mr. Pendry: To ask the Secretary of State for Northern Ireland if she will list, by individual governing body, the grant-in-aid projected to be made available by the Sports Council for Northern Ireland to governing bodies of sport for the next three financial years. [34245]

Mr. Worthington: It is not possible for the Sports Council for Northern Ireland to project grant-in-aid allocations to individual governing bodies, as these will depend on the nature of individual grant applications submitted.

Shorts

Mr. Donaldson: To ask the Secretary of State for Northern Ireland what assessment she has made of the implications for Short's share of the Bombardier Aerospace Group's research, development and design work of the commitments made by Bombardier at the time of privatisation. [35534]

Mr. Ingram: Bombardier has fulfilled the undertakings provided in relation to Shorts when it acquired the business in October 1989. From the reports I have received from both Bombardier and Shorts on the future plans for the business I have no reason to doubt their assurances that Shorts will remain an integrated design and manufacturing operation within Bombardier Aerospace.

Mr. Donaldson: To ask the Secretary of State for Northern Ireland if she will provide a breakdown of the amount of public funds given to Shorts since privatisation, including a breakdown of the privatisation package into (i) projected losses, (ii) launch aid, (iii) additional capital expenditure and (iv) training. [35537]

Mr. Ingram: The cost to Government of the financial terms of the sale of Shorts to Bombardier in October 1989 was £780 million less £30 million paid by Bombardier for the share capital of Shorts. The £780 million included £665 million for the restructuring of the company's balance sheet which included projected losses on existing contracts and £115 million for future Government support including £79 million grant towards capital expenditure, £18 million for training and other costs and £18 million towards the non-recurring costs of developing components for the Regional Jet. No launch aid was provided at this stage. The grant aid has been fully paid and the conditions applied to it have been met.

In addition to the privatisation package, Shorts has received the following grant assistance from the Department of Economic Development's agencies since October 1989:

Agencies	*£ million*
Industrial Development Board	13.93
Industrial Research & Technology Unit	14.57
Training and Employment Agency	5.79

The company also received £17.72 million launch aid from the Department of Trade and Industry (£15 million) and Industrial Development Board (£2.72 million) towards the cost of the development of the Learjet 45 aircraft.

Long-term Unemployed

Mr. William Ross: To ask the Secretary of State for Northern Ireland, pursuant to her speech to the Royal Geographical Society, if she will list the legal obstacles to employers recruiting directly from the long-term unemployed. [35844]

Mr. Ingram: Restricting the field of recruitment to the long-term unemployed brings with it a greater risk of the pool of potential candidates being disproportionately of one religion, gender or, possibly, race. In such circumstances a person of another religion, gender or race may have grounds for making a complaint of indirect discrimination on the basis that persons of his/her religion, gender or race in Northern Ireland were less able to satisfy the criterion of being long-term unemployed.

Police (Conference)

Mr. Maginnis: To ask the Secretary of State for Northern Ireland what was the purpose of the recent one-day conference on policing held in the Galgorm Hotel; how many were involved; what was the respective appointment of each; who organised the seminar; and if two-tier policing was on the agenda. [35654]

Mr. Ingram: I have no knowledge of any conference on policing held in the Galgorm Hotel. However a two-day workshop organised by the Northern Ireland Office took place recently elsewhere. It involved 11 RUC Officers of ranks ranging from Assistant Chief Constable to Chief Inspector and 6 Senior Officials from the Northern Ireland Office. The aim of the workshop was to explore the implications of the evolving role of the RUC in terms of the police, the public and the broader criminal justice system. "Two tier policing" was not on the agenda.

Visit (New York)

Mr. Maginnis: To ask the Secretary of State for Northern Ireland what was the purpose of the visit to the Harlem or Bronx districts of New York of those involved in policing in Northern Ireland; how many were involved; what was the respective appointment of each; who sponsored the visit; and what was the total cost involved. [35653]

Mr. Ingram: In December 1997 fifteen RUC officers took part in a research visit to New York, which had been approved by the Chief Constable. The group of police officers, led by an Assistant Chief Constable and including Superintendents, Chief Inspectors, Inspectors and a Constable, observed a number of policing initiatives currently in practice within the New York Police Department. These included police management, performance measurement, community policing and community relations activities at both Headquarters and local precinct level. The total cost is not readily determinable.

Mediation Network

Mr. Maginnis: To ask the Secretary of State for Northern Ireland to what extent the organisation Mediation Network is a Government sponsored or assisted body; and what financial or other support it receives from the Northern Ireland Office. [35655]

Mr. Paul Murphy: The Mediation Network for Northern Ireland is an independent voluntary organisation with charitable status. It has received the following grants in this financial year from the Northern Ireland Departments and the Northern Ireland Office.

Community Relations Budget (through NI Community Relations Council): £117,680 towards salaries and running costs;

NIO: £42,000 towards a research project 'Policing Our Divided Society'.

FOREIGN AND COMMONWEALTH AFFAIRS

Arms Sales

Mr. Howard: To ask the Secretary of State for Foreign and Commonwealth Affairs what provisions exist within the proposed EU code of conduct on arms sales, to prevent an EU member state taking up an export order already turned down by another EU member state on human rights grounds. [34576]

Mr. Tony Lloyd: The Code is under negotiation. If our proposal is accepted, each partner would be obliged to consult a member state which had denied an export licence under any of the criteria elaborated in the Code, not just the provisions related to human rights, before coming to a decision on whether to authorise a licence itself for an essentially identical transaction. The decision on whether to authorise the licence would remain at national discretion.

Mr. Howard: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the progress being made with the negotiations with other member states on the proposed EU code of conduct on arms sales. [34679]

Mr. Tony Lloyd: We have begun to negotiate the Code with our EU partners in the appropriate CFSP Working Group. We have held one meeting, and will shortly circulate a revised proposal. We hope to agree a Code during the UK Presidency.

Sana'a and Muscat

Mr. Vaz: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on levels of staffing at the British Embassy in *(a)* Sana'a and *(b)* Muscat. [34555]

Mr. Tony Lloyd: There are 9 UK-based staff and 46 locally engaged staff in Sana'a and 17 UK-based and 37 locally engaged staff in Muscat.

Staffing levels are regularly reviewed through inspections.

Foreign Policy Centre

Mr. Menzies Campbell: To ask the Secretary of State for Foreign and Commonwealth Affairs if any persons working for the Foreign Policy Centre will have access to classified information held within his Department. [33936]

Mr. Fatchett: Access to official information, including protectively marked information, is governed by the Official Secrets Act 1989 which applies both to Crown Servants and to members of the public, including non-governmental organisations. In this respect, the Foreign Policy Centre is no different from any other non-governmental organisation. No-one employed by the Foreign Policy Centre will have access to classified information. One of the Directors of the Centre, Mr. Andrew Hood, has access to classified information in his capacity as Special Adviser in the Foreign Secretary's office.

Cyprus

Mr. Cox: To ask the Secretary of State for Foreign and Commonwealth Affairs what discussions he has had with the northern Cyprus administration on developing meetings within Cyprus of members of the Greek Cypriot and Turkish Cypriot communities to discuss matters of common interest. [35385]

Mr. Doug Henderson: Our High Commission in Nicosia remain in regular touch with the authorities in the north of Cyprus to encourage them to remain actively engaged in the search for a Cyprus settlement, to work with the Government of Cyprus to ensure that the benefits of EU membership are available to all Cypriots, and to develop further links between Cypriots on both sides of the island. We also co-operate closely with the UN and others to promote bi-communal contacts.

Mr. Cox: To ask the Secretary of State for Foreign and Commonwealth Affairs by what means he plans to obtain the views of Turkish Cypriots on the application of the Republic of Cyprus for membership of the European Union. [35372]

Mr. Doug Henderson: Mr. Denktash has expressed his views very clearly. My right hon. Friend the Foreign Secretary offered to meet him in London this month to discuss this issue, and is sorry that he did not take up this offer. We maintain contact with Mr. Denktash through our High Commissioner in Nicosia.

We hope that the Turkish Cypriots will reconsider their refusal to take up the offer to participate in the delegation to the accession negotiations made by President Clerides.

This would allow them to make clear their views to the EU side and also to understand fully the implications of EU membership—including the very substantial benefits which would, we believe, flow to the Turkish Cypriot community.

Turkey

Mr. Gerrard: To ask the Secretary of State for Foreign and Commonwealth Affairs what assessment he has made of the current human rights situation in Turkey; what representations he has made to the Government of Turkey on this issue; and what plans he has to include within his statement to the forthcoming UN Commission on Human Rights in Geneva concerns about human rights in Turkey. [35573]

Mr. Doug Henderson: The human rights situation in Turkey continues to give cause for concern. We regularly raise human rights issues with the Turkish authorities. We acknowledge the steps that the Turkish Government have taken to address such concerns, but we have made it clear that more needs to be done. We are committed to working closely with Turkey and to providing practical assistance to help Turkey fully meet its international obligations in this area. In our role as EU Presidency, we will make a series of interventions including on Turkey at the current session of the Commission on Human Rights. The detail of the interventions is still being discussed with partners.

Saudi Arabia and Kenya

Dr. Tonge: To ask the Secretary of State for Foreign and Commonwealth Affairs if the Government will support proposals to address the human rights situation in Saudi Arabia at the UN Commission on Human Rights under the public procedure. [35510]

Mr. Fatchett: We will support the continuing consideration of human rights issues in Saudi Arabia under the Commission's confidential 1503 procedure.

Dr. Tonge: To ask the Secretary of State for Foreign and Commonwealth Affairs what proposals the Government intend to make in respect of human rights in Kenya at the UN Commission on Human Rights in Geneva. [35507]

Mr. Tony Lloyd: We will include Kenya in the statement we make in our EU Presidency capacity under Item 8 of the agenda for the UN Commission on Human Rights. It urges, amongst others, the Government of Kenya to co-operate fully with UN Special Rapporteur for Torture.

Dr. Tonge: To ask the Secretary of State for Foreign and Commonwealth Affairs if the Government will urge the Saudi Arabian Government at the UN Commission on Human Rights to extend an invitation to the UN Special Rapporteur on independence of judges and lawyers. [35509]

Mr. Fatchett: We consistently urge Saudi Arabia to co-operate fully with the UN human rights mechanisms.

Dr. Tonge: To ask the Secretary of State for Foreign and Commonwealth Affairs what representations he has made to the Kenyan Government requesting co-operation with the *(a)* Special Rapporteur on torture and *(b)* Special Rapporteur on extra-judicial executions. [35533]

Mr. Tony Lloyd: We regularly raise human rights issues, including torture and extra-judicial killings, with the Kenyan Government. I will raise these issues personally when I visit Kenya on 23–24 March. We encourage all states to co-operate fully with Special Rapporteurs mandated by the UN Commission on Human Rights.

Dr. Tonge: To ask the Secretary of State for Foreign and Commonwealth Affairs if the Government will propose at the UN Commission on Human Rights that the Kenyan Government extend an invitation to a UN Thematic Rapporteur. [35505]

Mr. Tony Lloyd: We would urge the Kenyan Government to co-operate with any Thematic Rapporteur mandated by the UN. The EU statement, which we will make under Item 8 of the Commission on Human Rights agenda, urges the Kenyan Government to respond to the outstanding request by the UN Special Rapporteur for Torture to visit Kenya.

Dr. Tonge: To ask the Secretary of State for Foreign and Commonwealth Affairs what assessment he has made of the current human rights situation in *(a)* Kenya and *(b)* Saudi Arabia. [35506]

Mr. Fatchett: (a) We receive reports from a variety of sources about human rights in Kenya. We are particularly concerned about persistent police brutality, torture and extra-judicial killings. The Kenyan Government are bound under international obligations to make progress in this respect. We will play a full part in ensuring that pressure for such progress is maintained.

(b) Among matters of concern to us in Saudi Arabia are practices in places of detention, shortcomings in the administrations of justice, and barriers to freedom of expression. We welcome Saudi Arabia's recent ratification of Conventions against Torture and Racial Discrimination, and would urge Saudi Arabia to ratify other principal human rights treaties.

Dr. Tonge: To ask the Secretary of State for Foreign and Commonwealth Affairs what recent representations the Government have made to *(a)* the Saudi Arabian and *(b)* the Kenyan Government on human rights. [35511]

Mr. Fatchett: (a) We regularly raise human rights issues with the Saudi Arabian government. I discussed human rights with the Saudi Ambassador in May 1997. My right hon. Friend the Foreign Secretary also discussed human rights issues with the Saudi Foreign Minister in New York in September 1997. Our Embassy in Riyadh did so with the Saudi Ministry of Foreign Affairs on 2 March.

(b) We maintain a vigourous dialogue with Kenya on human rights issues through our High Commission in Nairobi and at Ministerial level. My right hon. Friend the Foreign Secretary raised human rights issues with the new Kenyan Foreign Minister on 3 March, as did my right hon. Friend the Prime Minister with President Moi on 4 January.

Dr. Tonge: To ask the Secretary of State for Foreign and Commonwealth Affairs what statement the Government plan to make in respect of human rights in *(a)* Kenya and *(b)* Saudi Arabia, to the UN Commission on Human Rights in Geneva. [35508]

Mr. Tony Lloyd: We will include Kenya and Saudi Arabia in the statement on country situations made by our Head of Delegation to the Commission on behalf of the European Union under Item 10 of the agenda.

Asia-Europe Meeting

Mr. Faber: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will list those countries invited to the second Asia-Europe Meeting in April, indicating which have *(a)* accepted and *(b)* refused. [35590]

Mr. Fatchett *[holding answer 20 March 1998]:* The attendance at the second Asia-Europe Meeting (ASEM 2) will be the same as at the first Asia-Europe Meeting (ASEM 1) in Bangkok in 1996. The participants are: on the Asian side—Brunei, China, Indonesia, Japan, Malaysia, the Philippines, Singapore, South Korea, Thailand and Vietnam; on the European side—the 15 member States of the European Union plus the European Commission. All these countries will be sending their Head of State or Government or a representative.

Commonwealth Human Rights Initiative

Mr. Faber: To ask the Secretary of State for Foreign and Commonwealth Affairs what action he has taken to promote the Commonwealth Human Rights Initiative. [35851]

Mr. Tony Lloyd: We support the activities of the Commonwealth Human Rights Initiative (CHRI) and have helped to finance many of their projects, most recently a seminar on National Human Rights Institutions in the Commonwealth, in October 1997, which I addressed.

Harare Declaration

Mr. Faber: To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant to his answer to the right hon. and learned Member for Folkestone and Hythe (Mr. Howard) of 16 March 1998, *Official Report*, columns *551–52*, if he will press for a commitment to freedom of expression to be added to the Harare Declaration. [35859]

Mr. Tony Lloyd: It remains our view that freedom of expression should be one of the Commonwealth's core values and we will work to ensure that it takes its place alongside other principles expressed in the Harare Declaration. We are also working to ensure that the high standards already agreed in the Harare Declaration are applied throughout the Commonwealth.

Israel

Mr. Faber: To ask the Secretary of State for Foreign and Commonwealth Affairs what was the purpose of the Minister of State's meeting with the Ambassador of Israel on 18 March; and if he will make a statement. [35850]

Mr. Fatchett: I had no meeting with Ambassador Zeigerman on 18 March.

WALES

National Assembly

Mr. Rhodri Morgan: To ask the Secretary of State for Wales if he will list the names and addresses of each of the consultancy companies who have advised or are advising him on the National Assembly for Wales location project; if each consultancy contract was publicly tendered; what is the expected cost of each contract; and on what date each contract commenced and, where relevant, finished. [35591]

Mr. Win Griffiths *[holding answer 20 March 1998]:* Symonds Group of 22 Cathedral Road, Cardiff CF1 9LJ are the Welsh Office's Property Management Consultants. The Commission provides for the provision of all professional services by them and other professionals engaged by them with the Welsh Office's agreement at rates established in the contract. The contract was awarded following a procurement exercise fully compliant with EC rules on public procurement. It commenced on 1 April 1996, for a period of three years. The associated costs are included in the running cost expenditure of the Welsh Office which is published in the Welsh Office Departmental Report 1997. [Cm 3615]

Under the contract, Symonds Group have engaged Crown and Company to provide advice on all estates and property matters including valuation and to act as negotiating agents for the Welsh Office. In addition, the Welsh Office has an agreement with PACE (Property Advisors to the Civil Estate), who are a Cabinet Office agency, to provide advice on all property matters.

The Welsh Office is in the process of letting two contracts to property consultants to provide separate advice on land purchase and valuation matters and on building costs.

Opencast Coal

Mr. Edwards: To ask the Secretary of State for Wales what representations he has received as a result of the review of planning policy for opencast coal; and if he will make a statement. [35047]

Mr. Hain: A consultation paper seeking views on possible changes to planning policy for opencast coal issued in Wales in September 1997. Over 200 responses have been received and these are currently being considered in deciding how the review should proceed.

PRESIDENT OF THE COUNCIL

Privy Council

Mr. Salmond: To ask the President of the Council what criteria will be used in considering the appointment of members of the Scottish Parliament to be members of the Privy Council. [35594]

Mrs. Ann Taylor: Appointment to the Privy Council is an exercise of the prerogative. Appointments are made by Her Majesty the Queen on the advice of my right hon. Friend the Prime Minister. A range of factors is taken into account. The Government's devolution proposals assume that some members of the Scottish Parliament will be appointed to the Privy Council.

Mr. Salmond: To ask the President of the Council what representations she has received on the need for a Scottish Privy Council; and if she will make a statement. [35595]

Mrs. Ann Taylor: I have received no such representations.

HOUSE OF COMMONS

Smoking

Mr. Barron: To ask the Chairman of the Administration Committee if the Committee has concluded its review of smoking in the general areas; and if she will make a statement. [35923]

Mrs. Roe: At its meeting on 10 March, the Administration Committee reviewed the submissions it had received from hon. Members and staff in response to an invitation on the All-Party Notices concerning smoking in general areas; hon. Members will recall that the Committee had particularly sought views on whether the existing no-smoking zones should be extended to include telephone kiosks, lavatories, private meetings in Committee, Conference and Interview Rooms, the Families' Room and corridors.

By the time of the meeting the Committee had received 54 responses, of which only three favoured the *status quo* being maintained; the remaining 51 favoured some extension of non-smoking zones, of which 48 supported an extension to include all of the aforementioned areas. Since the Committee's meeting, a further eight submissions, all supporting some extension, have been received, of which five favoured an extension of the no-smoking zones to include those areas specifically mentioned.

Based on these responses, the Committee concluded that there does indeed seem to be a general mood that the non-smoking zones be extended to the above areas, and therefore, the Committee has agreed to such an extension for a trial period from when the House returns after the Easter Adjournment until the House returns after the summer; in the autumn the Committee will review the trial.

However, hon. Members will wish to note that smoking will still be permitted on the Committee Corridor. This is to allow those hon. Members serving on Committees of the House to have an area to smoke during those brief periods when they are able to leave the Committee Room.

I understand that the Information Committee has endorsed a proposal by the Librarian that the Members' Library become a non-smoking area, and that this policy will also take effect on the return of the House after Easter; and I am advised that the Catering Committee and the Director of Catering Services are currently reviewing smoking policy in Refreshment Department outlets.

Finally, I wish to advise the hon. Gentleman that, at the request of the House of Commons Commission, the Administration Committee will be co-ordinating the views of the other relevant Domestic Committees, in order to formulate recommendations on those workplaces shared by both hon. Members and staff.

SCOTLAND

Millennium Compliance

Mr. Ancram: To ask the Secretary of State for Scotland if the pilot study into computer millennium compliance in respect of the Scottish Office has been completed; what conclusions have been drawn; when millennium compliance will be achieved; at what cost to public funds; and if he will make a statement. [32755]

Mr. Dewar *[holding answer 3 March 1998]:* The Scottish Office is currently participating in the quarterly progress reporting of Year 2000 compliance activities described to the House on 3 March 1998, *Official Report*, columns *619–21*, by the Chancellor of the Duchy of Lancaster.

Mr. Ancram: To ask the Secretary of State for Scotland how many *(a)* officials and *(b)* others are currently working on computer millennium compliance in the Scottish Office; and how many have (i) given notice of their intention to leave or (ii) left the Department in the last six months. [32750]

Mr. Dewar *[holding answer 3 March 1998]:* Within the Scottish Office, the central compliance team consists of 1 part-time and 2 full-time officials supplemented by 3 full-time contract staff. In addition, around 10 full-time equivalent staff are currently employed across the Department. One member of staff employed on Year 2000 activities has left in the past six months.

Mr. Ancram: To ask the Secretary of State for Scotland when he last met Treasury Ministers to discuss the costs of computer millennium compliance; and from which budgetary sub-head the costs will be met. [32753]

Mr. Dewar *[holding answer 3 March 1998]:* My hon. Friend the Minister for Education and Industry, Scottish Office is representing The Scottish Office on the two Ministerial Groups addressing these matters. The costs of computer millennium compliance will fall on the appropriate Votes for the various bodies concerned.

Mr. Ancram: To ask the Secretary of State for Scotland when he last met the Chancellor of the Duchy of Lancaster to discuss the progress of the Scottish Office towards achieving computer millennium compliance. [32752]

Mr. Dewar *[holding answer 3 March 1998]:* My hon. Friend the Minister for Education and Industry, Scottish Office is representing the Scottish Office on the two Ministerial Groups addressing these matters. My Department provides regular reports on progress towards achieving Year 2000 compliance. These have been placed in the library of the House and on the Internet.

Mr. Ancram: To ask the Secretary of State for Scotland when all testing on year 2000 computer compliance will be completed in the Scottish Office. [32751]

Mr. Dewar *[holding answer 3 March 1998]:* The Scottish Office is currently participating in the quarterly progress reporting of Year 2000 compliance activities described to the House on 3 March 1998, *Official Report*, columns *619–21*, by my right hon. Friend the Chancellor of the Duchy of Lancaster. The reports provide information on the timetable being followed by The Scottish Office in achieving Year 2000 compliance.

Mr. Ancram: To ask the Secretary of State for Scotland if the pilot study of computer millennium compliance in respect of the Scottish Agricultural Science Agency has been completed; what conclusions have been drawn; when millennium compliance will be achieved; at what cost to public funds; and if he will make a statement. [32758]

Mr. Dewar *[holding answer 3 March 1998]:* The Scottish Agricultural Science Agency is currently participating in the quarterly progress reporting of Year 2000 compliance activities described to the House on 3 March 1998, *Official Report,* columns *619–21,* by my right hon. Friend the Chancellor of the Duchy of Lancaster. These reports include information on progress made by the Scottish Agricultural Science Agency towards achieving millennium compliance.

Mr. Ancram: To ask the Secretary of State for Scotland if the pilot study of computer millennium compliance in respect of Historic Scotland has been completed; what conclusions have been drawn; when millennium compliance will be achieved; at what cost to public funds; and if he will make a statement. [32757]

Mr. Dewar *[holding answer 3 March 1998]:* Historic Scotland are currently participating in the quarterly progress reporting of Year 2000 compliance activities described to the House on 3 March 1998, *Official Report,* columns *619–21,* by my right hon. Friend the Chancellor of the Duchy of Lancaster. These reports include information on progress made by Historic Scotland towards achieving millennium compliance.

Mr. Ancram: To ask the Secretary of State for Scotland if he will estimate the cost to the Scottish Office of *(a)* consultants and *(b)* contractors engaged by his Department to address the issue of computer millennium compliance; and if he will list them. [32754]

Mr. Dewar *[holding answer 3 March 1998]:* The Scottish Office is currently participating in the quarterly progress reporting of Year 2000 compliance activities and costs described to the House on 3 March 1998, *Official Report,* columns *619–21,* by my right hon. Friend the Chancellor of the Duchy of Lancaster. These reports include information on the estimated overall cost to The Scottish Office of achieving Year 2000 compliance. Contractors are currently being supplied by Newall and Budge, Montrose Computing and IBM Global Services.

Mr. Ancram: To ask the Secretary of State for Scotland if the pilot study of computer millennium compliance in respect of the Scottish Court Service has been completed; what conclusions have been drawn; when millennium compliance will be achieved; at what cost to public funds; and if he will make a statement. [32728]

Mr. Dewar *[holding answer 3 March 1998]:* The Scottish Court Service is currently participating in the quarterly progress reporting of Year 2000 compliance activities described to the House on 3 March 1998, *Official Report,* columns *619–21,* by my right hon. Friend the Chancellor of the Duchy of Lancaster. These reports include information on progress made by the Scottish Court Service towards achieving millennium compliance.

Mr. Ancram: To ask the Secretary of State for Scotland if the pilot study of computer millennium compliance in respect of the Fisheries Research Service has been completed; what conclusions have been drawn; when millennium compliance will be achieved; at what cost to public funds; and if he will make a statement. [32756]

Mr. Dewar *[holding answer 3 March 1998]:* The Fisheries Research Service is currently participating in the quarterly progress reporting of Year 2000 compliance activities described to the House on 3 March 1998, *Official Report,* columns *619–21,* by my right hon. Friend the Chancellor of the Duchy of Lancaster. These reports include information on progress made by the Fisheries Research Service towards achieving millennium compliance.

Dr. Fox: To ask the Secretary of State for Scotland if the pilot study of computer millennium compliance in respect of the Accounts Commission for Scotland has been completed; what conclusions have been drawn; when millennium compliance will be achieved; at what cost to public funds; and if he will make a statement. [32734]

Mr. Dewar *[holding answer 3 March 1998]:* The Accounts Commission for Scotland is being asked by my Department to participate in the quarterly progress reporting of Year 2000 compliance activities by Scottish Non-Departmental Public bodies. These reports will be published on The Scottish Office Internet Web site commencing June 1998.

Dr. Fox: To ask the Secretary of State for Scotland if the pilot study of computer millennium compliance in respect of each health board in Scotland have has been completed; what conclusions have been drawn; when millennium compliance will be achieved; at what cost to public funds; and if he will make a statement. [32741]

Mr. Dewar *[holding answer 3 March 1998]:* Health Boards are being asked by my Department to participate in the quarterly progress reporting of Scottish Health Service Year 2000 compliance activities.

Dr. Fox: To ask the Secretary of State for Scotland if the pilot study of computer millennium compliance in respect of the Scottish Fisheries Protection Agency has been completed; what conclusions have been drawn; when millennium compliance will be achieved; at what cost to public funds; and if he will make a statement. [32729]

Mr. Dewar *[holding answer 3 March 1998]:* The Scottish Fisheries Protection Agency is currently participating in the quarterly progress reporting of Year 2000 compliance activities described to the House on 3 March 1998, *Official Report* columns *619–21,* by my right hon. Friend the Chancellor of the Duchy of Lancaster. these reports include information on progress made by the Scottish Fisheries Protection Agency towards achieving millennium compliance.

Dr. Fox: To ask the Secretary of State for Scotland if the pilot study of computer millennium compliance in respect of Scottish Enterprise has been completed; what conclusions have been drawn; when millennium compliance will be achieved; at what cost to public funds; and if he will make a statement. [32736]

Mr. Dewar *[holding answer 3 March 1998]:* Scottish Enterprise is being asked by my Department to participate in the quarterly progress reporting of year 2000 compliance activities by Scottish Non-Departmental Public bodies. These reports will be published on The Scottish Office Internet Web site commencing June 1998.

Dr. Fox: To ask the Secretary of State for Scotland if the pilot study of computer millennium compliance in respect of the Scottish Environmental Protection Agency has been completed; what conclusions have been drawn; when millennium compliance will be achieved; at what cost to public funds; and if he will make a statement. [32738]

Mr. Dewar *[holding answer 3 March 1998]:* The Scottish Environmental Protection Agency is currently participating in the quarterly progress reporting of Year 2000 compliance activities described to the House on 3 March 1998, *Official Report*, columns *619–21*, by my right hon. Friend the Chancellor of the Duchy of Lancaster.

Dr. Fox: To ask the Secretary of State for Scotland if the pilot study of computer millennium compliance in respect of the Scottish Prison Service has been completed; what conclusions have been drawn; when millennium compliance will be achieved; at what cost to public funds; and if he will make a statement. [32731]

Mr. Dewar *[holding answer 3 March 1998]:* The Scottish Prison Service is currently participating in the quarterly progress reporting of Year 2000 compliance activities described to the House on 3 March 1998, *Official Report*, columns *619–21*, by my right hon. Friend the Chancellor of the Duchy of Lancaster. These reports include information on progress made by the Scottish Prison Service towards achieving millennium compliance.

Dr. Fox: To ask the Secretary of State for Scotland if the pilot study of computer millennium compliance in respect of the Scottish Office Pensions Agency has been completed; what conclusions have been drawn; when millennium compliance will be achieved; at what cost to public funds; and if he will make a statement. [32730]

Mr. Dewar *[holding answer 3 March 1998]:* The Scottish Office Pensions Agency is currently participating in the quarterly progress reporting of Year 2000 compliance activities described to the House on 3 March 1998, *Official Report*, columns *619–21*, by my right hon. Friend the Chancellor of the Duchy of Lancaster. These reports include information on progress made by the Scottish Office Pensions Agency towards achieving millennium compliance.

Dr. Fox: To ask the Secretary of State for Scotland if the pilot study of computer millennium compliance in respect of each police constabulary in Scotland have been completed; what conclusions have been drawn; when millennium compliance will be achieved; at what cost to public funds; and if he will make a statement. [32740]

Mr. Dewar *[holding answer 3 March 1998]:* Police force computer systems in Scotland are a matter for individual police authorities and joint police boards. My officials are discussing with the Convention of Scottish Local Authorities (COSLA) how best to ensure that councils can demonstrate that they are effectively addressing the Year 2000 problem.

Dr. Fox: To ask the Secretary of State for Scotland if the pilot study of computer millennium compliance in respect of Highlands and Islands Enterprise has been completed; what conclusions have been drawn; when millennium compliance will be achieved; at what cost to public funds; and if he will make a statement. [32735]

Mr. Dewar *[holding answer 3 March 1998]:* Highlands and Islands Enterprise is being asked by my Department to participate in the quarterly progress reporting of Year 2000 compliance activities by Scottish Non-Departmental Public bodies. These reports will be published on The Scottish Office Internet Web site commencing June 1998.

Dr. Fox: To ask the Secretary of State for Scotland if the pilot study of computer millennium compliance in respect of the Scottish Record Office has been completed; what conclusions have been drawn; when millennium compliance will be achieved; at what cost to public funds; and if he will make a statement. [32732]

Mr. Dewar *[holding answer 3 March 1998]:* The Scottish Record Office is currently participating in the quarterly progress reporting of Year 2000 compliance activities described to the House on 3 March 1998, *Official Report*, columns *619–21*, by my right hon. Friend the Chancellor of the Duchy of Lancaster. These reports include information on progress made by the Scottish Record Office towards achieving millennium compliance

Dr. Fox: To ask the Secretary of State for Scotland if the pilot study of computer millennium compliance in respect of the Student Awards Agency for Scotland has been completed; what conclusions have been drawn; when millennium compliance will be achieved; at what cost to public funds; and if he will make a statement. [32733]

Mr. Dewar *[holding answer 3 March 1998]:* The Students Awards Agency for Scotland is currently participating in the quarterly progress reporting of Year 2000 compliance activities described to the House on 3 March 1998, *Official Report*, columns *619–21*, by my right hon. Friend the Chancellor of the Duchy of Lancaster. These reports include information on progress made by the Student Awards Agency for Scotland towards achieving millennium compliance.

Dr. Fox: To ask the Secretary of State for Scotland if the pilot study of computer millennium compliance in respect of Scottish Homes has been completed; what conclusions have been drawn; when millennium compliance will be achieved; at what cost to public funds; and if he will make a statement. [32739]

Mr. Dewar *[holding answer 3 March 1998]:* Scottish Homes is being asked by my Department to participate in the quarterly progress reporting of Year 2000 compliance activities by Scottish Non-Departmental Public bodies. These reports will be published on The Scottish Office Internet Web site commencing June 1998.

Mr. Jenkin: To ask the Secretary of State for Scotland what contingency plans he will establish in case of computer failure on 1 January 2000 in respect of the Scottish water authorities. [32748]

Mr. Dewar *[holding answer 3 March 1998]:* The Scottish water authorities are being asked to participate in the quarterly progress reporting of Year 2000 compliance activities by Scottish Non-Departmental Public bodies. These reports will be published on The Scottish Office Internet Web site commencing June 1998, and will include information about contingency planning.

Mr. Jenkin: To ask the Secretary of State for Scotland what contingency plans he will establish in case of computer failure on 1 January 2000 in respect of *(a)* the police, *(b)* the Fire Service and *(c)* the Ambulance Service in Scotland. [32747]

Mr. Dewar *[holding answer 3 March 1998]:* Police and Fire Service computer systems in Scotland are a matter for individual authorities and joint boards. My officials are discussing with the Convention of Scottish Local Authorities (COSLA) how best to ensure that councils can demonstrate that they are effectively addressing the Year 2000 problem. The Scottish Ambulance Service is being asked by my Department to participate in the quarterly progress reporting of Scottish Health Service Year 2000 compliance activities. This will include reports on contingency plans.

Mr. Jenkin: To ask the Secretary of State for Scotland what contingency plans he will establish in case of computer failure on 1 January 2000 in respect of the Scottish Office. [32746]

Mr. Dewar *[holding answer 3 March 1998]:* The Scottish Office is currently participating in the quarterly progress reporting of Year 2000 compliance activities described to the House on 3 March 1998, *Official Report*, columns *619–21* by my right hon. Friend the Chancellor of the Duchy of Lancaster. The reports include information on contingency planning.

Mr. Jenkin: To ask the Secretary of State for Scotland if the pilot study of computer millennium compliance in respect of the East of Scotland Water Authority has been completed; what conclusions have been drawn; when millennium compliance will be achieved; at what cost to public funds; and if he will make a statement. [32743]

Mr. Dewar *[holding answer 3 March 1998]:* The East of Scotland Water Authority is being asked by my Department to participate in the quarterly progress reporting of Year 2000 compliance activities by Scottish Non-Departmental Public bodies. These reports will be published on The Scottish Office Internet Web site commencing June 1998.

Mr. Jenkin: To ask the Secretary of State for Scotland if pilot studies of computer millennium compliance in respect of each NHS trust in Scotland have been completed; what conclusions have been drawn; when millennium compliance will be achieved; at what cost to public funds; and if he will make a statement. [32742]

Mr. Dewar *[holding answer 3 March 1998]:* NHS Trusts are being asked by my Department to participate in the quarterly progress reporting of Scottish Health Service Year 2000 compliance activities.

Mr. Jenkin: To ask the Secretary of State for Scotland if the pilot study of computer millennium compliance in respect of West of Scotland Water Authority has been completed; what conclusions have been drawn; when millennium compliance will be achieved; at what cost to public funds; and if he will make a statement. [32745]

Mr. Dewar *[holding answer 3 March 1998]:* The West of Scotland Water Authority is being asked by my Department to participate in the quarterly progress reporting of Year 2000 compliance activities by Scottish Non-Departmental Public bodies. These reports will be published on The Scottish Office Internet Web site commencing June 1998.

Mr. Jenkin: To ask the Secretary of State for Scotland if the pilot study of computer millennium compliance in respect of North of Scotland Water Authority has been completed; what conclusions have been drawn; when millennium compliance will be achieved; at what cost to public funds; and if he will make a statement. [32744]

Mr. Dewar *[holding answer 3 March 1998]:* The North of Scotland Water Authority is being asked by my Department to participate in the quarterly progress reporting of Year 2000 compliance activates by Scottish Non-Departmental Public bodies. These reports will be published on The Scottish Office Internet Web site commencing June 1998.

Computer Systems

Mr. Ancram: To ask the Secretary of State for Scotland if he will list the main computer systems used by the Scottish Office and its agencies. [32749]

Mr. Dewar *[holding answer 3 March 1998]:* The main computer systems used by The Scottish Office and its agencies are listed in the quarterly progress reporting of Year 2000 compliance activities described to the House on 3 March 1998, *Official Report*, columns *619–21*, by my right hon. Friend the Chancellor of the Duchy of Lancaster.

Multilateral Agreement on Investment

Mr. Gorrie: To ask the Secretary of State for Scotland what discussions he has had with other ministers about the impact of the Multilateral Agreement on Investment on the powers of the Scottish Parliament. [34561]

Mr. Wilson *[holding answer 20 March 1998]:* I will continue to keep in close touch with my right hon. Friend the President of the Board of Trade on matters concerning the Multilateral Agreement on Investment.

Local Government Finance

Mr. Gorrie: To ask the Secretary of State for Scotland in respect of the Scottish Block and central Government support to local authority current expenditure, what the difference is between the planned provision for 1998–99 made by the previous Government after adjustment to take account of updated estimates of the GDP deflator and the revised provision for 1998–99 made by the current Government. [34528]

Mr. Dewar *[holding answer 20 March 1998]:* The information requested is in the table.

£ million

	Cash terms			Real terms—1996–97 prices		
	1998–99 Planned provision	1998–99 Revised provision	Difference	1998–99 Planned provision	1998–99 Revised provision	Difference
Scottish block	13,810	13,978	168	13,068	13,227	159
Of which:						
Central government support to local authorities' current expenditure	5,169	5,278	109	4,891	4,994	103

These figures take account of announcements in the 17 March Budget.

Rights of Entry

Mr. Ancram: To ask the Secretary of State for Scotland how many powers of entry or rights of entry he has created or is currently creating in legislation since 1 May 1997. [34585]

Mr. McLeish *[holding answer 16 March 1998]:* Since 1 May 1997, new powers of entry have come into force in Scotland under section 76 of the Planning (Listed Buildings and Conservation Areas) Act 1997 (on 27 May 1997); the Cattle Identification (Enforcement) Regulations 1997 (on 22 August 1997); and section 53 of the Crime and Punishment (Scotland) Act 1997 (on 1 October 1997). Further powers of entry are proposed in the Crime and Disorder Bill to enable the police to seize noise-making equipment which is causing a nuisance.

Free School Meals

Mr. Cousins: To ask the Secretary of State for Scotland what percentage of children were on free school meals in each local education authority area and in Scotland as a whole in the last year for which figures are available. [35568]

Mr. Wilson: The information is given in the following table which reflects the local authority structure in Scotland in 1996–97, the latest year for which figures are available.

Percentage of pupils entitled to free school meals[1] in 1996–97 school session

Education authority	Percentage
Aberdeen City	13.00
Aberdeenshire	5.60
Angus	9.00
Argyll and Bute	14.50
Clackmannanshire	21.70
Dumfries and Galloway	11.60
Dundee City	21.10
East Ayrshire	21.30
East Dunbartonshire	10.80
East Lothian	11.80
East Renfrewshire	10.40
Edinburgh, City of	19.30
Eilean Siar[2]	12.60
Falkirk	20.50
Fife	17.40
Glasgow City	39.50
Highland	14.60
Inverclyde	23.90
Midlothian	14.40
Moray	9.60
North Ayrshire	26.30
North Lanarkshire	25.00
Orkney Islands	9.60
Perth and Kinross	7.90
Renfrewshire	22.90
Scottish Borders	7.00
Shetland Islands	9.40
South Ayrshire	18.80
South Lanarkshire	19.50
Stirling	14.20
West Dunbartonshire	28.60
West Lothian	16.20
Scotland	19.30

[1] Provisional
[2] Formerly known as Western Isles

Residential Care

Mr. Cousins: To ask the Secretary of State for Scotland what was the spending on care of the elderly per resident of pensionable age in each social work authority area and in Scotland as a whole in the last year for which figures are available. [35567]

Mr. Galbraith: Local authority spending on the elderly is not separately identified in full by all local authorities, some social work spending being under general headings. The actual social work spend on the elderly includes both the directly recorded spend on the elderly and a major, though unknown, part of the spend not allocated to client groups. Provisional Outturn data for 1996/97 are the most recent outturn data available. The table shows, to the nearest £100, the amount recorded as spent directly on older people, per person aged 65 or over.

Net social work expenditure on older people by Scottish Local Authorities 1996/97[1]

£

Council	Expenditure recorded directly against the 'Older People' client group, per person aged 65+[2]
Aberdeen City	300
Aberdeenshire	300
Angus	600
Argyll and Bute	500
Clackmannanshire	400
Dumfries and Galloway	500
Dundee City	700
East Ayrshire	500
East Dunbartonshire	200
East Lothian	500
East Renfrewshire	300
Edinburgh, City of	500
Eilean Siar	1,000
Falkirk	100
Fife	500

Net social work expenditure on older people by Scottish Local Authorities 1996/97[1]

£

Council	Expenditure recorded directly against the 'Older People' client group, per person aged 65+[2]
Glasgow City	700
Highland	500
Inverclyde	400
Midlothian	600
Moray	300
North Ayrshire	400
North Lanarkshire	400
Orkney Islands	800
Perth and Kinross	400
Renfrewshire	500
Scottish Borders	400
Shetland Islands	1,300
South Ayrshire	400
South Lanarkshire	600
Stirling	400
West Dunbartonshire	800
West Lothian	700
Scotland	500

[1] Figures based on Provisional Outturn/Budget Estimate Return, and have been rounded to the nearest £100.
[2] Age 65+ figures based on mid-1996 population estimates—General Register Office.

Health Spending

Mr. Cousins: To ask the Secretary of State for Scotland if he will list the spending per head in each health board district and in Scotland as a whole in the last year for which figures are available. [35570]

Mr. Galbraith: The table shows the spend per head in each health board district for 1996–97. The gross per capita expenditure including central expenditure for Scotland in 1996–97 was £857.35.

£

Health Board	Spend per Head
Argyll and Clyde	810.00
Ayrshire and Arran	799.00
Borders	824.00
Dumfries and Galloway	812.00
Fife	794.00
Forth Valley	815.00
Grampian	855.00
Greater Glasgow	882.00
Highland	863.00
Lanarkshire	796.00
Lothian	854.00
Orkney	1,004.00
Shetland	874.00
Tayside	930.00
Western Isles	939.00

Education Spending

Mr. Cousins: To ask the Secretary of State for Scotland if he will list the spending per student in *(a)* primary and *(b)* secondary education in each education authority and in Scotland as a whole in the last year for which figures are available. [35571]

Mr. Wilson: The information is given in the following table, which reflects the local authority structure in Scotland in 1995–96, the latest financial year for which information is currently available. The figures, which are derived from local authority financial returns, do not include the cost of home to school transport, school meals, education authority central administration costs, and loan charges.

Net current expenditure per pupil in 1995–96

£

Region	Primary	Secondary
Borders	1,870	2,933
Central	1,732	2,784
Dumfries & Galloway	1,761	2,941
Fife	1,771	2,630
Grampian	1,860	2,970
Highland	1,893	3,061
Lothian	1,745	3,024
Strathclyde	1,906	2,914
Tayside	1,757	2,932
Orkney	2,640	3,592
Shetland	2,499	5,397
Western Isles	2,478	4,535
Scotland	1,854	2,942

Gaelic Broadcasting

Ms Roseanna Cunningham: To ask the Secretary of State for Scotland, pursuant to his answer of 3 March 1998, *Official Report*, column *581*, on Gaelic broadcasting, when he received the consultants' report on "Opportunities for Gaelic Broadcasting in the Digital Era"; if he will publish the report; and if he will make a statement. [35651]

Mr. Wilson: I expect to receive the report by the end of March, Additional time has been allowed to enable the consultant to take account of the consultation paper on the National Economic Research Associates (NERA) Report, "Television: The Digital Era", which the Government published on 12 February. Decisions on taking forward the matters covered by the report will be taken when the report is received.

Learning Disabilities

Mrs. Ewing: To ask the Secretary of State for Scotland what progress is being made in the review of services for people with learning disabilities; what are the terms of reference of this review; and if the voluntary sector will be consulted in the course of the review. [35233]

Mr. Galbraith: Such a review and its remit are currently under active consideration within the Scottish Office; the voluntary sector would be consulted.

Disability Statement

Mrs. Ewing: To ask the Secretary of State for Scotland what progress is being made by colleges of further education on the production of disability statements. [35234]

Mr. Wilson: There is no statutory requirement for further education colleges in Scotland to produce disability statements. The Secretary of State requires each college to produce an Annual Report and makes it a condition of a college's grant-in-aid that its Annual Report shall contain statements as to how students with learning difficulties are provided for.

Ministerial Meetings

Mr. Randall: To ask the Secretary of State for Scotland how many meetings have been requested with his Department's Ministers by *(a)* Labour and *(b)* Conservative hon. Members; and how many meetings have been granted in each category. [31296]

Mr. Dewar *[holding answer 2 March 1998]:* Information is not held centrally on the number of meetings requested of Scottish Office Ministers by right hon. and hon. Members. It would be unusual for any such requests to be refused. Departmental records show that the following meetings have taken place since May 1 1997:

Minister	*Labour*	*Conservative*
Secretary of State	3	1
Mr. McLeish	12	1
Mr. Wilson	8	0
Mr. Galbraith	4	0
Lord Sewel	3	0
Mr. Chisholm/Mr. Macdonald	16	1

Scottish Office Ministers have also met SNP and Liberal Democrat MPs.

HEALTH

Health Services (Kent)

Mr. Gale: To ask the Secretary of State for Health if he will list the names of the consultants at *(a)* the William Harvey Hospital, Ashford, *(b)* the Kent and Canterbury Hospital and *(c)* the Queen Elizabeth the Queen Mother Hospital, Thanet, who are (i) performing out-posted sessions and (ii) providing services direct on behalf of fundholders or multifunds; and if he will indicate what services each consultant is providing to each fundholding practice or multifund. [33955]

Mr. Milburn: The information requested is not held centrally. I refer the hon. Member to the trusts, who will be able to provide the information.

Mr. Gale: To ask the Secretary of State for Health if he will list the names of general practitioners providing clinical assistant services to *(a)* the William Harvey Hospital, Ashford, *(b)* the Kent and Canterbury Hospital and *(c)* the Queen Elizabeth the Queen Mother Hospital, Thanet. [33956]

Mr. Milburn: The information requested is not held centrally. I refer the hon. Member to the trusts who will provide the information.

Zantac

Mr. Cousins: To ask the Secretary of State for Health what was the cost to public funds of purchases of Zantac in the last three complete financial years; and what savings are estimated to derive from the expiry of the patent. [35052]

Mr. Milburn: The available information is shown in the table. No estimate has been made of any savings derived from the expiry of the patent.

Number and the net ingredient cost of prescription items dispensed for Zantac (Ranitidine), 1994–95 to 1996–97
England

Year	*Prescription items (millions)*	*Net ingredient cost (£ million)*
1994–95	4.7	147.6
1995–96	4.6	143.5
1996–97	4.4	137.2

Notes:
1. The figures are based on a full analysis of all prescriptions dispensed in England in the community, ie by community pharmacists and appliance contractors, dispensing doctors, and prescriptions submitted by prescribing doctors for items personally administered.
2. The information on costs is available only in terms of net ingredient cost which refers to the cost of the drug before discounts and does not include any dispensing costs or fees. It does not include any adjustment for income obtained where a prescription charge is paid at the time the prescription is dispensed or where the patient has purchased a pre-payment certificate.

Community Care

Mr. Burstow: To ask the Secretary of State for Health what evaluation he has made of the scope for extending direct payments to include over 65 year olds. [35880]

Mr. Boateng: We will be reviewing the legislation covering direct payments after its first year of operation, and will consider its scope in the light of that review.

Mr. Burstow: To ask the Secretary of State for Health what plans he has to reinstate supplementary credit approval for the development of information systems for community care. [35881]

Mr. Boateng: We have no plans to reinstate the supplementary credit approval for information technology for community care which was a feature of the initial period of the implementation of the National Health Service and Community Care Act 1990.

Hospital Readmissions

Mr. Burstow: To ask the Secretary of State for Health how many patients aged 75 years and over, by region, were readmitted to hospital within 28 days of their discharge in each quarter since April 1996. [35597]

Mr. Milburn: Information is not collected in the format requested. Information on the number of patients aged 75 and over who are readmitted as an emergency within 28 days of discharge for each quarter since April 1996 is shown in the table. This includes all specialties except psychiatry.

	1996–97				*1997–98*		
	Quarter 1	*Quarter 2*	*Quarter 3*	*Quarter 4*	*Quarter 1*	*Quarter 2*	*Quarter 3*
Northern & Yorkshire	2,154	3,283	3,380	3,713	3,691	3,147	3,712
Trent	2,916	2,785	2,752	3,031	3,056	3,173	2,973
Anglia & Oxford	1,309	1,875	2,512	2,258	2,086	2,013	2,273
North Thames	1,614	2,470	2,730	2,183	3,021	2,569	2,948
South Thames	3,645	3,107	3,190	4,251	4,007	3,563	3,871

	1996–97				1997–98		
	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Quarter 1	Quarter 2	Quarter 3
South & West	3,637	3,511	3,285	3,125	3,093	3,389	3,481
West Midlands	792	1,650	1,809	1,894	2,087	2,108	2,241
North West	2,537	2,767	3,195	3,170	3,157	3,125	2,907

GP Consortium Boundaries

Mr. Burstow: To ask the Secretary of State for Health what mechanisms he will use to implement the NHS White Paper's recommendation that GP consortia use boundaries coterminous with social services. [35879]

Mr. Milburn: Coterminosity with social services boundaries is an important consideration in establishing primary care groups but not the sole one. Others include the need to establish primary care groups around natural communities and ideally a population of 100,000. We shall be issuing guidance shortly on the configuration of primary care groups, including the criteria health authorities should take into account when proposing primary care groups.

Special Transitional Grant

Mr. Burstow: To ask the Secretary of State for Health what plans he has for continuing special transitional grant into 1999–2000. [35878]

Mr. Milburn: Decisions on the local government finance settlement for 1999/2000 will be announced by my right hon. Friend the Deputy Prime Minister in the usual manner and at the appropriate time.

Health Spending

Mr. Cousins: To ask the Secretary of State for Health what was the spending per head in each health authority area and in England as a whole in the last year for which figures are available. [35565]

Mr. Milburn: The information requested has been placed in the Library.

Residential Care

Mr. Cousins: To ask the Secretary of State for Health what was the spending on care of the elderly per resident of pensionable age in each social services authority and in England as a whole in the last year for which figures are available. [35566]

Mr. Boateng: Figures of gross current expenditure on care of elderly per head of population aged 65 and over in each social services department and in England in 1995–96, the latest year for which information is available, are given in the table.

Gross expenditure on care of elderly per head of population aged 65 and over in each social services department in England, 1995–96

Social services department	£ per head
Avon	516
Barking & Dagenham	631
Barnet	633
Barnsley	505
Bedfordshire	541
Berkshire	534
Bexley	551
Birmingham	628
Bolton	552
Bradford	564
Brent	756
Bromley	434
Buckinghamshire	514
Bury	689
Calderdale	735
Cambridgeshire	409
Camden	1,148
Cheshire	459
City of London	2,102
Cleveland	452
Cornwall	348
Coventry	525
Croydon	590
Cumbria	427
Derbyshire	558
Devon	465
Doncaster	654
Dorset	349
Dudley	526
Durham	479
Ealing	627
East Sussex	377
Enfield	608
Essex	453
Gateshead	613
Gloucestershire	297
Greenwich	742
Hackney	1,386
Hammersmith & Fulham	1,105
Hampshire	433
Haringey	1,027
Harrow	600
Havering	500
Hereford & Worcester	414
Hertfordshire	494
Hillingdon	602
Hounslow	639
Humberside	523
Isle of Wight UA	383
Isles of Scilly	549
Islington	1,279
Kensington & Chelsea	930
Kent	504
Kingston Upon Thames	606
Kirklees	616
Knowsley	472
Lambeth	973
Lancashire	527
Leeds	571
Leicestershire	499
Lewisham	887
Lincolnshire	344
Liverpool	827
Manchester	802
Merton	554
Newcastle Upon Tyne	533
Newham	1,160
Norfolk	448
North Tyneside	350
North Yorkshire	453
Northamptonshire	486

Gross expenditure on care of elderly per head of population aged 65 and over in each social services department in England, 1995–96

Social services department	*£ per head*
Northumberland	505
Nottinghamshire	630
Oldham	676
Oxfordshire	438
Redbridge	517
Richmond Upon Thames	622
Rochdale	635
Rotherham	575
Salford	605
Sandwell	609
Sefton	531
Sheffield	641
Shropshire	443
Solihull	402
Somerset	306
South Tyneside	587
Southwark	1,194
St. Helens	594
Staffordshire	505
Stockport	598
Suffolk	466
Sunderland	563
Surrey	442
Sutton	606
Tameside	560
Tower Hamlets	1,203
Trafford	417
Wakefield	499
Walsall	508
Waltham Forest	679
Wandsworth	922
Warwickshire	421
West Sussex	432
Westminster	1,009
Wigan	520
Wiltshire	382
Wirral	555
Wolverhampton	688
England	526

Source:
RO3 Return

Age Discrimination

Mr. Simon Hughes: To ask the Secretary of State for Health if he will instigate an inquiry into age discrimination in the NHS; and if he will make a statement. [35774]

Mr. Milburn: My right hon. Friend the Secretary of State for Education and Employment is currently consulting widely on a code of practice for employers on discrimination at work on the grounds of age. This will give the National Health Service, like other employers, a framework for action, and a separate inquiry is therefore not necessary.

Cholesterol (Treatment)

Mr. Rhodri Morgan: To ask the Secretary of State for Health what proposals he has for issuing guidelines to general practitioners in relation to prescribing lipid limiting drugs for those with above average cholesterol levels. [35773]

Mr. Milburn: Guidance was issued in August 1997 in relation to prescribing cholesterol lowering drugs. A statement produced by the Department's Standing Medical Advisory Committee and an accompanying table were sent to health authorities, National Health Service trusts and general practitioners under cover of an executive letter. Further copies are available on request from the NHS responseline.

An effective health care bulletin, entitled 'Cholesterol and Coronary Heart Disease: Screening and Treatment', was produced by the Centre for Reviews and Dissemination and issued in February. This gives further advice on prescribing lipid-lowering drugs.

Copies of each document will be placed in the Library.

Ambulances

Mr. Webb: To ask the Secretary of State for Health what regulations govern the maximum age at which ambulances are considered to be suitable for general use; and if he will make a statement. [35772]

Mr. Boateng: Normal regulations for the road testing and maintenance of transport vehicles apply.

EDUCATION AND EMPLOYMENT

Work Permits (Professional Footballers)

Mr. Hoyle: To ask the Secretary of State for Education and Employment how many professional association football players in British teams have been issued with work permits by the Overseas Labour Service; and if he will list the countries from which they came. [33463]

Mr. Alan Howarth: Between 1 January 1997 and 31 December 1997 the Overseas Labour Service issued 51 work permits to football clubs in the United Kingdom in respect of overseas footballers from 31 different countries outside the European Economic Area:

Australia, Barbados, Belarus, Bosnia, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Czech Republic, Estonia, Georgia, Ghana, Israel, Macedonia, Yugoslavia, Moldova, Namibia, Nigeria, Romania, Russia, South Africa, Serbia, Slovakia, Slovenia, St. Vincent, Switzerland, Trinidad & Tobago and USA.

Further Education

Mr. Illsley: To ask the Secretary of State for Education and Employment what plans his Department has to re-instate a demand-led element into the funding methodology for further education. [33580]

Dr. Howells: The Department has no such plans.

Mr. Illsley: To ask the Secretary of State for Education and Employment what representations he has received seeking a review of the funding methodology for further education. [33581]

Dr. Howells: The Department receives representations from time to time about the funding methodology. The Further Education Funding Council is currently undertaking a fundamental review of the methodology.

Mr. Illsley: To ask the Secretary of State for Education and Employment what assessment he has made of the impact of convergence in funding in the further education sector on the Government's plans to increase the number

of students entering further education by 2002, with particular reference to those from disadvantaged backgrounds. [33582]

Dr. Howells: My right hon. Friend the Secretary of State will keep under review the effects of convergence on the widening participation agenda.

Mr. Illsley: To ask the Secretary of State for Education and Employment (1) what assessment he has made of the effect of further education courses provided under franchised arrangements with partnership organisations in drawing people into learning opportunities from low-paid, unemployed and other disadvantaged backgrounds; [33584]

(2) what assessment he has made of the effect further education courses provided under franchised arrangements with partnership organisations will have in drawing people into learning opportunities under the New Deal and Lifetime Learning programmes. [33585]

Dr. Howells: Franchised provision can be a means of widening participation by bringing disadvantaged learners into FE. There may be scope for such provision to play a part in the education and training opportunities available under the New Deal for 18 to 24-year-olds.

Mr. John Cryer: To ask the Secretary of State for Education and Employment if initial teacher training courses for further education teachers will be exempt from tuition fees. [34238]

Dr. Howells: I refer my hon. Friend to the answer I gave to my hon. Friend the Member for Walthamstow (Mr. Gerrard) on 2 February 1998, *Official Report*, column *564*.

Mr. John Cryer: To ask the Secretary of State for Education and Employment what plans he has to change the *(a)* structure, *(b)* membership requirements and *(c)* responsibilities of further education college corporations. [34239]

Dr. Howells: The Department published a consultation paper, "Accountability in Further Education", on 5 March 1998. Responses to the consultation are invited by 24 July.

Mr. John Cryer: To ask the Secretary of State for Education and Employment what plans he has to improve the professional development of *(a)* lecturers and *(b)* managers in further education colleges; and if he will make a statement on how they will benefit from the proposed general teaching council. [34323]

Dr. Howells: The Government attach great importance to improving the quality of teaching and management in further education. In our consultation document "The Learning Age", we propose that all new teachers in further education should hold, or within two years of appointment have begun, a recognised initial teacher training qualification. In the same document, we highlight the need for professional training of FE managers. We are working closely with the FE sector to develop national standards for professional development and we anticipate that a National Training Organisation for FE will be established by the end of the year to take forward these developments. FE staff, with qualified teacher status, will be eligible to register with the general teaching council on the same basis as school teachers.

Sixth Form Colleges

Dr. Whitehead: To ask the Secretary of State for Education and Employment how many sixth form colleges have closed or amalgamated since 1994. [33995]

Dr. Howells: On 1 January 1994 there were 115 sixth form colleges. Following closures and mergers there are now 108.

Disability Rights Task Force

Mr. Randall: To ask the Secretary of State for Education and Employment if he will make a statement on the progress of the disability rights task force. [34060]

Mr. Alan Howarth: The Disability Rights Task Force has made good progress since its membership was announced on 3 December 1997. It has met three times, on 16 December 1997, 21 January 1998 and 16 March 1998. In line with its Terms of Reference it has been considering in detail the role and functions of a Disability Rights Commission. The Task Force is expected to make recommendations to the Government on this matter by the end of March. Task Force papers and minutes have been placed on the Internet at http:/www.disability.gov.uk for public access and comments may be returned to the Task Force Secretariat.

Music, Dance and Drama Students

Mr. Bob Russell: To ask the Secretary of State for Education and Employment if he will allocate additional funds to Essex County Council to maintain student awards for music, dance and drama. [34337]

Dr. Howells: The education Standard Spending Assessment (SSA) provides Councils with funding for student awards. The 1998–99 education SSA for Essex County Council has been increased by £27.3 million or 5.8 per cent. There are no plans to allocate additional funds.

School Libraries

Mr. Cann: To ask the Secretary of State for Education and Employment how many individual schools library services have been discontinued in the last five years; and what local education authorities have been involved. [34563]

Ms Estelle Morris: The Department does not collect this information.

Mr. Cann: To ask the Secretary of State for Education and Employment what plans he has to ensure minimum standards for school libraries in maintained schools in England and Wales. [34564]

Ms Estelle Morris: The Department has issued non-statutory guidance on the provision of teaching and non-teaching accommodation for schools. We believe that schools are themselves best placed to determine standards for their library services, taking into account their own priorities, needs and circumstances.

Mr. Cann: To ask the Secretary of State for Education and Employment what plans he has to meet the National Library Association and the School Library Association to discuss school libraries in maintained schools in England and Wales. [34565]

Ms Estelle Morris: We have no current plans to meet the Library Association and the School Library Association to discuss school libraries.

Mr. Cann: To ask the Secretary of State for Education and Employment if he will introduce legislation to make statutory provision for school library services in England and Wales. [34566]

Ms Estelle Morris: There are currently no plans to make the provision of schools library services a statutory duty.

Mr. Cann: To ask the Secretary of State for Education and Employment what assessment he has made of the implications for school libraries of financial delegation within the framework of LMS. [34567]

Mr. Byers: LMS delegation of funding for any service, including the school library service, is intended to allow schools to exercise a real choice in deciding upon their need for that service and the most appropriate supplier.

Mr. Cann: To ask the Secretary of State for Education and Employment what mechanisms his Department uses to monitor the library needs of maintained *(a)* primary and *(b)* secondary schools in England and Wales. [34568]

Ms Estelle Morris: Her Majesty's Chief Inspector of Schools reports annually to my right hon. Friend the Secretary of State on standards and quality in education, including the quality and quantity of learning resources in schools.

Focus Groups

Mr. Mullin: To ask the Secretary of State for Education and Employment how much his Department *(a)* has spent since 1 May and *(b)* is planning to spend on focus groups. [34967]

Dr. Howells: The information requested on spend since 1 May 1997 was included in my answer to a question asked by the hon. Member for Gordon (Mr. Bruce) on 12 March 1998, *Official Report*, column *280*.

Information on planned spend could be supplied only at disproportionate cost.

Portakabins

Mr. Cousins: To ask the Secretary of State for Education and Employment if local education authority returns to his Department include the numbers of portakabins used for teaching purposes in each school; and if he proposes to require such information. [35055]

Mr. Byers: The Department does not collate information about the number of Portakabins used for teaching purposes in schools. Local education authorities are responsible for providing and maintaining temporary accommodation, where they deem it to be necessary. There are no plans for the Department to collate this information in the future.

School Students

Mr. Cousins: To ask the Secretary of State for Education and Employment (1) how many students there were at each local education authority and local education authority maintained school in Newcastle upon Tyne for the most recent period and the three previous years; [35056]

(2) if he will list all sixth forms with a student size of over 250 in the local education authorities within the counties of Northumberland, Tyne and Wear, Durham and Cleveland. [35057]

Mr. Byers: I refer my hon. Friend to the Secondary School Performance Tables for the years 1994–1997 and the Primary School (Key Stage 2) Performance Tables for the years 1996 and 1997. The tables show the total number of pupils of all ages on each school's register, together with the number of pupils aged 16 and over in secondary schools (which gives an indication of the size of a school's sixth form) for schools in England. Copies of the tables are available in the Library.

Information for schools other than those in the performance tables is not published centrally.

There were 40,749; 41,145; 41,055; 40,936 pupils of all ages at local education authority maintained schools in Newcastle Upon Tyne in January 1994 to January 1997 respectively.

Hospitality

Mr. Bercow: To ask the Secretary of State for Education and Employment if he will list planned expenditure on hospitality for April and May, indicating the date, location and purpose of each event. [35113]

Dr. Howells: To date, there are no major events planned for April and May. However, it is not possible at this stage to give a comprehensive answer as the majority of Ministerial events and meetings will not be finalised until nearer the time.

Physical Education

Mr. Truswell: To ask the Secretary of State for Education and Employment what representations he has received concerning the removal of core subject status from PE. [35526]

Ms Estelle Morris: The Department has received a number of representations from organisations and individuals about our proposals to enable primary schools to give priority to literacy and numeracy. Physical Education is to remain a National Curriculum foundation subject and will continue to be taught in all schools.

Access Courses

Mr. Keetch: To ask the Secretary of State for Education and Employment, pursuant to his answer of 13 March 1998, *Official Report*, column *412*, on access courses, what is the maximum time period for a realistic action plan leading to sustained employment; and if he will make a statement. [35711]

Mr. Andrew Smith: A young person's action plan will specifically cover in detail the time to be spent in the New Deal, which for participants in the Full-Time Education and Training option can be up to 52 weeks, following their time on the Gateway. However, the action plan will also look forward to the period after the New Deal option. It should also include the steps that will be taken towards obtaining sustained employment in the longer term. In the case of young people who are undertaking Access to Higher Education courses in the New Deal, the action plan will include reference to their proposed employment goal following Higher Education.

Regional Development Agencies

Mrs. Ellman: To ask the Secretary of State for Education and Employment what arrangements he is making to ensure that training available through further and higher education colleges and TECs is integrated with the skills strategies of the regional development agencies. [35741]

Mr. Andrew Smith: A central function of RDAs will be to involve partners in developing and implementing Regional Skills Strategies. The Government will be giving guidance to RDAs and Government Offices to help ensure that the training available through TECs and Further and Higher Education Colleges meets regional needs and national objectives.

Tuition Fees

Mr. Boswell: To ask the Secretary of State for Education and Employment how many students expecting to begin Arts degree courses in autumn 1998 are currently studying for qualifying foundation courses; and what would be the total cost of exempting them from tuition fees during their higher education course. [35853]

Dr. Howells: Information is not yet available on either the number of students currently enrolled on relevant arts foundation courses in 1997–98, or on their intentions for entry in 1998–99. However, data collected by the Higher Education Statistics Agency (HESA) for the 1996–97 academic year suggest that there were some 4,500 students entering full-time first degree, HND and Dip HE courses in creative art and design whose highest entry qualification was a foundation course.

New Deal (Costs)

Mr. Willetts: To ask the Secretary of State for Education and Employment what estimate he has made of the extent to which the costs of individual components of the New Deal in England and Wales will differ from the costs for Scotland set out in Scottish Office evidence to the Scottish Affairs Committee published on pages 138–9 of their report on the New Deal (HC 335-II Session 1997–98). [35867]

Mr. Andrew Smith: The average cost assumptions used for planning purposes for the New Deal for 18 to 24-year-olds were the same throughout Britain.

SOCIAL SECURITY

Contributory Benefits

21. **Mr. Robathan:** To ask the Secretary of State for Social Security what progress is being made on the fundamental review of social security, with particular regard to the role of contributory benefits. [34063]

Mr. Field: Contributory benefits are currently being reviewed as part of the wider review of Social Security.

We will be publishing a Green Paper on 26 March that will set out the framework and guiding principles for welfare reform.

Pensioner Incomes

22. **Mr. Quinn:** To ask the Secretary of State for Social Security what assessment the Government have made of the range of inequality of income among pensioners. [34064]

Mr. Denham: I refer my hon. Friend to my reply given earlier today to my hon. Friend the Member for Hendon (Mr. Dismore).

Mr. Webb: To ask the Secretary of State for Social Security what was the median income of *(a)* single pensioners, *(b)* married pensioners and *(c)* all pensioners who (i) had reached state pension age within the previous five years and (ii) were aged 80 years or above in each year for which the Pensioners Incomes Series has been constructed; and how many pensioners were in each category. [30735]

Mr. Denham: The information is set out in the tables.

Median income of pensioner units where the head has reached state pension age within the last five years

£

	1979	*1981*	*1987*	*1988*	*1989*	*1990–91*	*1992*	*1993*	*1994–95*	*1995–96*
Couple gross	153.5	147.0	183.1	195.7	177.1	202.80	216.5	220.1	211.90	235.90
BHC net	139.3	136.3	166.6	173.3	158.8	179.30	194.5	199.8	194.70	217.00
AHC net	121.5	115.1	148.0	157.1	145.8	173.30	181.0	189.7	180.00	201.80
Singles gross	82.90	92.70	105.0	105.9	102.6	107.80	114.7	116.2	121.90	129.10
BHC net	76.00	82.40	93.30	91.80	89.50	98.60	106.2	106.9	109.50	112.20
AHC net	61.50	63.10	65.80	71.00	67.80	84.10	87.10	83.30	84.60	93.20
All gross	124.7	125.9	151.9	162.3	152.5	163.60	177.1	175.4	183.40	199.10
BHC net	112.2	114.6	135.2	142.4	134.7	145.40	162.1	160.2	166.70	182.00
AHC net	95.30	95.30	114.9	125.0	120.0	133.70	146.8	143.6	146.60	166.50

Pensioner units where the head is aged 80 years or above

£

	1979	1981	1987	1988	1989	1990–91	1992	1993	1994–95	1995–96
Couple gross	114.50	129.00	162.70	135.00	159.30	149.70	171.60	169.60	179.00	169.50
BHC net	111.00	120.00	143.10	123.60	143.50	136.80	159.20	159.10	171.70	157.60
AHC net	95.10	106.20	128.50	105.90	118.00	117.20	134.80	132.40	148.90	140.10
Singles gross	73.50	80.70	91.40	91.70	87.50	94.80	94.20	104.00	109.10	114.30
BHC net	68.60	74.20	82.10	82.80	77.50	86.50	87.80	97.90	102.10	105.80
AHC net	53.90	58.20	62.80	60.90	60.00	66.10	65.80	69.80	72.10	79.00
All gross	76.10	85.20	99.50	96.90	92.80	103.60	101.20	110.40	117.90	120.90
BHC net	71.40	77.90	88.90	86.90	84.50	94.70	94.70	103.70	110.00	113.00
AHC net	57.00	61.60	66.50	63.80	62.50	79.40	75.70	80.40	83.40	95.70

Number of pensioners in each category

(000s)

	1979	1981	1987	1988	1989	1990–91	1992	1993	1994–95	1995–96
(i) Couples	1,000	1,000	1,100	1,100	1,100	1,000	1,050	1,000	950	1,050
Singles	700	750	750	700	750	750	700	700	700	650
All units	1,700	1,750	1,850	1,800	1,850	1,800	1,750	1,650	1,650	1,700
(ii) Couples	150	200	250	250	300	300	350	350	350	350
Singles	900	900	1,150	1,150	1,200	1,200	1,200	1,250	1,350	1,400
All units	1,100	1,100	1,450	1,400	1,450	1,500	1,550	1,600	1,700	1,750

Notes:
1. (i) Pensioner units where the head has reached State pension age within the last five years.
2. (ii) Pensioner units where the head is aged 80 years or above.
3. BHC: Before Housing Costs; AHC: After Housing Costs.
4. Numbers of pensioner units are rounded to the nearest 50,000.
5. A pensioner unit is defined as a single person over State Pension Age (SPA), or a couple where the man, defined as head, is over SPA.
6. Components may not sum to totals due to rounding.
7. All incomes are in £ per week at July 1995 prices and are rounded to the nearest 10 pence.
8. Estimates of median income levels are medians of the unequivalised income distribution.
9. Estimates indicate broad trends through time, rather than giving a clear picture of year on year changes.
10. The estimates in Table 1 differ slightly from those published in The Pensioners' Incomes Series 1995–96, owing to inaccuracies with rounding. Differences are small, up to 10 pence, except for 1979 where the difference is as large as 50 pence in some cases. A revised version of the publication will be issued as soon as possible.

Source:
The Pensioners' Incomes Series 1979–1995/6.

Child Support Agency

23. **Mr. Pike:** To ask the Secretary of State for Social Security when she will publish her proposals for changes in the CSA procedures. [34066]

Mr. Field: We are determined to ensure that the Child Support Agency provides an effective and efficient service to all its clients throughout the child support assessment process. We are looking closely at all aspects of the child support system and we expect to bring forward a consultation paper on our proposals by the Summer.

27. **Mr. Laurence Robertson:** To ask the Secretary of State for Social Security what steps she is taking to ensure that the Child Support Agency makes itself more accessible to the public. [34070]

Mr. Field: We expect the Child Support Agency to provide an effective and efficient service to all its clients. The Agency is currently reorganising its resources so that back room processing work which does not require face-to-face contact with the public is done in its larger centres. This will leave remaining local staff to focus their attentions more effectively on essential face-to-face contacts. From next month lone mothers claiming Income Support will be personally assisted in completing the maintenance application form by Benefits Agency staff.

For customers with general inquiries, more resources are to be allocated to the Agency's National Inquiry Line from next month. In the future the Agency will increasingly use the telephone to contact customers at the earliest stage at each point in the assessment process.

Mr. Pond: To ask the Secretary of State for Social Security if she will make a statement on the Government's plans to make the operation of the Child Support Agency fairer and more effective. [34057]

Mr. Field: We expect the Child Support Agency to provide a consistent, fair and effective service to all its clients. We are looking in detail at all aspects of the child support scheme to see where improvements can be made. We aim to bring forward a consultation document with our proposals by the Summer.

Local Exchange Trading Schemes

24. **Mr. Drew:** To ask the Secretary of State for Social Security what plans she has to extend the disregard for local exchange trading schemes. [34067]

Mr. Field: We have no immediate plans to change the way credits from local exchange trading schemes are treated when calculating benefits, although we are keeping the individual benefit rules under review.

Winter Fuel Payments

25. **Mr. Hutton:** To ask the Secretary of State for Social Security if she will make a statement on the action the Government have taken in respect of winter fuel payments for pensioners. [34068]

Mr. Denham: This is the first time any Government have been prepared to help pensioner households with their winter fuel bills. A total of £400 million have been committed to provide extra help for this winter and next to eligible pensioner households.

Around one and a half million pensioners on Income Support have already received a payment of £50. Virtually all of the payments of £20 or £10 to the other eight and a half million eligible pensioners have now been issued. The remaining few will be despatched in the next few days.

Overall, almost ten million payments will have been made to more than seven million pensioner households.

Mrs. Spelman: To ask the Secretary of State for Social Security on what statutory authority the Benefits Agency Office advertises winter fuel payments to pensioners. [35767]

Mr. Denham: The Department's Benefits Agency does not need statutory authority to advertise winter fuel payments to pensioners.

The Agency advertises these payments only to the extent of providing information to the public, in line with the normal Departmental advertising strategy.

Any advertising carried out by the Department is done in support of its policy to explain and inform the public of the government services available to them. Any advertising is carried out in accordance with Cabinet Office guidance issued in July 1997.

Advertising support for the Winter Fuel Payments campaign included national television advertising by the Department. It is in support of this campaign that the Benefits Agency is displaying posters and leaflets.

We wanted pensioners to know what payments are coming to them and how and when, in order to make informed decisions about how to heat their homes. The most cost effective method of reaching pensioners quickly with this important information has been through a multi-media campaign involving highly targeted television advertising.

Housing Benefit Fraud

26. **Mr. Stringer:** To ask the Secretary of State for Social Security if she will make a statement on the level of housing benefit fraud. [34069]

Mr. Denham: We have made clear our commitment to work towards a permanent reduction in all benefit fraud, as part of our drive to modernise the Social Security system and rebuild public confidence in it. We are conducting a series of reviews to provide reliable estimates of the level and types of Housing Benefit fraud. We are determined that Social Security will not be an easy target for fraudsters.

Disability Benefit

28. **Mr. Skinner:** To ask the Secretary of State for Social Security if she will make a statement on the review of the welfare state with particular reference to disability benefit. [34071]

Mr. Field: We are committed to reviewing and reforming Social Security to transform it from a system of dependency to a system of opportunity which promotes work incentives, reduces poverty and welfare dependency, and strengthens family life, and we continue to review sickness and disability as part of this commitment. No decisions have been made.

Pension Funds

29. **Mr. Gibb:** To ask the Secretary of State for Social Security what estimate she has made of the average extra cost to the members of occupational contracted-out money purchase schemes as a result of the decrease in the state earnings-related pension scheme rebate if funds are to be maintained at the same level. [34072]

Mr. Denham: The reduction in the amount of rebate for individual Contracted Out Money Purchase (COMP) Scheme members is dependent on a number of factors and will vary according to age and earnings levels.

However, for the tax year 1999–2000 it is estimated that the reduction for an average COMP Scheme member will be £74.

Pensions Review

30. **Mr. Jim Cunningham:** To ask the Secretary of State for Social Security if she will make a statement on progress with the pensions review. [34073]

Mr. Denham: The pensions review that my right hon. Friend the Secretary of State announced last year fulfils our manifesto commitment to look at the central areas of insecurity for elderly people.

We are carefully considering the more than 2,000 responses that we received to the first part of the review. We are also considering the more than 200 responses to the technical consultation document on our proposals for stakeholder pensions that we issued in November. We aim to publish an initial framework for change in the first half of this year. There will then be a period of further consultation before final proposals are developed.

31. **Mr. Caplin:** To ask the Secretary of State for Social Security what steps she has taken to encourage the taking out of value-for-money pensions. [34074]

Mr. Denham: A key objective of the Pensions Review is to ensure that resources devoted to pensions are used to maximum effect. We are therefore looking at how to encourage more of those who have access to good quality occupational pension schemes to join them. We have set up the Pensions Education Working Group which will recommend ways to improve awareness of the need to make provision for retirement.

We are also developing a framework for Stakeholder Pension schemes which will offer secure, flexible and value for money second pensions for people who do not have the opportunity to join an occupational scheme and for whom many personal pensions can be unsuitable.

Pensions

33. **Mr. Flynn:** To ask the Secretary of State for Social Security if she will estimate the value of the basic single pension per week had its value been increased by the level of earnings since 1980. [34076]

Mr. Denham: The estimated value of the basic State pension for a single person would be £86 per week if its value had been increased by the higher of earnings or prices since 1980. From April it would have increased to £89.60.

Disability Benefits

32. **Mr. Loughton:** To ask the Secretary of State for Social Security what plans she has to means-test benefits for people with disabilities. [34075]

Mr. Denham: We continue to review sickness and disability benefits as part of our commitment to modernise the Social Security system. No plans for change have been made at this stage.

United Nations Commission on the Status of Women

34. **Angela Smith:** To ask the Secretary of State for Social Security if she will make a statement on the Commission of the Status of Women meeting attended by the Minister for Women. [34077]

Ms Ruddock: I refer the Member to the reply I gave earlier today to my hon. Friend for Reading, East (Jane Griffiths).

Benefit Fraud

35. **Mrs. Lait:** To ask the Secretary of State for Social Security how many people have had their benefit claims withdrawn due to fraud; and what has been the saving to the social security budget since 1 May 1997. [34078]

Mr. Denham: The information is not available in the format requested.

The Department's fraud and security staff carry out a wide range of activities designed to improve the integrity of the system, to investigate and detect fraud, and to ensure that the correct amount of benefit is in payment. Records are kept of successful investigations which include cases subject to traditional investigative activity by fraud officers, as well as assurance activity on new and existing claims. There have been 813,255 successful preventive and detective activities in the period 1 May 1997 to 31 January. As a result of these activities, it is estimated that savings of £1.46 billion have been made.

Local authorities are responsible for the administration of Housing Benefit and Council Tax Benefit. Data on the number of Housing Benefit and Council Tax Benefit cases where fraud is established are collected annually. Figures for 1997/98 are therefore not yet available. The amounts of weekly benefit savings claimed by local authorities in cases where fraud is established are collected quarterly. The unaudited, cumulative total of such savings claimed up to the end of the third quarter of 1997/98 in Great Britain is £279 million.

Single Mothers

36. **Mr. Spring:** To ask the Secretary of State for Social Security if she will make a statement on her policy of securing employment for single mothers. [34079]

Mr. Field: The Government are committed to helping lone parents into work. The New Deal for Lone Parents shows the priority we attach to helping lone parents secure employment. The New Deal for Lone Parents offers lone parents their own tailored service, provided by Personal Advisers, to help them with jobsearch, training, childcare and in-work benefit calculations.

We have introduced measures to ensure that there are no disincentives in the benefit system which will deter lone parents from taking jobs. Fast-track arrangements are in place to clear claims and to secure the speedy payments of Family Credit where a lone parent has started, or is about to start, work. The target to process 95 per cent. of these claims within five days is currently being achieved. The Child Support Agency has agreed to process applications for maintenance more quickly for lone parents participating in the New Deal for Lone Parents. We will also be introducing a 12 week linking rule for lone parents in receipt of Income Support and Jobseekers Allowance before April 1998. This will mean that there is no benefit disincentive to deter lone parents who want to work from doing so.

Last week the Chancellor announced changes aimed at making work pay. The Working Families Tax Credit will make work pay for all families on low incomes. We will also provide extra help with childcare costs through the Child Care Tax Credit. As the next step in our National Child Care Strategy to ensure affordable, accessible, quality child care for all, the Child Care Tax Credit provides a passport to high quality childcare to all parents regardless of income.

We are committed to helping all parents, particularly lone parents, to balance work and family life and we are taking every opportunity to champion family-friendly employment policies which will allow parents to combine successfully home and work responsibilities. Good family-friendly policies will assist us in delivering both our National Child Care Strategy and the New Deal for Lone Parents.

Fraud (Landlords)

37. **Dr. Starkey:** To ask the Secretary of State for Social Security what plans she has for tackling organised fraud by landlords. [34080]

Mr. Field: We introduced new regulations in November 1997 to give local authorities additional powers to fight landlord fraud and tighten up the rules on paying benefit direct to landlords. We are developing a

counter-fraud strategy which focuses on prevention—identifying where fraud is most likely to happen and focusing resources where they will be most effective. Those who commit fraud—including organised fraudsters and dishonest landlords—will be vigorously pursued.

Advertising

Mr. Clifton-Brown: To ask the Secretary of State for Social Security what is her Department's policy on awarding contracts to advertising agencies. [34042]

Mr. Field: The Department awards all advertising contracts through the Central Office of Information, which ensure compliance with the EU tender regulations on our behalf.

Benefit Integrity Project

Mr. Love: To ask the Secretary of State for Social Security what are the costs, including review and appeals, and savings in the current year and the projected costs and savings in future years of the Benefit Integrity Project; and if she will make a statement. [35089]

Mr. Denham: This information is not available at present. In the light of my right hon. Friend the Secretary of State's announcement on 9 February 1998 of additional safeguards and other factors, statisticians have been asked to re-examine the estimated savings from the Project and to produce validated figures for the end of the financial year of operation. I will write to my hon. Friend as soon as this information becomes available.

Contracted-out Money Purchase Schemes

Mr. Duncan Smith: To ask the Secretary of State for Social Security how much she estimates the average extra cost will be to the members of occupational contracted out money purchase schemes, as a result of the decrease in the SERPs rebate, if they are to maintain contributions to their funds at the same level. [32973]

Mr. Denham: New rebate levels for contracted-out money purchase schemes (COMPS) have been set out for the year 1999–2000, 2000–2001 and 2001–2002 in a draft Statutory Instrument and laid before Parliament. These rebates are lower than those set previously to take account of the higher prevalence of larger COMPS, which have lower administrative expenses. To set these rebates at a higher level would amount to an unwarranted reduction in the National Insurance fund, especially since it could lead to salary-related schemes changing their method of contracting-out without changing their benefit provision to increase the amount they get from the taxpayer.

The reduction in the amount of rebates for individual COMPS members will vary according to their age and earnings levels, but the for average COMPS member in 1999–2000 it is estimated to be £74.

Habitual Residence Test

Dr. Lynne Jones: To ask the Secretary of State for Social Security what were the costs of administering appeals against refusal of benefits by applicants failing the habitual residence test for each year for which figures are available *(a)* in total and *(b)* per appellant. [35086]

Mr. Denham: The administration of appeals is the responsibility of the Independent Tribunal Service (ITS) who report that the information is not available in the format requested. Such information as is available is set out in the table.

The average cost of an appeal to a Social Security Appeal Tribunal is £250, including the costs of work done by the Benefits Agency, the Employment Service Agency and work done by the ITS processing the appeal.

Overall operational costs of ITS for the last four financial years

Financial Year	*Operational cost (£ million)*
1994–95	37.320
1995–96	44.371
1996–97	59.763
1997–98	56.338 (estimated outturn)

Note:

The ITS does not hold statistical information enabling the cost of administering those appeals to be identified or separated from the costs of administering the various other types of appeal for which it is responsible.

Dr. Lynne Jones: To ask the Secretary of State for Social Security if she will make it her policy to abolish the habitual residence test. [35087]

Mr. Denham: We are currently reviewing the operation of the habitual residence test. A range of options is being considered as part of this work.

Tribunals

Mr. Levitt: To ask the Secretary of State for Social Security what is the success rate for applicants taking their appeals to social security tribunals and presenting *(a)* oral and *(b)* written evidence only. [34943]

Mr. Field: The information is not available.

Widows' and Widowers' Benefits

Mr. Paul Marsden: To ask the Secretary of State for Social Security what plans she has to equalise benefits for widows and widowers; and if she will make a statement. [34254]

Mr. Denham: I refer the hon. Member to the answer I gave the hon. Member for Edinburgh, West (Mr. Gorrie) on 23 June 1997, *Official Report*, column *413*.

Income Support

Mr. Webb: To ask the Secretary of State for Social Security what percentage of *(a)* single male pensioners aged 65 to 69 years, *(b)* single female pensioners aged 60 to 64 years and *(c)* married pensioners aged 65 to 69 years were in receipt of income support or supplementary benefit in each year since 1988 for which statistics are available. [34128]

Mr. Denham: The information is set out in the table.

Income support pensioner claimants by age, 1988 to 1997

Year	Single male aged 65–69	Per cent. of all males aged 65–69	Single female aged 60–64	Per cent. of all females aged 60–64	Couples: claimant aged 65–69	Per cent. of all males/females aged 65–69
1988	40,000	3.1	104,000	6.9	43,000	1.5
1989	33,000	2.5	100,000	6.7	36,000	1.2
1990	32,000	2.5	89,000	6.0	34,000	1.2
1991	34,000	2.7	85,000	5.8	28,000	1.0
1992	36,000	2.9	86,000	6.0	31,000	1.2
1993	42,000	3.4	101,000	7.0	42,000	1.6
1994	46,000	3.7	103,000	7.3	46,000	1.8
1995	49,000	4.0	106,000	7.6	52,000	2.0
1996	50,000	4.1	104,000	7.5	53,000	2.0
1997	51,000	4.2	104,000	7.5	51,000	2.0

Notes:
1. Numbers are given as at May of each year given and are rounded to the nearest thousand.
2. Percentages are given to one decimal place.
3. Sample size 1 per cent. up to and including 1992, 5 per cent. thereafter.
4. Percentages for 1997 are based on mid-term population estimates for 1996.

Sources:
1. Income Support Annual Statistical Inquiries, 1988–1993.
2. Income Support Quarterly Statistical Inquiries, May 1994 to May 1997.
3. Office for National Statistics Mid-term estimates of the population 1988–1996.

Myalgic Encephalomyelitis

Mr. Hesford: To ask the Secretary of State for Social Security what assessment she has made of the knowledge and experience of ME of doctors employed for the purpose of assessing potential claimants at appeal tribunals; and if she will make a statement. [33712]

Mr. Keith Bradley: Doctors sit as members of Medical Appeal Tribunals, as medical members of Disability Appeal Tribunals, and as medical assessors advising Social Security Appeal Tribunals concerning Incapacity Benefit. The appointment of all such members and medical assessors is a matter for the President of the Independent Tribunal Service, His Honour Judge Michael Harris.

Council Tax Benefit

Mr. Chaytor: To ask the Secretary of State for Social Security what is the current assumed rate of interest in respect of capital for the calculation of council tax benefit. [33961]

Mr. Keith Bradley: The rules for the treatment of capital in Council Tax Benefit ensure that capital of £3,000 or less is ignored. There is no entitlement to Council Tax Benefit if a person's capital exceeds £16,000. For each £250 of capital above £3,000, but below the upper limit of £16,000, £1 per week is taken into account as income. This formula avoids the many practical difficulties that would arise if actual income were taken into account, and does not represent any assumed rate of interest.

Mr. Chaytor: To ask the Secretary of State for Social Security when the maximum level of capital for the calculation of council tax benefit was last uprated; what was the annual inflation rate in each year since the last uprating; and what would the current maximum level be if annual uprating to allow for inflation had taken place. [33962]

Mr. Keith Bradley: The maximum level of Council Tax Benefit, when it was introduced in April 1993, was £16,000. It has not been uprated since.

The table sets out the annual inflation rate that would apply to Council Tax Benefit since 1993. Council Tax Benefit is uprated by Rossi and not RPI. Rossi is RPI (all items) less rent, local taxes and mortgage interest payments.

Uprating date	Uprating percentages
April 1993	3.6
April 1994	3.5
April 1995	1.8
April 1996	3.0
April 1997	2.6

The current maximum level of Council Tax Benefit if annual uprating to allow for inflation had taken place would be £17,815.30[1], based on Rossi.

Notes:

1. The Retail Prices Index (all items) and the Retail Prices Index (all items) less rent, local taxes and mortgage interest payments, produced by the Office for National Statistics, were used in these calculations.

2. Figures rounded to nearest 5 pence at each uprating date.

Housing Benefit

Mr. Hurst: To ask the Secretary of State for Social Security what progress has been made in the inter-departmental review on housing benefit for those in supported housing. [33853]

Mr. Keith Bradley: We sought stakeholders' views on the best means of translating our objectives for the long-term funding of supported accommodation into a modern, practical and sustainable funding system in November last year. Over 200 responses were received and are helping to inform the debate. Options for creating a more rational and effective system are presently under consideration. Whilst we are looking to implement a sustainable funding system as soon as possible, this is an extremely complex area with possible repercussions for all supported accommodation. We cannot, therefore, say when the review will be complete.

Mr. Hurst: To ask the Secretary of State for Social Security (1) if she will list the total number of claimants of housing benefit in supported housing in each year from 1992 to 1997; [33852]

(2) what estimate she has made of the average cost of the care and support element of staff costs claimed from housing benefit for those in supported housing in each of the last three years. [33851]

Mr. Keith Bradley: The information is not available in the form requested.

We hope to have more information about the numbers of Housing Benefit recipients and the amount met by Housing Benefit in respect of service charges for personal counselling and support in supported accommodation during 1995–96 from research which is currently underway.

Medical Testing

Mr. Wareing: To ask the Secretary of State for Social Security what factors underlay the policy of privatisation of medical testing for sickness and disability benefits; what financial benefit to Her Majesty's Government has resulted; and if she will make a statement. [32948]

Mr. Keith Bradley *[holding answer 9 March 1998]:* My right hon. Friend the Secretary of State for Social Security announced on 31 July how we would proceed with a number of projects for the use of the private sector which were in the pipeline and which we had inherited from the previous administration. The projects were reviewed against the criteria announced in July:

- our objectives for modernising the Social Security system;
- our commitment to work within the announced spending totals for the first two years of Government;
- our aim of getting best value for public money and of reducing the burden on taxpayers;
- the scope to apply private sector expertise, discipline and economies of scale in procuring public services and the ability to secure increased investment from the private sector;
- the need for continuing flexibility for government to make future changes to services;
- the opportunities for improving the quality of service for customers;
- the implications for staff

When I announced on 19 February that all three contracts for BAMS were to be awarded to Sema I explained that we have established a minimum quality of service threshold against which we have assessed all bids from the private sector. There will be greater evaluation of performance against the new quality standards. We have also placed greater emphasis on the management of staff when evaluating the contracts.

The contract award is not part of the welfare reform programme. The responsibility for the overall service and for the determination of the entitlement to benefits remains with the Department. The award of the contract makes no change to the rules for entitlement to benefits and the rights of customers will not be changed in any way. Rigorous procedures will be put in place to ensure that we continue to receive independent, objective medical advice. We see the contract as providing an improved service to the customer and good value for money for the taxpayer.

The award of the contract will result in a saving of 10 per cent. over the cost of the present service.

Publications

Mr. Flight: To ask the Secretary of State for Social Security if she will list those European Commission *(a)* newsletters, *(b)* magazines and *(c)* occasional publications to which her Department subscribes. [33665]

Mr. Field: The information is not available in the format requested. Such information as is available is as follows:

Not all the Department's Agencies order publications centrally and it would be possible to provide details only at disproportionate cost. The Department also receives many European Commission publications on a complimentary basis and records of these are not held centrally.

Newsletters and Magazines

- Bulletin of the European Union
- Economic and Social Committee Annual Report
- Employment and Social Affairs
- European Economy
- European Economy: Annual Economic Report
- Eurostar Population and Social Conditions
- Eurostat Unemployment Bulletin
- Eurostat Year book: A Statistical Eye on Europe
- General Government Accounts and Statistics
- General Report on the Activities of the European Union
- Labour Force Survey
- National Accounts Aggregates
- Official Journal of the EC, Series C
- Official Journal of the EC, Series L
- Reports of Cases before the Court of Justice and the Court of First Instance.

Occasional Publications

- Basic Statistics of the Community
- Community Budget: the Facts and Figures
- Comparative Tables of Social Security Schemes in Member States
- Demographic Statistics
- Directory of Community Legislation on Force
- Earnings: Industry and Services
- Employment in Europe
- Employment and Unemployment
- Europe in Figures
- Interinstitutional Directory of the European Union
- Social Protection Expenditure and Receipts
- Taxes and Social Contributions

Departmental Pay

Mr. Duncan: To ask the Secretary of State for Social Security how many people employed by *(a)* her Department and *(b)* the agencies for which her Department is responsible earn (i) less than £3.20 per hour, (ii) between £3.20 and £3.60 per hour, (iii) between £3.60 and £4.00 per hour and (iv) between £4 and £4.62 per hour. [30756]

Mr. Field *[holding answer 23 February 1998]:* The information is set out in the table.

	Number of staff earning less than £3.20 per hour	Number of staff earning £3.20 to £3.59 per hour	Number of staff earning £3.60 to £3.99 per hour	Number of staff earning £4.00 to £4.62 per hour
Benefits Agency	0	5353	2416	5895
Contributions Agency	0	1123	102	543
Information Technology Services Agency	0	0	48	179
War Pensions Agency	0	29	40	97
Child Support Agency	0	689	187	2002
DSS Headquarters	0	24	1	26
Independent Statutory Bodies	0	153	7	238

Note:
Hourly rates include allowances and includes staff on payroll as at 31 January 1998.

Disability Benefits Taskforce

Mrs. Ewing: To ask the Secretary of State for Social Security if she will establish a disability benefits taskforce to include disabled groups in her departmental review of disability benefits and the Benefit Integrity Project. [35232]

Mr. Denham: Following my right hon. Friend the Secretary of State's most recent meeting with representatives of the Disability Benefits Consortium a joint statement was issued making clear the intention to open consultation on disability benefits on a formal basis. This process will begin very shortly in a seminar to discuss various research reports which were published on 12 March.

Mr. Collings

Mr. Steen: To ask the Secretary of State for Social Security when she expects the case of Mr. Collings of 11 Barton Way, Paignton, to be heard by a new tribunal. [35436]

Mr. Denham: This is a matter for the President of Independent Tribunal Service (ITS), his honour, Judge Michael Harris. He will write to the hon. Member shortly.

Family Credit

Mr. Willetts: To ask the Secretary of State for Social Security how many single parents are in receipt of family credit; how many of those are claiming the child care disregard; and what is their average of expenditure on child care. [35863]

Mr. Field: The latest available figures are for August 1997 when there were 351,000 lone parents receiving Family Credit. 36,000 lone parents were entitled to receive a child care disregard and, of these, 31,000 were in receipt of an increased award for child care charges. The remaining 5,000 cases receive no extra award for child care charges as maximum Family Credit is in payment.

The average weekly cost for child care for lone parents with entitlement to a child care disregard was £39.07.

Notes:

1. Figures are rounded to the nearest thousand.
2. Sample size is 5 per cent.

Source:

Family Credit Quarterly Statistical Inquiry, August 1997.

Mr. Rendel: To ask the Secretary of State for Social Security what is the final fortnight for which family credit payments will be due. [35860]

Mr. Field: Family Credit is awarded for a 26 week period and paid on a weekly basis. It will continue to be awarded and paid, on this basis, until Working Families Tax Credit is introduced from October 1999.

National Insurance

Mr. Webb: To ask the Secretary of State for Social Security what estimate she has made of the costs of raising the starting point for employee NICs from £64 per week to £81 per week. [35768]

Mr. Willetts: To ask the Secretary of State for Social Security what is the cost of raising the lower earnings limit for employee national insurance contributions from £64 per week to £81 per week, within the new structure of National Insurance set out in the Budget. [35861]

Mr. Denham: My right hon. Friend the Chancellor of the Exchequer has stated that future reforms will raise the starting point at which employees pay National Insurance contributions to the level of the single person's tax allowance while protecting benefit entitlement. If this change were to be introduced from April 1999, the estimated reduction in revenue from employee Class 1 National Insurance contributions, gross of contracted-out rebates, would be £1.35 billion for 1999–2000.

Source:

Government Actuary's Department.

Surveys

Mr. Forth: To ask the Secretary of State for Social Security if she will list each information, promotional, marketing and opinion survey contract, with its value, concluded by her Department and its agencies for the years *(a)* 1997–98, *(b)* 1998–99, *(c)* 1999–2000, *(d)* 2000–2001 and *(e)* 2001–2002. [32016]

Mr. Field: The information could be provided only at disproportionate cost.

Mobility Allowance

Mr. Dalyell: To ask the Secretary of State for Social Security in how many cases mobility allowance related benefits have been withdrawn in the last 12 months for which general figures are conveniently available. [34319]

Mr. Denham: Mobility Allowance was superseded by the mobility component of Disability Living Allowance in 1992. It is estimated, on the basis of a 5 per cent.

sample, that awards of mobility component ceased in about 100,700 cases in the 12 months ending on 31 August 1997. Information is not available on the reasons for cessation, but these will include death, absence abroad, and non-renewal of a fixed period award, as well as withdrawal where the Benefits Agency found that the conditions of entitlement were no longer satisfied.

AGRICULTURE, FISHERIES AND FOOD

Millennium Compliance

Mr. Walter: To ask the Minister of Agriculture, Fisheries and Food from which budgetary sub-head his Department will meet the cost of millennium compliance. [35432]

Mr. Morley: The cost of the millennium compliance will be met from the administrative running cost and capital budgets of the Department and its Agencies. Cost will be incurred within sections G and H of the MAFF Vote, against the following programmes identified in our Departmental Report:

Programme	*Title*
IR1:05	Information Technology Services
IR2:03	Management of Accommodation and Property Resources
EA1:02	Central Science Laboratory
EA1:03	Veterinary Laboratories Agency
EA1:04	Pesticides Safety Directorate
EA1:05	Veterinary Medicines Directorate
EA1:06	Meat Hygiene Service
EA1:08	Farming and Rural Conservation Agency
EA1:09	Centre for Environment, Fisheries and Aquaculture Science

Mr. Walter: To ask the Minister of Agriculture, Fisheries and Food how many non-UK nationals are working on computer-related problems within his Department. [35429]

Mr. Morley: No non-UK nationals are working on millennium computer-related problems within the Department, and the Department is not employing any "off-shore" services.

Mr. Walter: To ask the Minister of Agriculture, Fisheries and Food what guidance his Department is giving to agricultural businesses and farmers on the year 2000 computer compliance problem. [35426]

Mr. Morley: The Department is not providing any specific guidance to agricultural businesses and farmers on the Year 2000 compliance problem, except where the Department has been asked to clarify its position (and Year 2000 plans) in a "supplier" capacity. The Department of Trade and Industry funded 'Action 2000' initiative will be gathering data and providing information across all private sectors; this extends to general advice, good practice, guidance material, signposts to further relevant information and a support infrastructure.

Mr. Walter: To ask the Minister of Agriculture, Fisheries and Food when he last met Treasury Ministers to discuss the costs of millennium compliance in his Department. [35427]

Mr. Morley: There has been no direct specific discussion with Treasury Ministers regarding the Department's millennium costs, which are being met from existing provision. Regular returns regarding millennium plans and costs are being provided to the Central IT Unit (Cabinet Office).

Mr. Walter: To ask the Minister of Agriculture, Fisheries and Food what meetings he has had with the Chancellor of the Duchy of Lancaster to discuss his Department's progress towards millennium compliance. [35428]

Mr. Morley: My noble Friend the Parliamentary Secretary represents the Department's interests on a Ministerial sub-group that meets regularly and is chaired by my right hon. Friend the Chancellor of the Duchy of Lancaster. The Department's officials are in regular contact with the Cabinet Office (Central IT Unit) at an operational level.

Mr. Walter: To ask the Minister of Agriculture, Fisheries and Food what is the estimated cost to his Department of *(a)* consultants and *(b)* contractors engaged by the Department to address millennium computer compliance problems; and if he will list them. [35425]

Mr. Morley: It is not possible to separate out the costs relating to consultants as opposed to contractors engaged by the Department to address millennium computer compliance problems, or to provide an exhaustive list of them, without incurring disproportionate cost. However, the estimated cost of total external support is between £7 million and £8 million, primary sources on the IT side being Sema Group UK Ltd., Sherwood International Group Ltd., and Oracle Corporation UK Ltd. With regard to 'embedded chip' systems, CBG Consultants is the main source of external support.

Mr. Walter: To ask the Minister of Agriculture, Fisheries and Food what discussions he has had with his European counterparts with regard to the millennium compliance problem. [35434]

Mr. Morley: The Department has taken steps to identify all interfaces with its European counterparts and is continuing to monitor progress via all appropriate channels including its involvement in the EU "Interchange of Data between Administrations" programme.

Mr. Walter: To ask the Minister of Agriculture, Fisheries and Food (1) when all testing on year 2000 computer compliance will be completed within his Department; [35431]

(2) if testing has been done on his Department's archive computer files for millennium compliance. [35433]

Mr. Morley: All work (including testing) on business critical systems will be completed by April 1999; work on less critical systems will be completed later in 1999. Operational requirements for access to historical/archived data will be addressed within the above timescales.

Mr. Walter: To ask the Minister of Agriculture, Fisheries and Food how many officials or individuals working within his Department on millennium compliance have *(a)* given notice of their intention to leave or *(b)* left his Department in the last six months. [35430]

Mr. Morley: No officials or individuals working on the Department's millennium programmes in the central IT Directorate (the main area of millennium activity) has given notice of intention to leave or left the Department in the last six months.

Cattle Movement Service

Mrs. Spelman: To ask the Minister of Agriculture, Fisheries and Food when farmers will receive payment for the grant up and running costs of the British Cattle Movement Service. [35766]

Mr. Rooker: The Government are meeting the costs of setting up the British Cattle Movement Service, and of running it during its first full year of operation. Farmers have paid none of these costs, so the question of paying them back does not arise.

Central Science Laboratory

Mr. Charles Clarke: To ask the Minister of Agriculture, Fisheries and Food what estimates his Department has made of the value which might be achieved, on disposal of the Central Science Laboratory sites at *(a)* Sand Hutton, York, and *(b)* Colney Lane, Norwich. [35408]

Mr. Rooker *[holding answer 20 March 1998]:* A formal estimate of the disposal value of the Central Science Laboratory site and Sand Hutton, York has not been prepared because the Ministry is not intending to dispose of it. In any event, such an estimate would have to be regarded as commercially confidential.

The Central Science Laboratory site at Colney Lane, Norwich is leased to the Ministry although the buildings were erected at Government expense. Any disposal of the Ministry's interests at Colney Lane would be subject to the terms and conditions of the ground lease. The disposal value has not been assessed but, if it had, it too would have to be regarded as commercially confidential.

Pesticides

Mr. Paice: To ask the Minister of Agriculture, Fisheries and Food how many pesticides approved for use prior to 1986 have been reviewed since that date; of those, how many have been rejected on review or had approvals restricted; and how many have not been reviewed. [35557]

Mr. Rooker *[holding answer 20 March 1998]:* Approvals for agricultural and garden pesticides are issued by MAFF's Pesticides Safety Directorate. Approvals for other pesticides are issued by the Health and Safety Executive. Sixty-nine of the pesticide active ingredients approved by MAFF in 1986 have since been reviewed of which nine have had all their approvals revoked and 47 have had new restrictions imposed.

The remaining 323 ingredients have yet to be reviewed. However, 129 of these had been withdrawn from the market by the end of 1997. The number of active ingredients on the market in 1986, still on the market at the end of 1997 and not yet reviewed, was therefore 194.

Mr. Paice: To ask the Minister of Agriculture, Fisheries and Food what volume of agricultural pesticides was seized by inspectors during 1997; what volume was destroyed; and how many separate incidents this represented. [35561]

Mr. Rooker *[holding answer 20 March 1998]:* MAFF inspectors are empowered to seize pesticides and destroy them under Regulation 7 of the Control of Pesticides Regulations 1986 (as amended). No pesticides were seized or destroyed using these powers during 1997.

Mr. Paice: To ask the Minister of Agriculture, Fisheries and Food how many requests were made to his Department during 1997 to obtain evaluation documents on pesticides; and how many requests were made to view the underlying data. [35563]

Mr. Rooker *[holding answer 20 March 1998]:* The Pesticides Safety Directorate (PSD) maintains a list of individuals and organisations to whom all evaluation documents are sent as they are issued. At the end of 1997, there were 47 names on this list. In addition, PSD dealt with 98 one-off requests for evaluation documents during 1997. There were 7 requests to see underlying data.

Mr. Paice: To ask the Minister of Agriculture, Fisheries and Food what is the cost to his Department of providing information to the public about agricultural pesticides; and what is the mechanism for recovering these costs from the public. [35558]

Mr. Rooker *[holding answer 20 March 1998]:* The cost of providing information to the public about agricultural pesticides is borne by the Department and, certain publication charges apart is not recovered from the public. An estimate of the cost of provision of this service cannot be provided without incurring disproportionate costs.

Mr. Paice: To ask the Minister of Agriculture, Fisheries and Food what scientific information he uses to specify maximum pesticide levels in crops, food and feeding stuffs. [35560]

Mr. Rooker *[holding answer 20 March 1998]:* Two key types of study are used to specify maximum residue levels (MRLs) in crops. First, metabolism studies in the relevant crop are used to identify the chemical nature and fate of the residue. Second, residue trials are conducted according to Good Agricultural Practice to establish the highest residue level occurring in the crop when the pesticide product is used as intended. Cross checks are made with toxicological studies to establish that the MRL proposed is safe for consumers. If it would not, then that proposed use of pesticide would not be approved.

Mr. Paice: To ask the Minister of Agriculture, Fisheries and Food if he will list each pesticide approved for use in agriculture, horticulture and food industries where the specified maximum residue level is *(a)* above, *(b)* the same as and *(c)* below that recommended by CODEX. [35562]

Mr. Rooker *[holding answer 20 March 1998]:* There are some 10,500 MRLs established in the UK in the Pesticides (Maximum Residue levels in Crops, Food and Feedingstuffs) Regulations 1994 (as amended). There are about 1,000 Codex maximum residue levels (MRLs) in place. Where corresponding UK and Codex MRLs are both in place, generally the UK MRL is lower.

More detailed information would be available only at disproportionate cost.

A full list of Codex MRLs is published in the Codex Alimentarius Volume 2b. ISBN No. 92–5-003821–6.

Mr. Paice: To ask the Minister of Agriculture, Fisheries and Food what estimates he has made of the cost to the agrochemical industry of providing information to the public under the Food and Environmental Protection Act 1985. [35559]

Mr. Rooker *[holding answer 20 March 1998]:* The costs of providing information to the public under the Food and Environmental Protection Act 1985 is borne by the Department. No charge for this work is passed to the agrochemical industry.

Poultry

Mr. Paice: To ask the Minister of Agriculture, Fisheries and Food what assessment he has made of the transposition by Italy of *(a)* the EU Poultry Meat Hygiene Directive, *(b)* other veterinary directives into national law and their enforcement of such directives; and if he will take steps to ensure that poultry meat imports into the United Kingdom from Italy are produced and processed according to the directive's requirements. [35221]

Mr. Rooker *[holding answer 19 March 1998]:* In their fourteenth report on monitoring the application of Community law (published in the *Official Journal of the European Communities* ref. C332 1997) the European Commission noted that Italy had been censured by the European Court of Justice for failing to fulfil its obligation to transpose into national law various directives in the veterinary field. Failure to transpose Community law into national law does not necessarily mean that Italian producers are not complying with the veterinary requirements for intra-Community trade. Where failure to meet these requirements is identified in specific cases, they are thoroughly investigated and the necessary action is taken.

TRADE AND INDUSTRY

Foresight Programme

Mr. Breed: To ask the President of the Board of Trade by what criteria the comprehensive spending review will identify the resource requirements of the foresight programme. [33622]

Mr. Battle: The UK Foresight programme develops visions of the future to guide today's decision-makers. Foresight aims to generate outputs which identify significant market opportunities or threats; identify emerging capabilities of, and demand for, science, engineering and technology; highlight areas of policy, regulation, education and training where Government action would deliver widespread benefits; and set an agenda for action by the business, scientific, voluntary and public sectors to increase national wealth and quality of life.

The resource requirement of the Foresight programme will be decided in the light of the criteria set out by my right hon. Friend the Chief Secretary when he announced the Terms of Reference of the Comprehensive Spending Review on 24 July 1997: whether it meets the public interest; whether it contributes to the Government's objectives of promoting opportunity, employment, investment and fairness; whether it is the most effective way of achieving those objectives; and whether there is scope for improving efficiency and effectiveness.

Arms Sales

Mr. Clapham: To ask the President of the Board of Trade if she will take further steps to ensure that the end use and end user statements are correct on export licence applications for military hardware. [34525]

Mrs. Roche *[holding answer 16 March 1998]:* Inquiries are made if there is reason to question the accuracy or relevance of any of the information relating to the stated end-use that is supplied with export licence applications.

Work is in hand to identify ways to reduce further the risk that exported goods might be diverted to an undesirable end-user. As was said by the Minister of State, Foreign and Commonwealth Office, my hon. Friend the Member for Manchester, Central (Mr. Lloyd) on 9 March 1998, *Official Report*, column *55*, an announcement will be made in due course.

Riot Control Equipment (Kenya)

Mr. Corbett: To ask the President of the Board of Trade what requests for supplies of tear gas and riot control equipment have been made by the Kenyan government in the last three years; and what supplies have been authorised. [34232]

Mrs. Roche: There is no requirement to notify the Department of requests for goods received from potential customers overseas.

Regarding the numbers of individual export licences permitting the export to Kenya of tear gas, I refer my hon. Friend to my answer to the hon. Member for North Devon (Mr. Harvey) of 12 March 1998, *Official Report*, columns *331–32*. It is not possible to identify specific goods by the description "riot control equipment". Several of the entries in Part III of Schedule 1 to the Export of Goods (Control) Order (the so-called "Military List") describe goods that might be found capable of playing some role in riot control.

Mr. Laxton: To ask the President of the Board of Trade if she will list the military, security and police transfers from the UK to Kenya with particular reference to *(a)* tear gas and *(b)* plastic bullets. [31743]

Mrs. Roche: I refer my hon. Friend to my answer to the hon. Member for North Devon, (Mr. Harvey) of 12 March 1998, *Official Report*, columns *331–32*.

Mr. Letwin: To ask the President of the Board of Trade what permits her Department has given for the export of *(a)* tear gas and *(b)* other items used in riot control to Kenya. [32030]

Mrs. Roche *[holding answer 2 March 1998]:* I refer the hon. Member to my answer to the hon. Member for North Devon, (Mr. Harvey) of 12 March 1998, *Official Report*, columns *331–32*.

It is not possible to identify specific goods by the description "other items used in riot control". Several of the entries in the Military List describe goods that might be found to be capable of playing some role in riot control.

Engineering

Mrs. Curtis-Thomas: To ask the President of the Board of Trade if she will list by name and date the engineering institutions and engineering manufacturing industries she and her Ministers have visited since 1 May 1997. [35038]

Mrs. Beckett: I and my Ministers have had considerable contact with the engineering sector since 1 May 1997. This includes many visits to companies and sectoral bodies as well as meetings at the Department. I also gave the key-note address at the Engineering Employers Federation biennial dinner on 17 February 1998.

Export Licences

Mr. Faber: To ask the President of the Board of Trade, pursuant to her answer of 9 February 1998, *Official Report*, column *90*, on export licences, what percentage of applications for export licences were processed by the Export Control Organisation according to their stated aims in the four week period beginning 9 January. [33218]

Mrs. Roche: The Export Control Organisation's management data on the processing of licence applications are compiled on the basis of four week periods. The record nearest to that specified is 10 January to 6 February 1998 and the figures to the nearest percentage point are as follows:

	percentage
Applications circulated to other Government departments according to their policy requirements and completed in 20 working days	52
Applications not circulated to other Government departments and completed in 10 working days	61

Mr. Faber: To ask the President of the Board of Trade what percentage of applications for export licences were processed by the Export Control Organisation according to their stated aims in the four week periods beginning (i) 31 May 1997, (ii) 28 June 1997, (iii) 26 July 1997, (iv) 23 August 1997 and (v) 20 September 1997. [33375]

Mrs. Roche: The Export Control Organisation's management data on the processing of licence applications are compiled on the basis of four weekly periods, which include those specified. The figures to the nearest percentage point of these periods are as follows:

Percentage

	Applications circulated to other Government departments according to their policy requirements and completed in 20 working days	*Applications not circulated to other Government departments and completed in 10 working days*
31.5.1997–27.6.1997	63	82
28.6.1997–25.7.1997	45	67
26.7.1997–22.8.1997	46	53
23.8.1997–19.9.1997	45	64
20.9.1997–17.10.1997	48	71

Multilateral Agreement on Investment

Mr. Hawkins: To ask the President of the Board of Trade what assessment she has made of the effects on United Kingdom local government of signing the Multilateral Agreement on Investment. [35105]

Mrs. Roche *[holding answer 18 March 1998]:* Since discrimination against investors on grounds of nationality is not a factor in local government decision-making, the Agreement will have little or no effect on UK local government. Nevertheless, we have been consulting UK local government who have so far not identified any problems or any need for exceptions. If they raise new points, we shall certainly consider them.

Mr. Hawkins: To ask the President of the Board of Trade what estimate she has made of the future costs to the Exchequer of signing the Multilateral Agreement on Investment. [35107]

Mrs. Roche *[holding answer 18 March 1998]:* It is proposed that the MAI will have a small Parties Group and Secretariat, the costs of which will be shared among all parties to the Agreement. Therefore the costs to the Exchequer are likely to be modest.

Mr. Hawkins: To ask the President of the Board of Trade what assessment she has made of the effect on British sovereignty of the Multilateral Agreement on Investment; and if she will make a statement. [35108]

Mrs. Roche *[holding answer 18 March 1998]:* Like all treaties, the MAI will impinge on sovereignty to some extent. It will prevent governments discriminating on the ground of the nationality of an investor, unless an exception has been listed by that government for a particular measure. The MAI will not prevent general regulation in economic, social, labour, environmental and other fields.

Ms Walley: To ask the President of the Board of Trade if she will place in the Library a copy of the Local Government Association's response to the consultation in respect of the MAI. [35103]

Mrs. Roche: Consultations with the Local Government Association are on-going; to date we have not received a formal response.

Director General of Telecommunications

Mr. Hill: To ask the President of the Board of Trade if she will make a statement about the successor to Mr. Cruickshank as Director General of Telecommunications. [36151]

Mrs. Beckett: I have today appointed Mr. David Edmonds as Director General of Telecommunications from 1 April 1998.

In recent years there has been significant change in the telecommunications market. There are now more than 350 individually licensed telecommunications operators in the UK and competition is developing rapidly in all areas of the market. The rate of change is set to increase in this already fast-moving, international arena with the convergence of telecommunications, broadcasting and information technology. The Government wish to promote the further development of competition and continue to encourage innovation in services and technology. I wished therefore to appoint someone to this

important post who had direct experience of managing significant change and of working in a competitive business environment. I believe that Mr. Edmonds is that person and I feel sure he will do an excellent job.

Mr. Edmonds has combined a successful career in both business and the public sector. He began his career in 1966 as a civil servant and, having risen to Under Secretary, left the Department of the Environment in 1984 to become the Chief Executive of The Housing Corporation. In 1991, Mr. Edmonds joined the Natwest Group and was appointed Managing Director of Group Central Services in 1995. From July 1996, he also had personal responsibility for co-ordinating the Group's preparations for European Monetary Union. Mr. Edmonds is also the chairman of CRISIS, the national charity for the single homeless.

I would like also to take this opportunity to reiterate my appreciation of the major contribution Mr. Don Cruickshank has made over the past five years as Director General. He has developed the regulatory regime in the demanding context of a period of enormous change in telecommunications, and in so doing has played a key part in ensuring that the UK is very well-placed to benefit from the opportunities of the Information Age.

Focus Groups

Mr. Mullin: To ask the President of the Board of Trade how much her Department *(a)* has spent since 1 May and *(b)* is planning to spend on focus groups. [34968]

Mrs. Beckett: I refer my hon. Friend to the answer I gave the hon. Member for Gordon (Mr. Bruce) on 17 February 1998, *Official Report*, columns *567–69*.

Telecommunications (China)

Mr. Gordon Prentice: To ask the President of the Board of Trade what steps she is taking to help UK companies enter the telecommunications market in China. [34743]

Mrs. Roche: UK exports of telecommunications equipment to China in 1996 exceeded £40 million (Overseas Trade Statistics collected and compiled by HM Customs and Excise). Last year the Department was a sponsor of the Britain On-Line travelling exhibition which promoted UK telecommunications technology, products and services in China. In addition, a visit was organised under the Inward Missions Scheme which enabled Chinese industrialists and senior officials to meet UK communications companies. The Department, which has recently appointed an Export Promoter to promote opportunities in the Chinese telecommunications market, is supporting a mission to China later this year by UK companies. The mission is being organised by the China-Britain Trade Group. In the context of the negotiations over the terms of China's accession to the World Trade Organisation, the UK supports fully the strong line taken by the EU that there must be meaningful access granted to Chinese telecommunication services markets comparable to that granted by its economic peers among existing WTO Members.

Pit Closures

Mr. Redwood: To ask the President of the Board of Trade how many pits she estimates will close in the next year under the Government's current policy towards the coal industry. [35227]

Mrs. Beckett *[holding answer 19 March 1998]:* It is for the private sector coal companies to take decisions on the future commercial operation of individual coal mines.

Millennium Compliance

Mr. Redwood: To ask the President of the Board of Trade what reasons underlay the selection of publications to be recommended by her Department's Millennium Hotline, with particular reference to "Year 2000 Solutions for Dummies"; and if her Department requested royalties in respect of the publications recommended. [26785]

Mrs. Beckett *[holding answer 2 February 1998]:* Action 2000 is responsible for the operation of the Millennium Bug hotline, but I understand that the process of deciding what information to provide callers is steered by a group of independent experts, drawn from a range of user industries, professional bodies and independent business support organisations. Action 2000 aims to provide a list of best in breed publications, training modules and signposts to other sources of help/information.

Action 2000 did not seek royalties. Its primary concern is that businesses should have access to information as rapidly as possible.

Yemen and Oman

Mr. Vaz: To ask the President of the Board of Trade what meetings have taken place since 1 May involving representatives from her Department at which trade and investment in *(a)* Oman and *(b)* Yemen were discussed; and how many meetings she and her ministers have had with representatives of the (i) Oman and (ii) Yemeni Governments. [34554]

Mrs. Roche: Since 1 May 1997 the following significant occasions, involving representatives of the DTI, have included discussions on trade and investment in Oman:

- Omani Minister for Commerce's meeting with Lord Clinton-Davis and discussion at the Middle East Association—October 1997.
- Omani Minister for National Economy's meeting with Lord Clinton-Davis and discussion at the Middle East Association—February 1998.
- Lord Mayor of London's visit to Oman—September 1997.
- Chairman of the British Overseas Trade Board's visit to Oman—February 1998.
- Oman British Friendship Association's meeting in London—July 1997.

Since 1 May 1997 the following significant occasions, involving representatives of the DTI, have included discussions on trade and investment in Yemen:

- Committee for Middle East Trade Round Table with Yemeni businessmen—September 1997.
- Invest in Yemen Seminar in London—September 1997.
- President of Yemen's visit to UK as Guest of Government—November 1997.
- Minister for Trade visit to Yemen—November 1997.

DTI officials and Export Promoters have such frequent meetings on trade and investment on Oman and Yemen that it is not possible to list them.

Since 1 May 1997 DTI Ministers have had four meetings with Omani government representatives and eight meetings with Yemeni government representatives.

Mr. Vaz: To ask the President of the Board of Trade if she will make a statement on the current level of British investment in Oman. [34548]

Mrs. Roche: At the end of 1996, the latest year for which figures are available, the net book value of direct investment by UK firms in Oman was £40 million. The value is negative because UK groups' liabilities to their subsidiaries and branches in Oman are greater than the share capital and reserves of the subsidiaries using the balance of payments methodology. During 1996, the flow of direct investment by UK firms into Oman was £7 million.

Mr. Vaz: To ask the President of the Board of Trade if she will make a statement on the current level of trade between Britain and Oman. [34549]

Mrs. Roche: In 1997, total trade in goods between the United Kingdom and Oman was worth £476 million. The value of UK exports of goods was £370 million, while the value of UK imports was £105 million. Information on trade in services with Oman is not available.

Information on UK trade in goods with Oman over the last 5 years is given in the following table:

£ million

Year	*UK exports*	*UK imports*	*Total trade*
1993	306	82	388
1994	364	78	442
1995	448	74	522
1996	416	87	503
1997	370	105	476

Note:
Because of rounding, there may be slight discrepancies between the totals shown and the sums of constituent parts.
Source:
HM Customs and Excise Business Monitor MM20.

Mr. Vaz: To ask the President of the Board of Trade what plans she has to visit *(a)* Yemen and *(b)* Oman. [34553]

Mrs. Roche: I have no plans to visit *(a)* Yemen or *(b)* Oman in the immediate future. However, since 1 May 1997 DTI Ministers have had four meetings with Omani government representatives and eight meetings with Yemeni government representatives.

ECGD (Indonesia)

Ms Walley: To ask the President of the Board of Trade if she will state the current level of ECGD exposure in Indonesia. [34523]

Mrs. Roche: ECGD's exposure on Indonesia currently stands at £1,815 million.

Written Answers to Questions

Tuesday 24 March 1998

ENVIRONMENT, TRANSPORT AND THE REGIONS

Driving Hours

Mr. Levitt: To ask the Secretary of State for the Environment, Transport and the Regions in how many fatal road accidents in the last three years over-tiredness has been assessed to be a contributory factor. [34336]

Dr. Strang: Information is not at present collected on the causation of injury road accidents on a national basis. However, research commissioned by the Department estimated that tiredness is a principal contributory factor in around 10 per cent. of road accidents. Details of this research were published in TRL Report 169 (1995), *Driver sleepiness as a factor in car and HGV accidents.*

Housing (Condition)

Dr. Iddon: To ask the Secretary of State for the Environment, Transport and the Regions when he plans to publish the findings of the English House Condition Survey 1996; and if he will publish a summary of its main findings. [35710]

Mr. Raynsford: The findings of the 1996 English House Condition Survey will be published through a detailed and priced report. There will also be a separate summary document of key findings available free of charge. Publication is expected within the next two months.

Dr. Iddon: To ask the Secretary of State for the Environment, Transport and the Regions if he will list for local authorities in each of the years 1994–95, 1995–96 and 1996–97 *(a)* the total number of statutory notices served under section 189 of the Housing Act 1985, *(b)* the total expenditure on grants made to owners of properties on whom section 189 notices were served, *(c)* the total number of statutory notices served under section 352 of the Housing Act 1985 and *(d)* the total expenditure on grants made to owners of properties on whom section 352 notices were served. [35707]

Mr. Raynsford: The Department does not hold information in the form requested. Such information as we do hold is set out in Housing and Construction Statistics 1985–1995, Table 7.9 (Unfit dwellings, England), a copy of which has been placed in the House Library.

Regional Planning Guidance

Sir Michael Spicer: To ask the Secretary of State for the Environment, Transport and the Regions if the housing figures to be used by strategic planning authorities in the West Midlands for the period up to 2011 will be those contained in the answer to the hon. Member for Dudley, South (Mr. Pearson) of 4 December 1997, *Official Report*, column *288*. [35857]

Mr. Caborn: Yes. We will issue amended housing policy guidance for the West Midlands shortly setting out clear policies that authorities should pursue in their development plans to increase the amount of housing on previously developed land to make provision for affordable housing and to ensure sustainable locations for development within transport corridors.

Highway Signs

Mr. Nicholas Winterton: To ask the Secretary of State for the Environment, Transport and the Regions what assessment he has made of the current regulations controlling the nature, size and location of highway signs in areas of outstanding natural beauty and National Parks; and if he will make a statement. [35948]

Dr. Strang: The Traffic Signs Regulations and General Directions 1994 were framed, and are currently being updated, to balance the interests of road safety, efficient traffic management and the environment in the design and use of signs so that traffic authorities can, as far as practicable, provide signs appropriate to local conditions. My Department has published guidance on designing signs effectively so that they are not larger than they need to be for the information they contain. We are also actively supporting the Countryside Traffic Measures Group's initiative to investigate the extent to which local traffic management and traffic calming schemes—and associated signs—can be effective in meeting their traffic objectives, whilst being designed with sensitivity to the countryside environment in which they are set. This includes projects in two National Parks.

Rail Services

Dr. Marek: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 16 March 1998, *Official Report*, column *438*, if he will request the Rail Regulator to discuss with *(a)* Railtrack and *(b)* TOCs the public provision of national time tables for future years. [36081]

Dr. Strang: Railtrack meets the train operating companies to discuss bids for train services which are subsequently incorporated into the national timetable. The Rail Regulator is also involved in the process and he can be approached by either party if they were dissatisfied with the outcome of the discussions. Demand for future services is subject to fluctuation and discussions therefore tend to focus on services that are to be included in the next edition of the timetable rather than for many years ahead.

Mr. Stringer: To ask the Secretary of State for the Environment, Transport and the Regions what provision he is making for the cost of rail services secured by English Passenger Transport Executives in 1998–99. [36330]

Ms Glenda Jackson: A special grant Report has been laid before the House today for the payment of Metropolitan Railways Passenger Services Grant in 1998–99 to English Passenger Transport Authorities

(PTAs). The main purpose of the grant is to provide support to those PTAs for the local rail services secured by the PTAs' Passenger Transport Executives under the terms of franchise agreements with franchise operators and the Director of Passenger Rail Franchising.

Regional Airports

Mr. Stringer: To ask the Secretary of State for the Environment, Transport and the Regions by what means and according to what timetable his Department is proposing to consult regional authorities regarding their views on international air service access to regional airports. [35437]

Ms Glenda Jackson: The Department is already aware of the support of a broad spectrum of regional interests for a greater degree of liberalisation of international air services to regional airports.

Planning Inspectorate and Building Research Establishment

Mr. Swinney: To ask the Secretary of State for the Environment, Transport and the Regions if he will list the (i) location of, (ii) running costs of, (iii) salary costs of and (iv) number of staff based at the Head Office of the *(a)* Planning Inspectorate and *(b)* Building Research Establishment; and for these bodies if he will list the percentage of (1) staff, (2) salary costs and (3) running costs which are based in (A) London and (B) Scotland. [36108]

Mr. Raynsford: The Planning Inspectorate is an Executive Agency of the Department of the Environment, Transport and the Regions and of the Welsh Office. As of 2 March 1998, the Planning Inspectorate had 440 staff based at its Headquarters offices in Bristol and Cardiff. The Inspectorate's gross running cost allocation for the current year is £29.254 million. Forecast outturn for the paybill is £18.895 million. None of the staff are based in offices in London or Scotland. The Planning Inspectorate has no jurisdiction for planning appeals and other statutory functions under the Planning Acts in Scotland, for which there is a separate Inquiry Reporters Unit, which is part of the Scottish Office Development Department in Edinburgh.

The Building Research Establishment was privatised in March 1997; the Department therefore no longer has responsibility for its operations.

Transport Council

Mrs. Dunwoody: To ask the Secretary of State for the Environment, Transport and the Regions what was the result of the Transport Council held in Brussels on 17 March. [36417]

Dr. Strang: The first Transport Council of the current UK Presidency of the EU Council of Ministers met under my Chairmanship in Brussels on 17 March. My hon. Friend the Minister for Transport in London represented the United Kingdom.

I particularly welcome the progress the Council was able to make on proposals for establishing a new European Aviation Safety Authority. There is strong support among Member States for these proposals, and it was agreed that work should continue with the aim of adopting a Council decision in June. The Council also took note of progress on a draft negotiating mandate for Community membership of the EUROCONTROL air traffic management organisation, again with a view to adoption in June.

The Council discussed the Community's role in EC/US air transport negotiations, in the light of the Commission's existing mandate and a recommendation by the Commission for supplementary negotiating directives. It was agreed that officials should undertake further technical work with a view to more extensive discussion at the June Council. Several Ministers expressed regret that the Commission has recently sent Reasoned Opinions to a number of Member States.

The Council reached a common position on a Regulation on vehicle national identification signs, under which Member States would not require a separate national sign where on is already included (in specified form) in the vehicle number plate, and (with Germany abstaining) adopted a Regulation on the harmonisation of statistics on the movement of freight by road. The council agreed Conclusions welcoming the Commission's recent Communication on satellite navigation systems.

The Council made significant progress in its consideration of the proposed directive on heavy goods vehicle taxation and charging. The Presidency put forward a compromise proposal, with further modifications in response to concern expressed by delegations, but agreement proved beyond reach.

The Commission reported on its negotiations with the Swiss Government on proposals for a land transport agreement between the Community and Switzerland. Following clarification of some outstanding points, a substantial number of delegations were broadly supportive. Presidency Conclusions reflecting the Council discussion were drawn. The General Affairs Council will take the final decision for the Community on a series of proposed agreements with Switzerland.

Several delegations requested a study into the employment effects of the abolition in 1999 of duty-free sales for intra-Community travel. I agreed to forward the comments raised to the Chairman of ECOFIN.

I made a short statement on the Presidency's plans to present a paper to the June Council on the subject of transport safety across the modes. This will set out proposals for exchanges of information and regular reporting by the Commission on safety in all modes and in all EU Member States.

LORD CHANCELLOR'S DEPARTMENT

Legal Aid

Mr. Jim Cunningham: To ask the Parliamentary Secretary, Lord Chancellor's Department what assessment he has made of the impact on litigants involved in expensive, lengthy or complex cases of the introduction of contracting between the Legal Aid Board and legal service providers. [35237]

Mr. Hoon: Contracting is a flexible tool, which will allow the Legal Aid Board to test different arrangements to determine which are most suitable for different types of case. We believe that individual negotiated contracts are likely to prove most appropriate in expensive cases.

Mr. Jim Cunningham: To ask the Parliamentary Secretary, Lord Chancellor's Department what steps his Department is planning to concentrate the legal aid budget on promoting access to the judicial system for the poorest and on cases which raise issues of wider public interest. [35236]

Mr. Hoon: We are consulting on our proposals to begin:

to focus on the priority needs of the poor by concentrating legal aid more tightly on cases that cannot be funded in the private sector and which are of high priority;

to support cases which have a significant public interest and might otherwise not be brought.

These are the first two steps in the Government's plans to modernise legal aid which are set out in the consultation paper, "Access to Justice with Conditional Fees", which was published on 4 March.

Hospitality

Mr. Bercow: To ask the Parliamentary Secretary, Lord Chancellor's Department if he will list planned expenditure on hospitality for April and May, indicating the date, location and purpose of each event. [35120]

Mr. Hoon: There is no expenditure currently planned for Ministerial hospitality for April or May 1998. It is not, however, possible to provide a comprehensive estimate for total expenditure on Ministerial hospitality as the majority of events and meetings will not be finalised until nearer the time.

DEFENCE

Bosnia

Mr. Key: To ask the Secretary of State for Defence if he will list by *(a)* craft or speciality and *(b)* unit the numbers of territorial army personnel serving in Bosnia. [35381]

Dr. Reid: There are currently 380 members of the Reserve Forces (including the Territorial Army and Individual Reservists), serving in Bosnia. They are drawn from the following specialisations:

Unit	*Number*
Royal Armoured Corps	9
Royal Artillery	18
Royal Engineers	46
Royal Signals	26
Infantry	100
Army Air Corps	1
Royal Army Chaplains' Department	1
Royal Logistic Corps	107
Royal Army Medical Corps	7
Royal Electrical and Mechanical Engineers	25
Adjutant-General's Corps	37
Intelligence Corps	2
Queen Alexandra's Royal Army Nursing Corps	1

The individuals in that list are serving with the following units in the theatre:

Unit	*Number*	*Specialisation*
HQ SFOR	15	All
SFOR Support Command (Zagreb)	6	All
HQ Multinational Division (South West)	29	All
HQ MND(SW) Signals Squadron	42	Royal Signals
HQ National Support Element (Split, Croatia)	28	All
National Support Element Support Squadron (Split)	20	Royal Logistics Corps
UK Communications Troop	4	Royal Signals
9th/12th Lancers Battlegroup	10	Royal Armoured Corps
26 Regiment, Royal Artillery	11	Royal Artillery
35 Engineer Regiment	27	Royal Engineers
38 Engineer Regiment	15	Royal Engineers
1 King's Own Royal Border Regiment Battlegroup	81	Infantry
664 Squadron, Army Air Corps	1	Army Air Corps
4 General Support Regiment, Royal Logistic Corps	23	Royal Logistic Corps
2 Close Support Regiment, Royal Logistic Corps	4	Royal Logistic Corps
518 Pioneer Squadron, Royal Logistic Corps	2	Royal Logistic Corps
24 Armoured Field Ambulance	20	Royal Army Medical Corps, Royal Logistic Corps Queen Alexandra's Royal Army Nursing Corps
6 Battalion, Royal Electrical and Mechanical Engineers	8	Royal Electrical and Mechanical Engineers
3 Regiment, Royal Military Police	32	Adjutant General's Corps
5 Allied Tactical Air Force, (Vicenza, Italy)	1	Varies
Royal Navy and Royal Air Force Support Helicopter Force	1	Varies

Shooting Ranges

Mr. Alan Campbell: To ask the Secretary of State for Defence what proposals he has to alter access to military ranges for civilian shooters for target shooting purposes. [35378]

Mr. Spellar: There are no proposals to alter the current arrangements for civilian use of military firing ranges for marksmanship practice, which are designed to ensure appropriate access to these ranges and proper safety.

Nuclear Accident Exercises

Mr. Matthew Taylor: To ask the Secretary of State for Defence how many nuclear weapon accident exercises entitled Senator have taken place since 1985; and where and when each exercise took place. [35366]

Dr. Reid: Two exercises entitled Exercise SENATOR have taken place since 1985. The details are as follows:

	Date	*Exercise*
SENATOR 96	20 May 1996 to 24 May 1996	Army Training Area Otterburn
SENATOR 97	22 September 1997 to 25 September 1997	Prince William of Gloucester Barracks Grantham, with the Strategic Co-ordination Group meeting at Lincolnshire Fire Bridgade HQ, Lincoln.

Mr. Matthew Taylor: To ask the Secretary of State for Defence, pursuant to his answer on 5 March 1998, *Official Report*, columns *761–62*; what will be the scenario of the Diagonal Glance exercise; on which of his Department's properties the exercise will take place; how many of his Department's personnel will take part in the exercise; and if the media will be invited to the exercise. [35365]

Dr. Reid: Exercise DIAGONAL GLANCE will test the procedures in place for responding to the crash of a US transport aircraft carrying nuclear weapons. RAF Locking will be used as a convenient location to base elements of the MoD response forces. There will also be exercise activity in Main Building, Whitehall and at AWE Aldermaston. Approximately 300 personnel from my Department will participate. A press statement about the exercise will be issued, but it is not intended to invite members of the media to the exercise.

Mr. Matthew Taylor: To ask the Secretary of State for Defence, pursuant to his answer of 5 March 1998, *Official Report*, columns *761–62*, what are the definitions of Grade B and Grade C nuclear weapon accident exercises; and if his Department has other categories of nuclear weapon accident exercises. [35363]

Dr. Reid: Prior to March 1997, nuclear accident response exercises were categorised as major, medium and minor; descriptions of the scales of these exercises were given in the Statement on the Defence Estimates 1995. They were then recategorised as Grade A, B, C and D. This was done to give external agencies a better understanding of the levels of our exercises by reference to the co-ordination levels detailed in the Home Office publication "Dealing with Disaster". The definitions of these exercises are:

Grade A—A demonstration exercise of all phases of the response in which live play and the participation of all MoD and external agencies is maximised at the national strategic, local strategic, tactical and operational levels.

Grade B—A demonstration exercise focusing on medium and long term phases of the response in which live play and the participation of MoD and external agencies is maximised at the local strategic and tactical levels.

Grade C—A demonstration exercise focusing on immediate and medium term phases of the response in which live play and the participation of MoD and external agencies is maximised at the tactical and operational levels.

Grade D—An exercise of the MoD response only, involving live play at levels appropriate to the exercise and its duration.

Admiralty Intelligence Papers

Mr. Matthew Taylor: To ask the Secretary of State for Defence if he will open for public inspection files concerning Admiralty Intelligence papers with the classmarks ADM 223/719 to ADM 223/734 at the Public Record Office. [35499]

Mr. Spellar: In line with our commitment to greater openness, arrangements are being made to review the papers listed at the Public Record Office under references ADM 223/719 to ADM 223/734 to see whether release into the public domain is now possible. I will write to the hon. Member on completion of the review process.

Heavy Lift Cargo Aircraft

Mr. Wilkinson: To ask the Secretary of State for Defence what the cost has been to his Department in each of the last 10 years of the charter of heavy lift cargo aircraft from civilian operators. [34890]

Dr. Reid *[holding answer 23 March 1998]:* The costs of the charter of heavy lift cargo aircraft from civil operators for 1996, 1997 and 1998 (to date) are set out below. It is not possible to provide figures for years before 1996 without disproportionate cost.

	£ million
1996	1.60
1997	3.30
1998 (to date)	1.32

Mr. Wilkinson: To ask the Secretary of State for Defence if he will list the types of civilian heavy lift cargo aircraft chartered by his Department over the last 10 years; their country of registration and the names of the air carriers by which they were operated. [34891]

Dr. Reid *[holding answer 23 March 1998]:* The details of the types of heavy lift cargo aircraft chartered by the Ministry of Defence from civil operators for 1996, 1997 and 1998 (to date) are set out in the table. It is not possible to provide the information required for the years before 1996 without disproportionate cost.

	Aircraft type	*Country of registration*	*Operators*
1996:	AN-124	Russia	Heavylift
	IL-76	Russia	Heavylift
	Belfast	UK	Heavylift
1997:	AN-124	Russia	Heavylift
	AN-124	Ukraine	Air Foyle
	IL-76	Russia	Heavylift
	DC8	Zimbabwe	Heavylift
	Belfast	UK	Heavylift
1998 (to date):	AN-124	Russia	Heavylift
	AN-124	Ukraine	Air Foyle
	IL-76	Russia	Heavylift
	IL-76	Ukraine/Latvia	Air Foyle
	Belfast	UK	Heavylift

Exercise Tartan Strike

Mr. Baker: To ask the Secretary of State for Defence what was the purpose of the recent Tartan Strike exercise; which countries took part; how many *(a)* UK personnel and *(b)* US personnel were involved; who was the identified enemy; and if he will make a statement. [35603]

Dr. Reid *[holding answer 23 March 1998]:* The purpose of the recent Tartan Strike exercise was for the Armed Forces personnel involved to practise basic counter-insurgency skills. The participating countries were the United Kingdom and United States, with some 105 UK personnel (a number of whom acted as unidentified enemy) and some 55 US personnel involved.

Gulf War

Mr. Key: To ask the Secretary of State for Defence, pursuant to his answer of 15 December 1997, *Official Report*, column *6*, if he will publish the results of his inquiries into dead animals found and analysed during the Gulf War; and if he will make a statement. [35423]

Dr. Reid *[holding answer 23 March 1998]:* I expect to publish the outcome of MOD's research into this matter by Easter.

RAF Croughton and West Ruislip Station

Mr. Baker: To ask the Secretary of State for Defence if he will list the functions undertaken at *(a)* RAF Croughton and *(b)* West Ruislip station. [35604]

Dr. Reid *[holding answer 23 March 1998]:* RAF Croughton is home to the US 422nd Air Base Squadron whose mission is to manage, operate and maintain communications computer facilities and systems for theatre-wide support of the Defense Information Infrastructure, US Department of Defense airborne missions and the Air Weather Network. The squadron also provides all base facilities, support and services for over 700 military and civilian personnel. West Ruislip is a US storage and support facility for the US Navy in Europe and covers 81 US housing units, a commissary (food store), US shopping facilities, a medical and dental clinic, welfare services and a US community school for children of serving US personnel.

Meteorological Office

Ms Dari Taylor: To ask the Secretary of State for Defence, pursuant to his answer of 19 June 1997, *Official Report*, column *265*, if he will make a statement about the key targets for the Meteorological Office for 1997–98. [36301]

Mr. Spellar: The targets I gave on 19 June have not changed but two of them require clarification as follows:

Performance Target (b)—Numerical Weather Prediction Index for the UK (UKNWP). This performance target is intended to be a three year target, which will be set annually for the following three years. However, an adequate baseline is not available on which to set targets for intermediate years. The first target is therefore to improve the UKNWP index by four index points by March 2000 from a baseline of 100.00 in March 1997.

Performance Target (c)—Service Quality Index (SQI). It has now been agreed that the target for each year should be directly related to the agreed customer requirements for the component services represented in the index. This means that from a baseline of 100.00 in 1996–97 the target for 1997–98 is to increase the SQI by 3.2 index points (not 1 as stated previously).

HOUSE OF COMMONS

Documentary Series

Mr. Dennis Turner: To ask the Chairman of the Administration Committee if the Committee has considered any requests to make a documentary series about the House; and if she will make a statement. [35606]

Mrs. Roe: Since November the Committee has been considering two proposals, one from the BBC and one from Channel 4, to make a documentary series about the work of the House. I wish to advise the hon. Gentleman that the Committee has agreed that such a series might be useful in helping to give a clearer idea of Parliamentary practice and procedure, explain the legislative process and to give an insight into the work of hon. Members.

Of the two options, the Committee considered that the Channel 4 proposal was the more appropriate, as the way the series would be structured offered less disruption to the work of the House.

The House authorities are therefore beginning detailed negotiations with Channel 4 and Partners in Production, who will make the series. Subject to a successful outcome to these negotiations, it is envisaged that filming will commence at the time of the Queen's Speech this year, and continue throughout 1999.

AGRICULTURE, FISHERIES AND FOOD

Agencies

Mr. Swinney: To ask the Minister of Agriculture, Fisheries and Food if he will list the *(a)* location and *(b)* costs of each refurbishment programme undertaken in each year since 1994 by (i) the Farming and Rural Conservation Agency, (ii) the Centre for Environmental, Fisheries and Agriculture Science, (iii) the Central Science Laboratory, (iv) the Veterinary Laboratory Agency and (v) the Pesticides Safety Directorate. [34776]

Mr. Morley *[holding answer 18 March 1998]:* In financial year 1997–98, the first since its formation in 1997, a total of £1,351,000 was spent on a refurbishment programme for the Farming and Rural Conservation Agency. In the main this covered refurbishment of buildings at Aberystwyth, Bristol, Cambridge, Cardiff, Crewe, Leeds, Northallerton, Nottingham, Preston and Wye.

The figures for the Centre for Environment, Fisheries and Aquaculture Science (CEFAS) are: 1995–96 £50,000; 1996–97 £401,000; and 1997–98 £14,000 for work on the CEFAS laboratories at Lowestoft and Burnham-on-Crouch, and for the CEFAS Lowestoft lecture theatre.

The figures for the Veterinary Laboratories Agency are: 1995–96 £5,084,000; 1996–97 £1,473,000; and 1997–98 £574,000 for the work at the Central Veterinary Laboratory at Weybridge and the Veterinary Investigation Centres at Itchen Abbas (near Winchester), Penrith, Sutton Bonington (near Loughborough) and Thirsk.

No refurbishment programmes have been carried out for the Central Science Laboratory of the Pesticides Safety Directorate since 1994.

Mr. Swinney: To ask the Minister of Agriculture, Fisheries and Food if he will list the *(a)* location of and *(b)* costs of each refurbishment programme undertaken by the Agricultural Development Advisory Service in each year from 1994 until privatisation. [34781]

Mr. Morley *[holding answer 18 March 1998]:* From 1994 until its privatisation on 1 April 1997, expenditure on a refurbishment programme for the Agricultural Development and Advisory Service involved a total of £170,000 in financial year 1994–95 on work at Boxworth and Oxford Spires and a total of £138,000 in 1996–97 for work at Bridgets Experimental Husbandry Farm, Oxford Spires and Penrith. There was no refurbishment work for ADAS in 1995–96.

Wasted Food

Mr. Dafis: To ask the Minister of Agriculture, Fisheries and Food if he will commission research on the impact of EU regulations on the quantity of edible food thrown away by British supermarkets; what estimate he has made of the quantity they disposed of in the last twelve months; and if he will make a statement. [34757]

Mr. Morley: No estimates are available to the department, and I do not at this stage regard this as a priority research topic in the light of other pressures on our scarce resources. The firms concerned can be expected to keep wastage to a minimum for economic reasons, and a number of them participate in a voluntary scheme for the distribution of surplus food to charitable bodies caring for the disadvantaged.

Public-private Partnerships

Mr. Charles Clarke: To ask the Minister of Agriculture, Fisheries and Food what plans he has to extend the use of public and private partnerships to conduct his Department's business and deliver services to the public; and if he will make a statement. [35137]

Mr. Morley *[holding answer 19 March 1998]:* Competitive tenders have been sought for the redevelopment of the Department's Cambridge Regional Service Centre site.

In addition, the Environment Agency, in liaison with the Department, are in discussion with selected consortia, in advance of a formal notice of Intention to Negotiate, on pilot projects for Flood and Coastal Defence works at Pevensey and Broadland.

Plans to extend the use of public and private partnerships to conduct the Department's business and deliver services to the public are also being considered as part of the Department's Comprehensive Spending Review. As part of its procurement policy, the Department has already entered into key supplier relationships with a number of private sector suppliers. It intends to develop these further and with others as appropriate, subject to the value for money and transparency requirements of the public procurement rules.

Canthaxanthin

Mr. Laxton: To ask the Minister of Agriculture, Fisheries and Food what assessment he has made of the safety of canthaxanthin for use in animal feed insofar as it affects eggs and farmed fish consumed by the public; and if he will make a statement. [36345]

Mr. Rooker: I am grateful for the Food Advisory Committee's advice that there are no consumer safety concerns associated with the use of this pigment in animal feed. I conclude that it may therefore continue to be used in accordance with its long-standing authorisation in Directive 70/524/EEC concerning additives in feedingstuffs.

We nevertheless propose to seek a reduction under the Directive to the maximum permitted level (MPL) for use of the substance in feed for laying hens. The levels used are, for technological reasons, far below the current MPL.

I also intend to ask the new Advisory Committee on Animal Feedingstuffs, when it is established, to consider whether, despite the lack of current safety concerns, it would be prudent to monitor the degree to which this colourant is used in the future.

Finally, I note that the FAC wishes to review the need for labelling of animal products coloured in this way. I believe this is an important matter for consumer information and I look forward to receiving its advice in due course.

INTERNATIONAL DEVELOPMENT

Caribbean Banana Producers

Sir Alastair Goodlad: To ask the Secretary of State for International Development what proposals she will be making during the United Kingdom presidency of the European Union to safeguard the interests of Caribbean banana producers; and if she will make a statement. [35760]

Clare Short: Proposals to revise the EU banana regime to bring it into conformity with the World Trade Organisation (WTO) ruling and at the same time to provide assistance to traditional African, Caribbean and Pacific (ACP) banana producers have been prepared by the European Commission and are currently under discussion by Member States.

As a leading advocate of the legitimate interests of those developing countries in the Caribbean who have traditionally supplied the UK market, the Government intend to play a major role in developing a solution to the problem that meets our obligations to both our traditional suppliers of bananas and the WTO. The UK is well placed to do this as it currently holds the Presidency of the EU.

Sir Alastair Goodlad: To ask the Secretary of State for International Development if she will make a statement on her policy towards the European Commission proposals for a new agreement on development partnerships with the ACP. [35727]

Clare Short: The Lomé Convention has been an important basis for trade, development and political relations between the EU and the African, Caribbean and Pacific (ACP) countries of the alliance for over 22 years. The current Lomé Convention expires in 2000, and the Government hope that, during the UK Presidency, the EU's negotiating mandate for the successor arrangements will be agreed. The Commission's proposals provide a very good basis for discussion. They contain much the Government agree with, including a commitment to the international poverty eradication emphasis on partnerships and a simplification of the range of aid instruments.

Trade is the most difficult and complex area. The challenge is to design arrangements which will support the integration of the ACP economies into the world economy. The Commission has proposed a 5 year roll-year of current preferences from 2000–05, followed by either Free Trade Agreements (FTAs) or integration into the Generalised System of Preferences, with a special window for the least developed. The Government welcome the roll-over period, but wish to see greater emphasis on enhancing the Generalised System of Preferences, in order to promote a genuine alternative to FTAs for the non-least developed ACP countries.

European Development Fund

Sir Alastair Goodlad: To ask the Secretary of State for International Development what funds her Department has committed to the eighth European Development Fund; and if she will make a statement. [35724]

Clare Short: My Department committed 1.63 billion ecu (£1.08 billion at the current exchange rate) to the eighth European Development Fund. The resources will be used to promote development and poverty eradication in the 71 African, Caribbean and Pacific States with which the EU has aid, trade an political relations under the Lomé Convention.

Lomé IV Convention

Sir Alastair Goodlad: To ask the Secretary of State for International Development what representations she has made to those European Union Member states who have not ratified the current Lomé IV bis Convention. [35726]

Clare Short: I am very concerned by the delay in the ratification of the Mid-Term Review of the Lomé IV Convention. The issue has been raised by the UK, as Presidency, at working level meetings in Brussels and my officials and I will continue to press those Member States who have yet to ratify the Review to do so as soon as possible.

China

Sir Alastair Goodlad: To ask the Secretary of State for International Development what assistance her Department is giving the People's Republic of China; and if she will make a statement on the amount of funding provided. [35729]

Clare Short: In 1996/97 (the latest year for which complete statistics are available), total British assistance to China came to some £32 million. China has about a third of the world's poorest people and a good record of pro-poor growth since the start of the economic reforms in 1979. We have a substantial co-operation programme. Priority sectors are education, health, the environment and economic and administrative reform.

Belarus

Sir Alastair Goodlad: To ask the Secretary of State for International Development what assistance her Department is giving to Belarus. [35730]

Clare Short: The Department for International Development's programme of bilateral assistance to Belarus is channelled via the Know How Fund. We expect expenditure in this financial year to be approximately £800,000. The Department is also contributing to the EU's 5 mecu programme for the development of civil society.

FOREIGN AND COMMONWEALTH AFFAIRS

Foreign Policy Centre

Mr. Denzil Davies: To ask the Secretary of State for Foreign and Commonwealth Affairs when and by whom he was invited to be the President of the Foreign Policy Centre, 29 Tufton Street, London SW1P 3QL. [32857]

Mr. Robin Cook: I was invited to be President of the Foreign Policy Centre in June 1997 by the Directors of the Centre.

Indonesia

Mr. Hancock: To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant to his answer of 12 March 1998, *Official Report*, column *276*, on Indonesia, what assessment he has made of the Indonesian Government's implementation of the IMF programme. [35357]

Mr. Fatchett: Indonesia has not yet fulfilled all elements of the IMF package. We hope the ongoing negotiations between the IMF and Indonesia reach a satisfactory outcome.

Mr. Hancock: To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant to his answer of 12 March 1998, *Official Report*, column *277*, on Indonesia, what assessment he has made of the standard of governance in Indonesia. [35370]

Mr. Fatchett: I have nothing further to add to my earlier reply to the hon. Member of 12 March 1998, *Official Report*, column *277*.

Mr. Hancock: To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant to his answer of 12 March 1998, *Official Report*, column *276*, on Indonesia, what assessment he has made of the Indonesian Government's response to the British Government's requests that they exercise restraint during periods of civil unrest. [35358]

Mr. Fatchett: We continue to follow closely reports of incidents of social unrest in Indonesia.

Asia-Europe Meeting

Ann Clwyd: To ask the Secretary of State for Foreign and Commonwealth Affairs what plans he has to raise human rights issues at the forthcoming Asia–Europe meeting in London; and if he will make a statement. [35746]

Mr. Fatchett: The agenda of the Second Asia-Europe Meeting (ASEM 2) will be finalised by the Leaders themselves. We look forward to a wide-ranging, informal and productive discussion. We expect it to touch on human rights. Leaders at the first ASEM in Bangkok made it clear that political dialogue, including consideration of fundamental rights, was one of the key dimensions of ASEM. The successful seminar on Human Rights and the Rule of Law held in Lund, Sweden in December 1997 is an encouraging example of the ASEM dialogue in this area.

Iraq

Ann Clwyd: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will seek UNSCOM's permission to publish the names received from UNSCOM of British companies who supplied components of Iraq's *(a)* chemical and *(b)* biological warfare programmes. [35849]

Mr. Tony Lloyd: I have nothing further to add to the reply I gave to the hon. Member for Blaeneau Gwent (Mr. Smith), on 16 February 1998, *Official Report*, column *489*.

Turkey

Ann Clwyd: To ask the Secretary of State for Foreign and Commonwealth Affairs what representation the Government plans to make during the UN Commission on Human Rights meeting in Geneva concerning the current human rights situation in Turkey. [35764]

Dr. Lynne Jones: To ask the Secretary of State for Foreign and Commonwealth Affairs (1) what assessment he has made of the current human rights situation in Turkey; and what plans he has to express concern about human rights in Turkey in his statement to the forthcoming UN Commission on Human Rights in Geneva; [35762]

(2) what recent representations the Government have made to the Turkish Government on human rights. [35763]

Dr. Tonge: To ask the Secretary of State for Foreign and Commonwealth Affairs (1) if the Government will urge the UN Commission on Human Rights to press the Turkish Government to facilitate the visits of, and cooperate with, the Working Group on Involuntary and Enforced Disappearances and the Special Rapporteur on Torture in 1998; [35883]

(2) if the Government will, in their statement to the UN Commission on Human Rights, urge the Turkish Government to prosecute all those responsible for human rights violations; [35885]

(3) what proposals the Government intend to make at the UN Commission on Human Rights meeting in Geneva to deal with human rights problems in Turkey; [35886]

(4) what recent representations the Government have made to the Turkish Government on human rights; [35887]

(5) what assessment he has made of the current human rights situation in Turkey. [35888]

Mr. Doug Henderson: I refer my hon. Friends and the hon. Member to the answer I gave to my hon. Friend the Member for Walthamstow (Mr. Gerrard) on 23 March 1998, *Official Report*, column 29.

Mr. Jim Cunningham: To ask the Secretary of State for Foreign and Commonwealth Affairs what steps he has taken to encourage Turkey to improve its record on human rights abuses. [35293]

Mr. Doug Henderson: In addition to raising the issue of human rights on a regular basis with the Turkish authorities, we are offering significant practical assistance to help Turkey fully meet its international obligations. This includes the package of human rights projects I announced on my visit to Ankara last October. These projects, involving UK experts, will cover areas such as police training, establishment of a police complaints authority and a network of citizens' advice bureaux, and inter-agency training on women's rights. We remain committed to working closely with the Turkish authorities on such matters.

Mr. Jim Cunningham: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the linkage between Turkey's application for membership of the EU and its policies towards Cyprus. [35294]

Mr. Doug Henderson: The European Council has agreed that Turkey's application to join the European Union will be judged on the basis of the same criteria as those used for all other applicants. The Council has noted that the strengthening of Turkey's relations with the EU also depends upon other factors, including Turkey's support for negotiations under the aegis of the UN on a political settlement in Cyprus on the basis of the relevant UN Security Council resolutions.

Dr. Tonge: To ask the Secretary of State for Foreign and Commonwealth Affairs what assessment he has made of the risk that *(a)* light weapons and *(b)* armoured vehicles exported to Turkey could be used for internal repression. [35884]

Mr. Doug Henderson: All licence applications for the export of conventional arms to all countries, including Turkey, are considered against the criteria announced by my right hon. Friend the Foreign Secretary on 28 July 1997, *Official Report*, columns *26–29*. A licence will not be issued if there is a clearly identifiable risk that the proposed export might be used for internal repression or international aggression.

Armenia

Jane Griffiths: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on Britain's relations with Armenia. [35756]

Mr. Doug Henderson: We enjoy excellent relations with Armenia. A British Embassy opened in Yerevan in July 1995 and we hope to increase the number of staff later this year. Although UK exports to Armenia increased 86% from 1996 to 1997, we are not satisfied with the relatively low level of trade and the DTI continues to encourage more British companies to export goods and services. In January this year, the Embassy held a very

successful British Week, which coincided with a small trade mission. As well as providing substantial humanitarian aid, a programme of technical assistance through the Know How Fund has operated for a number of years.

Algeria

Mr. Levitt: To ask the Secretary of State for Foreign and Commonwealth Affairs what contacts his Department has had with organisations within Algeria which campaign for human rights. [35705]

Mr. Fatchett: During the EU mission to Algeria in January, my Troika colleagues and I met with the Human Rights Observatory's Director, with whom the British Embassy in Algiers has regular contact. In the course of its operation in Algeria, the Embassy has contact with a number of organisations which work across the spectrum of human rights, including women's issues and counselling for victims of terrorism.

Mr. Levitt: To ask the Secretary of State for Foreign and Commonwealth Affairs what recent progress has been made towards a peaceful settlement in Algeria. [35709]

Mr. Fatchett: There have been no large-scale terrorist attacks in Algeria since the end of Ramadan, although sporadic killing continues. Hope for progress towards a peaceful settlement rests with furthering of the democratic process. The Algerian Government have already made some progress in this area, but we believe that the further strengthening of democratic institutions, supported by increased transparency and openness, offers the greatest chance of bringing peace.

Venezuela

Mr. Vaz: To ask the Secretary of State for Foreign and Commonwealth Affairs what negotiations are in progress with the Venezuelan authorities concerning an extradition treaty between Britain and Venezuela. [35868]

Mr. Fatchett: It is not our practice to comment on whether extradition treaties with other countries are under discussion.

Mr. Vaz: To ask the Secretary of State for Foreign and Commonwealth Affairs when he plans to visit Venezuela. [35870]

Mr. Doug Henderson: My right hon. Friend has no plans to do so.

Mr. Vaz: To ask the Secretary of State for Foreign and Commonwealth Affairs what plans he is considering for an exchange of prisoners between Britain and Venezuela. [35869]

Mr. Fatchett: We have no plans for an exchange of prisoners. We are, however, seeking to negotiate a Prisoner Transfer Agreement with Venezuela. I refer my hon. Friend to my reply to his question on 5 February 1998, *Official Report*, column 752.

Mr. Vaz: To ask the Secretary of State for Foreign and Commonwealth Affairs when the British Ambassador in Caracas last visited Mr. Loseby and Mr. Miles. [35873]

Mr. Fatchett: Our Ambassador in Caracas has not visited Mr. Miles and Mr. Loseby. They were last visited, by the Deputy Head of our Embassy, on 19 January.

Israel

Mr. Soames: To ask the Secretary of State for Foreign and Commonwealth Affairs what assessment he has made of the number of UN Security Council Resolutions of which Israel is in breach; and what issues they cover. [35970]

Mr. Fatchett: There are over 200 UN Security Council resolutions concerning aspects of Israel's dispute with its neighbours. These are publicly available. We continue to support them. We believe that the framework for negotiations laid down at Madrid and Oslo, based on these resolutions and the principle of "land for peace", offers the best prospect of a just, lasting and comprehensive peace in the Middle East.

HOME DEPARTMENT

Private Prisons

Mr. Beith: To ask the Secretary of State for the Home Department what arrangements are made for trades union representation in each of the private sector prisons; what arrangements are planned for future private prison projects; and if he will make a statement. [32576]

Ms Quin: Trade union representation at privately managed prisons for both custodial and non-custodial staff is a matter for their employer, subject to the law governing trade union recognition, and to section 127 of the Criminal Justice and Public Order Act 1994.

Premier Prison Services, which manages Doncaster and Lowdham Grange prisons, have works councils elected by staff.

At Altcourse, Buckley Hall and the Wolds prisons, staff may join the APEX Partnership, which is recognised by Group 4, the contractor. The APEX Partnership is a sister union of the General Municipal Boilermakers and Allied Trade Union.

At Parc prison, managed by Securicor, there is a staff association.

Prison Population

Mr. Gordon Prentice: To ask the Secretary of State for the Home Department how many prisoners per 1,000 population there are in England; and what assessment he has made of the factors underlying the differences in the number of prisoners per 1,000 population in *(a)* England and *(b)* Scotland. [35193]

Ms Quin: The latest available provisional information is for 1 September 1996 and shows that in England and Wales there were 1.07 prisoners per 1,000 population compared with 1.15 in Scotland. Within the sentencing framework set by Parliament, who is sent to prison and for how long is a matter for the courts. Different legal systems operate in England and Wales and in Scotland. The respective sentencing framework of each legal system may be a contributory factor in the difference between the countries in the number of prisoners per 1,000 population.

Young Offenders

Mr. Allan: To ask the Secretary of State for the Home Department whether *(a)* local probation officers and

(b) social workers will be involved in the supervision of young offenders sentenced to a period at a secure training centre; and if he will make a statement. [35342]

Mr. Michael: Until such time as the proposed Youth Offending Teams are in place, supervision of those juvenile offenders subject to the secure training order will be the responsibility of Directors of Social Services. In practice, this will mean that supervising officers are mainly social workers but it need not preclude the involvement of probation officers in appropriate cases where inter agency youth justice teams are already in place.

Supervision will be carried out in accordance with procedures set out in a National Standard which sets out the objectives of supervision and the requirements for the involvement of the supervising officer throughout the sentence.

Firearms

Mr. Alan Campbell: To ask the Secretary of State for the Home Department (1) how many cases of compensation for handguns under (i) Option A, (ii) Option B and (iii) Option C are currently outstanding in the Northumbria Police Area; [35373]

(2) when he expects all claims for compensation for handguns under options (i) A, (ii) B and (iii) C to have been completed in the Northumbria Police Area. [35374]

Mr. Michael: At 20 March, over £480,000 had been paid in compensation to 704 claimants in Northumbria, mainly under Options A and B of the compensation scheme. 132 claimants from Northumbria registered on the Firearms Compensation Section (FCS) computer system have not yet received payment and a proportion of around 3,500 claims not yet registered will also be from Northumbria. In addition, 412 Northumbria claimants have outstanding claims under Option C of the compensation scheme, the great majority of which will have already received a payment under Options A and B.

The FCS expects to complete all payments under Options A and B of the large calibre handgun compensation scheme by about the end of May, and the aim is to complete most, if not all, payments under Option C by the end of the year.

Mr. Alan Campbell: To ask the Secretary of State for the Home Department (1) what representations he has received from *(a)* the police and *(b)* other organisations on black powder guns; [35375]

(2) what proposals he has to alter legislation regarding black powder guns. [35376]

Mr. Michael: The Government have received representations on black-powder guns, that is to say muzzle-loading guns using black powder as a propellant, from the Association of Chief Police Officers and from the Muzzle-Loaders Association of Great Britain. The Home Office has met representatives of both these bodies to discuss the proper regulation of shooting clubs at which muzzle-loading guns are used.

At present, the Government have no plans to introduce any further legislation on firearms controls but will keep under close scrutiny the way in which muzzle-loading weapons are used.

Prisoners (Mental Health)

Mr. Llwyd: To ask the Secretary of State for the Home Department how many people with psychiatric health problems are currently being held in prison cells. [35538]

Ms Quin: Studies conducted for the Prison Service by the Institute of Psychiatry have indicated that a psychiatric diagnosis, including substance dependency or abuse, could be given to nearly 40 per cent. of the sentenced prison population of England and Wales and some 66 per cent. of remand prisoners. This would suggest that around 20,000 sentenced and 8,300 remand prisoners have some kind of mental disorder.

Mr. Llwyd: To ask the Secretary of State for the Home Department what provision is made for mental health care for people in prison. [35539]

Ms Quin: Procedures are in place to identify prisoners who need in-patient treatment for mental disorder and to effect their transfer to a psychiatric hospital. The care and treatment of mentally disordered prisoners who do not require in-patient treatment in hospital is generally undertaken by prison healthcare staff or by visiting National Health Service specialists, either on a sessional basis or in some cases as part of a contracted-in comprehensive psychiatric service.

Under-age Drinking

Mr. Jim Cunningham: To ask the Secretary of State for the Home Department what strategies his Department is following to tackle the problem of alcohol misuse amongst young people. [35292]

Mr. George Howarth: I refer my hon. Friend to the reply I gave him on 7 July 1997, *Official Report*, column *362*, and 9 December 1997, *Official Report*, column *503*. The Ministerial Group will be meeting in the autumn to review progress.

Wormwood Scrubs Prison

Sir Brian Mawhinney: To ask the Secretary of State for the Home Department if he will publish the recent reports he received from the Board of Visitors of Wormwood Scrubs Prison. [36042]

Ms Quin: It is a matter for Boards of Visitors at each prison establishment to decide whether they wish to publish their Annual Report to the Home Secretary. The Board at Her Majesty's Prison Wormwood Scrubs published their 1997 report on 19 March 1998. I have arranged for a copy of the report to be placed in the Library.

CULTURE, MEDIA AND SPORT

National Lottery

Mr. Sanders: To ask the Secretary of State for Culture, Media and Sport what external legal advice he has taken on the National Lottery's television Dreams Game in which one draw qualifies participants for participation in a further draw; and if he will make a statement. [34426]

Mr. Banks *[holding answer 13 March 1998]:* None. Under section 6 of the National Lottery etc. Act 1993, the Director-General of the National Lottery is responsible for licensing new National Lottery games. The BBC Governors are responsible for ensuring that all programmes broadcast on the BBC are in line with their Royal Charter and Agreement and Producers' Guidelines. My right hon. Friend the Secretary of State has written to the BBC chairman asking him to confirm that the new National Lottery programme does indeed comply with these obligations.

Mr. Wigley: To ask the Secretary of State for Culture, Media and Sport what percentage of the sums allocated by the Sports Lottery Fund has been allocated to Wales. [35579]

Mr. Banks: Under the National Lottery etc. Act 1993, 20 per cent. of the proceeds for good causes goes to sport. 5 per cent. of this is distributed by the Sports Council for Wales. So far, this has made available over £51 million pounds for sports projects in Wales. In addition, the Millennium Commission has awarded £46 million to support the new national stadium in Cardiff.

Subject to approval by Parliament, the National Lottery Bill will reduce the percentage allocation to sport to 16 per cent., but there will be no reduction in the £1.8 billion originally forecast to be raised for sport by 2001. The percentage of this for Wales will be unchanged.

Ministerial Offices

Dr. Moonie: To ask the Secretary of State for Culture, Media and Sport what were the total costs incurred between 1992 and May 1997 in establishing ministerial offices for the Department of National Heritage at 2 Cockspur Street. [34481]

Mr. Tom Clarke *[holding answer 13 March 1998]:* The total costs incurred by my Department from 1992 to date are set out in the following table.

Refurbishment of Ministerial offices

Year	*Redecoration and furniture*	*Provision of new facilities*	*Total*
1992–93	—	—	0
1993–94	—	—	0
1994–95	19,574	28,150	47,724
1995–96	—	—	0
1996–97	—	—	0
1 April 1997 to date	27,180	17,002	44,182

Hospitality

Mr. Bercow: To ask the Secretary of State for Culture, Media and Sport if he will list planned expenditure on hospitality for April and May, indicating the date, location and purpose of each event. [35114]

Mr. Tom Clarke: No major events are planned for April and May. It is not, however, possible to provide a comprehensive estimate for total expenditure on Ministerial hospitality as the majority of events and meetings will not be finalised until nearer the time.

Concessionary Television Licences

Mrs. May: To ask the Secretary of State for Culture, Media and Sport what plans he has to extend the scheme of concessionary television licences to housing association properties housing both qualifying and non-qualifying residents. [35837]

Mr. Fisher: The Government have no plans at present for any changes to the concessionary television licence scheme. However, the Government's Agreement with the BBC provides for a review of future funding arrangements prior to March 2002. We shall conduct that review in good time to allow decisions to be taken before then. It will include a detailed consideration of licence fee concessions.

British Tourist Authority

Mr. Swinney: To ask the Secretary of State for Culture, Media and Sport if he will list the (i) location of, (ii) running costs of, (iii) salary costs of and (iv) number of staff based at the head office of the British Tourist Authority, the percentage of staff based in *(a)* head office, *(b)* London and *(c)* Scotland and the percentage of salary and running costs incurred in (1) London and (2) Scotland. [36105]

Mr. Tom Clarke: The head office of the British Tourist Authority is located in Hammersmith, London. Its head office running costs in 1996–97 were £10.2 million, including salary costs of £4.7 million. There are 194 posts at the BTA's head office, which equates to 44% of the Authority's total staff. BTA staff based in London (at its head office and the British Travel Centre in Regent Street) represent 47% of total BTA staff—the remaining 53% being based in BTA offices in 37 countries around the world. London based staff account for 39% of the Authority's salary budget. The BTA has no offices, and no staff, in Scotland.

Mr. Swinney: To ask the Secretary of State for Culture, Media and Sport if he will make a statement on the responsibilities of the British Tourist Authority in Scotland. [36106]

Mr. Tom Clarke: Under the Development of Tourism Act 1969, the British Tourist Authority (BTA) is responsible for marketing Britain overseas. This responsibility covers Scotland, and the Chairman of the Scottish Tourist Board (STB) is a member of the Board of the BTA. The Tourism (Overseas Promotion) (Scotland) Act 1984 gave overseas marketing powers to the STB.

The BTA has offices in 37 countries around the world, and in all of these it promotes and provides information about Scotland to potential visitors. The STB works directly with the BTA in a more limited number of markets and the two Boards work closely together in planning campaigns each year in these markets. A new protocol is now being drawn up between the BTA and the other national tourist boards to strengthen and formalise inter-Board co-operation.

Bolling Road School (Playing Field)

Mrs. Ann Cryer: To ask the Secretary of State for Culture, Media and Sport if he will make representations to Bradford Metropolitan District Council not to sell off a section of the Bolling Road School playing field in Ilkley for housing development. [25639]

Mr. Byers *[holding answer 12 February 1998]:* I have been asked to reply.

My right hon. Friend the Secretary of State currently has no powers to intervene in the disposal of school playing fields owned by local education authorities (LEAs), unless pupils would no longer have access to the minimum areas prescribed in the Education (School Premises) Regulations 1996. During the Commons Report stage of the School Standards and Framework Bill, an amendment was accepted which will, when enacted, prevent local authorities from disposing of school playing fields without the prior consent of the Secretary of State. In the meantime, the Government expect local education authorities to take fully into account the sporting and recreational needs of local schools and communities before disposing of any playing field.

NORTHERN IRELAND

Paramilitary Activity

Mr. McNamara: To ask the Secretary of State for Northern Ireland how many people have died in Northern Ireland as a result of alleged paramilitary activity since the 1994 ceasefire; and which organisation is thought to be responsible for which deaths [33323]

Mr. Ingram *[holding answer 10 March 1998]:* The table lists the murders as a result of paramilitary activity since 1 September 1994 until 1 March 1998:

Organisation	*Number*
Loyalist	33
Republican	26

Note:
Attribution figures may be subject to change in the event of further information becoming available.

Public Bodies

Mr. Burns: To ask the Secretary of State for Northern Ireland if she will publish a list of non-departmental public bodies *(a)* she has abolished since 1 May 1997 and *(b)* she has established since 1 May 1997; and what are the planned annual running costs of those that have been established since 1 May 1997. [34825]

Mr. Paul Murphy *[holding answer 17 March 1998]:* The information for the Northern Ireland Office and the Northern Ireland Departments is as follows:

(a) The Northern Ireland Citizen's Charter Advisory Panel was disbanded in May 1997.

(b) The Commission for Racial Equality for Northern Ireland (CRENI) was established in June 1997 and came into operation in August 1997. Estimated running costs in its first full year will be some £277,000.

Flagged Herds

Mr. Thompson: To ask the Secretary of State for Northern Ireland if she will make a statement on the prospects for farmers with flagged herds. [33759]

Mr. Paul Murphy *[holding answer 19 March 1998]:* The Government are aware of the difficulties being experienced by farmers with flagged herds. The Export Certified Herd Scheme [which has now been approved in Brussels] will help to some extent as the reference to "holding" will be changed to "herd". The Date Based Export Scheme, which is also under discussion in Brussels, should be of some further help. The Department of Agriculture will also be reviewing the flagging system, in consultation with the industry, when the ECHS is up and running. My officials are keeping in close contact with representatives of the flagged procedures to explore what other means may be available to help them.

Peace Process

Mr. Maginnis: To ask the Secretary of State for Northern Ireland if she will ask the Chairman of the Northern Ireland Talks Process to prepare and present a statement for the 23 March session of the talks outlining the extent to which he is satisfied that the International Commission's criteria for a parallel track approach has been met by all parties at the negotiating table. [35658]

Marjorie Mowlam *[holding answer 23 March 1998]:* I do not intend to make any such request. The procedural motion agreed in the talks on 24 September 1997 makes provision for regular plenary meetings to enable the participants collectively to review progress across the entire spectrum of the negotiations and to consider whether the necessary confidence and momentum towards agreement is being maintained.

Privy Council

Mr. Salmond: To ask the Secretary of State for Northern Ireland what functions the Northern Irish Privy Council currently performs. [35596]

Marjorie Mowlam *[holding answer 23 March 1998]:* None. The Northern Ireland Privy Council no longer has any functions and, under the NI Constitution Act 1973, no further appointments may be made to it.

PRIME MINISTER

Political Honours Scrutiny Committee

Lorna Fitzsimons: To ask the Prime Minister what changes he has made in the composition of the Political Honours Scrutiny Committee. [36244]

The Prime Minister: Members are traditionally Privy Counsellors who are not members of the Government. I have appointed the right hon. Baroness Dean of Thornton-le-Fylde to be a member of the Committee in place of Lord Cledwyn of Penrhos who has resigned. She joins Lord Pym (Chairman) and Lord Thomson of Monifieth.

SCOTLAND

Employee Travel

Mr. Baker: To ask the Secretary of State for Scotland if he will estimate the cost of employee travel on office business, broken down into *(a)* fuel allowances, *(b)* unproductive time during travel, *(c)* other costs related to car transport and *(d)* costs related to public transport, for (i) 1994–95, (ii) 1995–96, (iii) 1996–97 and (iv) 1997–98. [32447]

Mr. Dewar *[holding answer 3 March 1998]:* The information sought is not all available. The information given relates only to travel on official business by staff of The Scottish Office:

(a) No fuel allowances are paid.

(b) No central record is kept of time spent travelling, whether productive or unproductive.

(c) Car hire and fleet car running costs for 1996–97 and 1997–98 (11 months) are £537,855 and £434,826 respectively.

(d) Official travel costs incurred in using public transport for 1996–97 and 1997–98 (11 months) are £1,952,125 and £1,904,759 respectively.

Comparable figures for 1994–95 and 1995–96 could be provided only at disproportionate cost.

Scottish Parliament

Mr. Gorrie: To ask the Secretary of State for Scotland if his Department will have introduced resource accounting in time for its use in the Scottish Parliament's first budget. [34939]

Mr. Dewar *[holding answer 23 March 1998]:* The Scottish Office will produce "dry-run" resource accounts for the year 1998–99 and fully audited and published resource accounts for the year 1999–2000.

Waste Disposal

Mr. Gorrie: To ask the Secretary of State for Scotland what plans he has to tighten the rules governing waste disposal in Scotland. [35191]

Mr. Macdonald: Activities involving the disposal of waste are subject to control under the amended EC Framework Directive on waste. The waste management licensing system established under Part II of the Environmental Protection Act 1990 and the Waste Management Licensing Regulations 1994, as amended, are the main means by which the requirements of the Framework Directive have been transposed into national law. The Scottish Environment Protection Agency, as regulator, enforces the Regulations.

The Government will review the current exemptions from licensing for waste recovery by landspreading in the light of research currently under way. The research is expected to be completed by the end of April.

Dounreay

Mr. Maclennan: To ask the Secretary of State for Scotland, pursuant to his answer of 16 March 1998, *Official Report*, columns *451–52* on Dounreay, by what means the Health and Safety Executive undertakes its regulatory role in respect of possible hazards to workers and members of the public from work carried out on the site of Dounreay, with particular reference to the accumulation and storage of radioactive waste. [36142]

Mr. Macdonald: Before anyone, other than the Crown, can use a site for the purpose of installing or operating a nuclear installation as defined in the Nuclear Installations Act 1965 (as amended) they must be in possession of a licence granted by the Health and Safety Executive (HSE). Dounreay is such a site and a licence has been issued to the United Kingdom Atomic Energy Authority.

The Nuclear Installations Act provides HSE with the power to attach conditions to a licence which are in the interests of safety. The Act also gives HSE the power to attach conditions which it sees fit with respect to the handling, treatment and disposal of nuclear matter. Through such conditions, HSE regulates the management of radioactive waste on licensed nuclear sites. This includes the generation of wastes, on-site storage of raw and treated wastes, on-site transport, waste processing and long term storage of waste and spent fuels, which are all integral parts of nuclear site operations licensed by HSE.

Student Fees

Mr. Welsh: To ask the Secretary of State for Scotland what plans he has to assist students over the age of fifty years by means of *(a)* grants and *(b)* the waiving of fees; and if he will make a statement. [36110]

Mr. Wilson: Students currently in full-time higher education who were aged over 50 at the start of their course are eligible for free tuition and a means-tested grant towards their living costs; that will continue for the duration of their continuous programme of study.

Those aged 50 and over who begin courses in the academic year 1998–99 will be eligible for a maintenance grant at a reduced rate for that year only. Under the arrangements which will apply to new entrants to higher education from 1998–99 onwards, all eligible students, irrespective of age, will also be entitled to receive means-related help towards the contribution to their tuition costs.

We have no plans to extend the eligibility for loans to those aged 50 and over for 1998–99, but we intend to review the position for 1999–2000 and subsequent years when maintenance grants will no longer be available.

Student Awards Agency

Mr. Welsh: To ask the Secretary of State for Scotland how many meetings of the committee set up to review the work of the Student Awards Agency for Scotland have taken place; whether the committee has recommended an increase in *(a)* staff and *(b)* funding; on what date the findings of the committee will be published; and if he will make a statement. [36111]

Mr. Wilson: The Steering Committee which has been established to oversee the Review of the Student Awards Agency for Scotland has met on three occasions. The Committee will be meeting again to consider the report of the Review and what conclusions and recommendations it wishes to make. I expect to receive the report during April and will arrange for its conclusions to be made

public as soon as possible thereafter. I cannot at this stage anticipate the Committee's conclusions although I am aware that it has taken a close interest in resource issues.

Higher Education

Mr. Welsh: To ask the Secretary of State for Scotland, pursuant to his answer of 16 December 1997, *Official Report*, column *131*, if he has made a decision on whether to implement the Garrick recommendation to establish a Scottish forum for higher education. [36112]

Mr. Wilson: The decision is set out in the Government's response to the Garrick Report, which was published on 25 February 1998. My answer of 25 February 1998, *Official Report*, column *273*, indicated that copies have been placed in the libraries of both Houses.

TRADE AND INDUSTRY

Leghold Traps

Mr. Hancock: To ask the President of the Board of Trade what assessment she has made of the impact of the GATT on the EU ban on the import of furs from countries using leghold traps. [34798]

Mrs. Roche: The EU ban on the import of furs from countries using leghold traps has not been challenged under GATT rules.

Millennium Compliance

Mr. David Atkinson: To ask the President of the Board of Trade what plans she has to commission independent research into the consequences for business and public services of the need for computer systems to be millennium compliant. [27878]

Mrs. Roche: The Ministerial Group chaired by my right hon. Friend the President of the Board of Trade is gathering information and consultants may have a part to play in advising the Government.

Mrs. Gillan: To ask the President of the Board of Trade (1) when she last met a Treasury Minister to discuss the costs of millennium compliance in her Department; [32355]

(2) when she last met the Chancellor of the Duchy of Lancaster to discuss her Department's progress towards millennium compliance. [32354]

Mrs. Roche: *[holding answer 3 March 1998]:* A Ministerial Group on the Millennium Date Change, chaired by my right hon. Friend the President of the Board of Trade, has been set up. A Ministerial sub-Group, chaired by my right hon. Friend the Chancellor of the Duchy of Lancaster, has also been set up to discuss aspects of millennium compliance relating, inter alia, to Government Departments. Ministers from this Department and the Treasury attend meetings of both these groups.

Mr. David Atkinson: To ask the President of the Board of Trade when she expects to wind up Action 2000; and if she will make a statement. [35102]

Mrs. Roche: Don Cruickshank has been appointed as Chairman of Action 2000 until 31 March 2000. I expect that there will continue to be a need beyond 1 January 2000 to provide advice to businesses which have failed to act in time, or whose actions have not proved to be completely successful, but it is too early to predict how long this requirement might last. I urge all businesses to decide now what steps they need to take and act without further delay.

Mobile Telephones

Mr. Vaz: To ask the President of the Board of Trade if she will make a statement on the Government's policy on the costs of the use of mobile telephones. [30191]

Mrs. Roche: Ministers take advice from the Director General of Telecommunications on questions relating to the provision of telecommunication services, including pricing. The Director has recently referred the prices of calls to mobile phones to the Monopolies and Mergers Commission.

Animal Welfare

Mr. Hancock: To ask the President of the Board of Trade what representations she has received on the impact of the GATT on EU animal welfare directives. [34797]

Mrs. Roche: The Department of Trade and Industry and the Ministry of Agriculture, Fisheries and Food have received representations from several animal welfare organisations, including, most recently, the Royal Society for the Prevention of Cruelty to Animals, the International Fund for Animal Welfare and Compassion in World Farming.

Mr. Hancock: To ask the President of the Board of Trade if she will raise the issue of the effect of the GATT on EU animal welfare directives during the World Trade Organisation Ministerial Conference in Geneva in May; and if she will make a statement. [34796]

Mrs. Roche: The European Communities' final position for the World Trade Organisation Ministerial Conference in May is still under internal EU discussion.

Ethical Investment

Ann Clwyd: To ask the President of the Board of Trade what advice on ethical issues is available from her Department to individuals, organisations and companies considering trade or investment projects in *(a)* Algeria, *(b)* North Korea, *(c)* Burma, *(d)* Indonesia, *(e)* Libya, *(f)* Colombia, *(g)* Syria, *(h)* Iraq, *(i)* Saudi Arabia and *(j)* China. [35045]

Mrs. Roche: The Department, with the Foreign and Commonwealth Office, provides advice on all aspects of doing business overseas, including relevant export controls and any commitments made by HMG regarding the application of the controls to the particular country concerned. Detailed advice on the political situation in a country is provided by the FCO. The Department works with the FCO and the Department for International Development to encourage all British companies to set the highest ethical standards when trading overseas.

Waste Reduction

Mr. Llew Smith: To ask the President of the Board of Trade what recent initiatives have been taken under the auspices of the Environmental Technology Best Practice Programme to provide educational and technology support materials to assist companies to reduce costs through waste reduction. [35757]

Mr. Battle: The Environmental Technology Best Practice programme is continuing to encourage companies to reduce their costs and improve their competitiveness through waste reduction and improved environmental performance. The programme provides case studies of firms already engaged in waste reduction or other cost saving environmental good practice, benchmarking studies using environmental performance guides to enable companies to compare their performance, and guides to help companies adopt better environmental practices which reduce their costs.

In addition to numerous articles in trade and other media, since 1 May 1997, the programme has published 51 case studies, environmental performance or benchmarking studies, and guides to good practice; held 40 workshops, seminars and site visits for industry participants; responded to almost 25,000 calls to the Environmental Helpline (a freephone inquiry service); given counselling visits to more than 250 small enterprises; and added the engineering and ceramics sectors to its main themes on waste minimisation and cleaner technology and its focus on volatile organic compounds and the foundries, metal finishing, textiles, printing, paper and board, chemicals, glass, food and drink industry sectors.

This year, the programme will expand further its specific areas of interest to include the plastics sector and packaging.

The programme is also working with trade, local business support organisations and other intermediaries to disseminate waste minimisation and clean technology information to companies. In Wales, for example, the programme is working closely with the Welsh Business and Environment Campaign.

Environmental Technologies

Mr. Llew Smith: To ask the President of the Board of Trade what initiatives her Department has taken to promote markets for British environmental technologies *(a)* within the United Kingdom and *(b)* abroad. [35754]

Mr. Battle: The Government fully recognise the enormous potential of the UK environmental industry to create jobs, win exports and protect the environment. Support for the industry is provided through the Joint Environmental Markets Unit (JEMU). On 18 March, at a launch event I attended with my right hon. Friend the Minister for the Environment, we published JEMU's business plan for the next three years, setting out how JEMU will be working with the industry to pursue its mission

"to nurture the development of a strong, competitive and world-class UK environmental industry capable of competing successfully in the world market place".

The Business Plan details planned activities under eight main objectives—activities designed to raise the profile of the industry both at home and overseas. It indicates that JEMU will be focusing attention on a number of key areas including export promotion in selected overseas markets, and also sets out the range of support services available to the industry across government.

Plutonium

Mr. Llew Smith: To ask the President of the Board of Trade if she will ask the Council for Science and Technology to investigate the technical, economic, environmental and security status of plutonium used as a nuclear fuel. [35759]

Mr. Battle: There are currently no plans for the Council for Science and Technology to investigate the technical, economic, environmental and security status of plutonium. However, as the re-launched CST deliberates upon its future work programme, it will be open to the Council to consider this issue. It is for the owners of spent nuclear fuel, including plutonium, to choose their preferred management options subject to meeting the necessary environmental and regulatory requirements. It remains the responsibility of the Government to ensure that all civil plutonium continues to be subject to rigorous physical protection measures and safeguards in accordance with international non-proliferation obligations.

Environmental Appraisals

Mr. Matthew Taylor: To ask the President of the Board of Trade what environmental appraisal will be undertaken to assess the environmental implications of her reviews of *(a)* renewable energy and *(b)* utility regulation. [35636]

Mr. Battle: Environmental considerations are an integral part of the continuing reviews of renewables and utility regulation. One of the stated aims of the Renewables Review is to consider the potential contribution which new and renewable energy technologies can make to meeting future greenhouse gas reduction commitments and the terms of reference of the Review of Utility Regulation include consideration of changes to the system of utilities regulation to ensure regulation which promotes the Government's objectives for sustainable development and the environment. The need for, and nature of, specific environmental appraisals will depend on the final outcomes of the reviews.

Plastics (Recycling)

Mr. Llew Smith: To ask the President of the Board of Trade what assessment she has made of the recent report of Valuplast on the extent of recovery and recycling of plastics. [35758]

Mr. Battle: I am aware of a number of reports and presentations by Valuplast in recent months concerning the UK's recovery and recycling of plastics. I believe that these show steady growth, but that industry investment will be needed to achieve the targets in the Producer Responsibility Obligations (Packaging Waste) Regulations 1997.

Supermarket Mergers

Mr. Nicholas Winterton: To ask the President of the Board of Trade if she will introduce additional controls on the mergers of supermarket companies; and if she will make a statement. [35947]

Mr. Nigel Griffiths: Where a merger falls to be considered under the Fair Trading Act 1973, my right hon. Friend the President of the Board of Trade will decide, in the light of the advice of the Director General of Fair Trading, whether or not to refer it to the Monopolies and Mergers Commission. My right hon. Friend has said that she will refer mergers primarily on competition grounds. Each case is considered on its merits.

Manufacturing Output

Mr. Boswell: To ask the President of the Board of Trade what research her Department has *(a)* commissioned and *(b)* evaluated into the sensitivity of manufacturing output to exchange rate changes. [35659]

Mrs. Roche *[holding answer 23 March 1998]:* The Department keeps up to date with published research on factors affecting the performance of manufacturing industry. Its evaluation of this work is reflected in advice to Ministers.

Ultra-low Sulphur Diesel

Mr. Home Robertson: To ask the President of the Board of Trade if she will make a statement on the availability of ultra-low sulphur diesel; if she will estimate the number of retail outlets where the product is currently available; and what is the difference in retail price between ultra-low sulphur diesel and standard diesel road fuel following the Budget Statement. [35713]

Mr. Battle: I expect the availability of ultra-low sulphur diesel fuel to increase following the changes in the levels of excise duty announced by my right hon. Friend the Chancellor of the Exchequer in the Budget of 17 March. My Department does not collect specific data on the number of outlets retailing this fuel; however, most current retail suppliers of ultra-low sulphur diesel are supermarkets and it is estimated that there are about 270 retail sites where this fuel is available. The setting of retail prices for fuels is a matter for the fuel suppliers.

Enemy Property (Second World War)

Mr. Ivan Lewis: To ask the President of the Board of Trade when she expects to publish the report on British policy towards enemy property during and after the Second World War. [36382]

Mrs. Beckett: I am pleased to announce that the Government will publish the joint DTI/FCO report on the history of enemy property on 3 April.

Directors' Details

Mr. Oiner: To ask the President of the Board of Trade if she will make a statement about her Department's consultation exercise on the requirement for companies to file their directors' and company secretaries' home addresses and other particulars at Companies House. [36381]

Mr. Ian McCartney: I have considered the responses to my Department's consultative document very carefully. I have decided that the requirement for companies to file their directors' and company secretaries' home addresses, as well as their directors' nationalities and business occupations, at Companies House should remain.

I am conscious of the concerns of those companies that wanted to be able to keep home addresses off the public register on grounds of either security or privacy. However, such concerns would be impossible to allay completely. The particulars of existing directors registered at Companies House are now in the public arena and it would not be possible to prevent access to that information from company information providers other than Companies House. I have also had to consider the views of those organisations that expressed concern over the need for directors to be accountable to their shareholders and creditors. Keeping home addresses off the public record would make it more difficult to locate directors and easier for directors to avoid creditors and to perpetrate fraud. It would also be more difficult to find out whether directors had been associated with companies that had failed or had been made bankrupt in the past.

I have also decided that the requirement for companies to file directors' other directorships at Companies House should be revoked. A computerised register of directors which provides full details of other directorships was set up by Companies House in 1991. Repealing this requirement will relieve companies of an administrative burden but will not result in any reduction of information on the public record.

I will bring forward regulations revoking the requirement for directors' other directorships to be included in companies' annual returns later this year. Revocation of the requirement for companies to record directors' other directorships in their own registers and to send details to Companies House both on incorporation and when there are any changes will require primary legislation which will be introduced when parliamentary time allows.

Debt Conversion

Mr. Rooney: To ask the President of the Board of Trade when the Export Credits Guarantee Department expects to complete its review of its debt conversion scheme. [36380]

Mrs. Beckett: The review is now complete. The Government have concluded that the Scheme as operated between 1992 and 1997 did provide significant benefits both to the debtor country and to the UK taxpayer and that these benefits could be further enhanced by some small improvements. A revised Scheme is therefore being relaunched and ECGD is, from today, able to consider offers to purchase rescheduled debts owed by up to 32 countries.

Under the revised Scheme ECGD will, as before, be able to receive an immediate cash benefit for debts rescheduled through the Paris Club arrangements. The purchaser of the debt will be repaid by the debtor country in local currency subject to the funds being invested in a suitable project in that country. As a result, the debtor country benefits both from being able to convert a hard currency obligation into a local currency debt and from securing additional investment.

During the period when the earlier Scheme operated, ECGD sold some US$133 million of debts to a number of organisations investing in a range of projects, including in the fields of education, agricultural rehabilitation and healthcare.

The improvements to the Scheme involve certain administrative changes, notably the requirement that the potential purchaser should pay a commitment fee to secure the purchase price and exclusive negotiating rights for specific debt for a given period.

WALES

Asbestos-related Deaths

Mr. Wigley: To ask the Secretary of State for Wales how many asbestos-related deaths there were in Wales in 1997; and what was the corresponding figure for the previous year. [34876]

Mr. Win Griffiths: The latest available information from the Office for National Statistics for the number of registered deaths from asbestos-related illnesses of residents in Wales is 66 in 1997 (provisional) and 54 in 1996.

Health Promotion

Mr. Ieuan Wyn Jones: To ask the Secretary of State for Wales what percentage of NHS expenditure was spent on health promotion in Wales in each of the last three years; and what is the estimate for the current year. [35519]

Mr. Win Griffiths: The percentage of NHS expenditure on health promotion in the last three years is shown in the table. Figures for 1997–98 are not yet available.

Year	*Percentage*
1994–95	0.54
1995–96	0.53
1996–97	0.50

Source:
Annual accounts and financial returns of health authorities, special health authorities, NHS Trusts, district health authorities and family health service authorities for 1994–95 to 1996–97.

Homelessness

Mr. Llwyd: To ask the Secretary of State for Wales what projects are being pursued to help reduce the number of homeless people in Wales; what sums have been allocated to them in *(a)* 1997–98 and *(b)* 1998–99; and if he will make a statement. [35575]

Mr. Win Griffiths: The Welsh Office has allocated the following amounts to projects in 1997–98 and 1998–99:

Scheme	*Voluntary organisation*	*Amount of funding in 1997–98 (£)*	*Amount of funding in 1998–99 (£)*
Shoreline project (hostel for heavy drinkers), Cardiff	Wallich Clifford Community	75,457	75,457
Bond Board, Swansea	Barnados	22,501	21,231
Rough sleeper survey, Caerphilly	Shelter Cymru	1,200	—
Direct access hostel, Rhyl	National Association for the Care and Resettlement of Offenders (NACRO)	24,000	24,000
Outreach worker, Gwynedd	Cywaith Joseff	4,350	18,180
Rooflessness survey and provision of advice services, Pembrokeshire	Pembrokeshire Action for Single Homeless	11,250	15,000
Direct access hostel, Swansea	Swansea Cyrenians	68,363	68,363
Support worker for young people leaving care, Swansea	Cymdeithas Caer Las	5,706	5,706
Rooflessness survey and provision of services for rough sleepers, Vale of Glamorgan	Llamau Housing Society	15,819	63,276
Direct access hostel and resettlement worker	Wrexham Action Trust Christians for the Homeless (WATCH)	968	24,000
Income advice to rough sleepers, Cardiff	Cardiff Move-On	4,835	—
Health care to rough sleepers, Cardiff	Cardiff Move-on	4,660	—
Drop-in day sessions at Night Shelter, Rhyl	NACRO	3,000	—
Update rough sleepers survey and provide pilot drop-in service, Gwynedd	North Wales Housing Authority	1,500	—
Production of handbook of services for homeless, Gwynedd	Arfon Single Homeless Group	3,926	—
Outreach worker for rough sleepers, Swansea	Swansea Cyrenians	4,500	—
Multi-disciplinary outreach worker, Swansea	Cymdeithas Caer Las	7,254	—

Scheme	Voluntary organisation	Amount of funding in 1997–98 (£)	Amount of funding in 1998–99 (£)
Building to provide facilities for rough sleepers, Swansea	Cymdeithas Caer Las	28,500	—
Resettlement worker for rough sleepers, Swansea	Cymdeithas Caer Las	4,634	—
Support to allow a cafe for rough sleepers to open longer hours, Swansea	Elim Church	1,350	—
Pilot youth drop-in scheme and single person housing project, Wrexham	Caia Park Partnership	19,800	—

The programme is currently targeted at schemes to help prevent or alleviate Rough Sleeping

The following organisations also receive funding towards their running costs:

Organisation	Amount of funding in 1997–99 (£)	Amount of funding in 1998–99 (£)
Cymdeitas Caer Las	129,670	133,300
Shelter Cymru	95,792	98,475
Welsh Women's Aid	80,279	82,525

National Assembly

Mr. Wigley: To ask the Secretary of State for Wales what steps he is *(a)* taking and *(b)* planning to take to ensure that the National Assembly has sufficient translators and translating equipment available from its establishment. [35585]

Mr. Ron Davies: I have asked the Welsh Language Board to give consideration to the provision of resources for translation in the Assembly. I am also seeking the advice of my Advisory Group in relation to the Assembly's bilingual operation, and arrangements for translation will be considered in that context.

Government of Wales Bill (Environmental Appraisal)

Mr. Matthew Taylor: To ask the Secretary of State for Wales what environmental appraisal of the Government of Wales Bill has been produced; and if he will place a copy in the Library. [35643]

Mr. Ron Davies: None.

The Bill does, however, require the National Assembly for Wales to have regard to the principle of sustainable development in exercising its functions.

Cash Limits

Mr. Gareth Thomas: To ask the Secretary of State for Wales what changes he is proposing to make to the voted and non-voted cash limits for his Department and the Office of Her Majesty's Chief Inspector of Schools in Wales for the current financial year. [36303]

Mr. Ron Davies: The cash limit on class XIV, vote 1 will be reduced by £2,000,000 from £52,712,000 to £50,712,000 as a result of lower than expected claims for farm and conservation grant schemes.

The cash limit on class XIV, vote 3 will be increased by £2,400,000 from £441,438,000 to £443,838,000. This increase will cover the higher than expected expenditure on the Central Government Roads maintenance budget.

The cash limit on class XIV, vote 6 will be reduced by £400,000 from £9,405,000 to £9,005,000 mainly as a result of fewer than expected nursery inspections.

The local authority capital cash limit (WO/LACAP) will be reduced by £5,540,817 from £433,362,000 to £427,821,183; the Housing for Wales cash limit (WO/HFW) will be increased respectively by £5,540,817 from £70,335,000 to £75,875,817. This transfer of resources from the local authority capital cash limit to the Housing for Wales cash limit is in respect of work undertaken by Housing Associations on behalf of local authorities.

None of these changes adds to the overall level of Public Expenditure.

MINISTER WITHOUT PORTFOLIO

Millennium Experience

Mr. Mitchell: To ask the Minister without Portfolio what provision will be made in respect of Britain's role in Europe in the Millennium Experience. [31648]

Mr. Mandelson: The Millennium Experience will enhance Britain's image and standing internationally and within Europe, and will attract millions of visitors from Europe and beyond.

CABINET OFFICE

HRH Prince of Wales

Mr. Baker: To ask the Minister without Portfolio if he will list the occasions on which he has met His Royal Highness the Prince of Wales, indicating the purpose of each meeting. [35933]

Mr. Mandelson: I have had no official meetings with His Royal Highness the Prince of Wales.

Blood Sports

Mr. Baker: To ask the Minister without Portfolio what representations he has received on Government policy towards blood sports. [35934]

Mr. Mandelson: Government policy on blood sports is the responsibility of my right hon. Friend the Home Secretary and any representations that I receive on this subject are passed to his Department.

Broadcasters

Mr. Maude: To ask the Minister without Portfolio what meetings he has had with BBC executives since 1 January. [36183]

Mr. Baker: To ask the Minister without Portfolio when he has met *(a)* Mr. Rupert Murdoch and *(b)* representatives of News International; what was the purpose of such meetings; and if he will make a statement. [35957]

Mr. Mandelson: I meet representatives of the BBC and other broadcasters on a regular basis in the course of my duties.

SOCIAL SECURITY

Benefits Agency

Mr. Beith: To ask the Secretary of State for Social Security what guidance has been issued in relation to Benefits Agency involvement in police road blocks; and if she will make a statement. [33599]

Mr. Keith Bradley: Tackling fraud is central to rebuilding integrity in, and commanding public support for, a modern security system. The Government welcome properly conducted multi-agency initiatives which have a valuable role to play in countering abuse. Questions on Benefit Agency operational matters are the responsibility of the Chief Executive, Peter Mathison. He will write to the hon. Member.

Letter from David Riggs to Mr. Alan Beith, dated 23 March 1998:

The Secretary of State for Social Security has asked Peter Mathison to reply to your recent Parliamentary Question about guidance issued in relation to Benefits Agency (BA) involvement in police road blocks. As Mr. Mathison is away from the office on leave, I am replying.

Comprehensive guidance was issued to staff on 4 September 1995 and provided precise instructions concerning the procedures and conduct for fraud staff taking part in multi-agency road stops initiatives.

The main issues covered within the guidance, refer to the criteria which should exist if BA staff are to participate in police road blocks. The instructions advised staff of the types and format of questions which can be used, the procedures to be followed where suspicion exists, any powers which staff can employ, types of clothing and identification, as well as the procedures for informing the driver of their rights.

These instructions were updated during February 1997 and will be incorporated into the Fraud Investigators Guide, which will be issued to staff at the start of the next financial year.

I hope you find this reply helpful.

Disability Living Allowance

Mr. Hesford: To ask the Secretary of State for Social Security what proportion of people with ME applying for disability living allowance have been successful as *(a)* first time claimants and *(b)* reassessed claimants in the last (i) year and (ii) two years. [33710]

Mr. Denham: The administration of Disability Living Allowance is a matter for Peter Mathison, Chief Executive of the Benefits Agency. He will write to the hon. Member with further details.

Letter from David Riggs to Mr. Stephen Hesford, dated 23 March 1998:

The Secretary of State for Social Security has asked Peter Mathison to reply to your recent Parliamentary Question regarding what proportion of people with Myalgic Encephalitis (ME) have been successful in applying for Disability Living Allowance (DLA) as (a) first time claimants and (b) reassessed claimants in the last (i) year and (ii) two years. As Mr. Mathison is away from the office on leave, I am replying.

Comprehensive information is not available in the format requested. However it is estimated on a 5% sample basis, that the number of people with ME, or other chronic fatigue syndrome, who have been successful is as follows:

	Number of first time customers	*Number of reassessed customers*
1.12.95 - 30.11.96	1,480	850
1.12.96 - 30.11.97	1,320	500

Due to the small numbers involved in this assessment, the figures are subject to relatively large margins of error.

I hope you find the reply helpful.

Mr. Steen: To ask the Secretary of State for Social Security what were his reasons for withdrawing and subsequently reinstating disability living allowance for Mrs. G. Archer of 7 Queen's Road, Brixham; and for what reasons the core component of the allowance has not been reinstated. [35435]

Mr. Denham: The Benefit Integrity Project aims to ensure that those in receipt of Disability Living Allowance (DLA) are entitled to it. While it is right to check that people are receiving the correct amount of benefit, we are determined that those checks should be undertaken as sensitively as possible. Also, that we should ensure all decisions taken as a result of the Project are right. We have, therefore, acted to introduce an extra safeguard to improve the quality of, and confidence in, benefit decisions made by the Project.

The administration of this programme is a matter for Peter Mathison, Chief Executive of the Benefits Agency. He will write to the hon. Member.

Letter from David Riggs to Mr. Anthony Steen, dated 23 March 1998:

The Secretary of State for Social Security has asked Peter Mathison to reply to your recent Parliamentary Question concerning the reasons for withdrawing and subsequently reinstating Disability Living Allowance (DLA) for Mrs. Archer of Brixham; and for what reasons the care component of the allowance has not been reinstated.

On receipt of, the completed Benefit Integrity Project questionnaire, further medical evidence from Mrs. Archer's General Practitioner (GP) and a Benefits Agency Medical Officer, the Adjudication Officer's (AO's) opinion was that the customer's condition had improved and Mrs. Archer was subsequently notified of this decision.

Following the application made by Mrs. Archer to review her entitlement to benefit, a different AO requested an Examining Medical Practitioner (EMP) report. This, together with a further letter from the customer's GP and previous evidence, showed that Mrs. Archer did satisfy the conditions for the higher rate mobility component. It would appear that the original AO had misinterpreted the evidence given by the GP in connection with the customer's

mobility, and the higher rate mobility component of DLA was reinstated. However, the AO reviewing the case decided there were insufficient care needs to qualify for any rate of the care component. Therefore this was not reinstated.

All claims to benefit are decided by AOs who are statutory office holders. They are required to make impartial decisions based on the application of the law to the facts of the individual case. It is the AO's responsibility to consider whether a decision can be made on the available evidence, or whether further information should be obtained from the customer, the customer's doctor, or whether a doctor from the Benefits Agency Medical Services should be asked to examine the customer.

I hope you find this reply helpful.

Benefit Integrity Project

Ms Moran: To ask the Secretary of State for Social Security how many people in the Luton, South constituency have been *(a)* disallowed benefit and *(b)* received increased benefit as a result of the Benefit Integrity Project. [33957]

Mr. Denham: The Benefit Integrity Project aims to ensure that those in receipt of DLA are entitled to it. While it is right to check that people are receiving the correct amount of benefit, we are determined that those checks should be undertaken as sensitively as possible. Also, that we should ensure all decisions taken as a result of the project are right. We have, therefore, acted to introduce an extra safeguard to improve the quality of, and confidence in, benefit decisions made by the Project.

The administration of this programme is a matter for Peter Mathison, Chief Executive of the Benefits Agency. He will write to the hon. Member.

Letter from David Riggs to Ms Margaret Moran, dated 23 March 1998:

The Secretary of State for Social Security has asked Peter Mathison to reply to your recent Parliamentary Question concerning how many people in the Luton South constituency have been (a) disallowed benefit and (b) received increased benefit as a result of the Benefit Integrity Project. As Mr. Mathison is away from the office on leave, I am replying.

The information is not available in the format requested. The database of casework has not been designed to extract information geographically during the project. To do so would necessitate high cost and disruption to the processing of ongoing casework. However, once the casework has been completed a full evaluation of the data is planned to provide a geographical analysis.

As at 31 January 1998, 54,839 cases nationally have been examined as part of the BIP. Of the total cases dealt with 1,299 have had their benefit increased, 42,730 have been unchanged, 6,884 have had their benefit reduced and 3,926 have had their benefit stopped. The total includes 10,811 renewal cases; of which 334 had their benefit increased, 5,601 remain unchanged, 2,907 have had their benefit reduced and 1,969 have had their benefit decreased.

A monthly statistical report can be found in the House of Commons library.

I hope you find this reply helpful.

Compensation Recovery Unit

Mr. Willis: To ask the Secretary of State for Social Security what was the amount of state benefits paid out to injured claimants, which was recovered by the Compensation Recovery Unit from successful defendants during each of the last three years. [34133]

Mr. Denham: The administration of the Compensation Recovery Unit is a matter for Peter Mathison, the Chief Executive of the Benefits agency. He will write to the hon. Member.

Letter from David Riggs to Mr. Phil Willis, dated 23 March 1998:

The Secretary of State for Social Security has asked Peter Mathison to reply to your recent Parliamentary Question asking what was the amount of state benefits paid out to injured claimants which was recovered by the Compensation Recovery Unit from successful defendants during each of the last three years. As Mr. Mathison is away from the office on leave, I am replying.

The information requested is shown in the table below:

£ million

Financial year	*Amount recovered*
1995–96	135.1
1996–97	145.5
1997–98 (to 28.2.98)	153.0

Note:
Figures are provisional and subject to change.

I hope you find this reply helpful.

TREASURY

Vitamin B6

Mr. Tredinnick: To ask the Chancellor of the Exchequer how many people have died from overdoses of vitamin B6 since July 1997. [33516]

Mrs. Liddell: The information requested falls within the responsibility of the Chief Executive of the Office for National Statistics. I have asked him to arrange for a reply to be given.

Letter from Tim Holt to Mr. David Tredinnick, dated 24 March 1998:

As Director of the Office for National Statistics (ONS), I have been asked to reply to your parliamentary question on how many people have died from overdoses of vitamin B6 since July 1997.

Based on provisional 1997 data, there have been no deaths certified as due in part or whole to vitamin B6 overdose in the period July to December 1997.

Data for 1998 are not yet available.

Premium Bonds

Mr. Gordon Prentice: To ask the Chancellor of the Exchequer if he will include on his website the numbers of all premium bonds where prizes are unclaimed. [34742]

Mrs. Liddell: The information requested falls with the responsibility of the Chief Executive of National Savings. I have asked him to arrange for a reply to be given.

Letter from Peter Bareau to Mr. Gordon Prentice, dated 24 March 1998:

Thank you for your question about publishing on the Internet the numbers of all Premium Bonds where prizes are unclaimed.

Premium Bond holders do not have to claim their prizes - National Savings automatically writes to all winners. However, there are cases where Premium Bond holders move house and forget to notify National Savings of their new address. In these cases National Savings endeavours to find their new address. If not found after 18 months, the winning Bond numbers are put on to National Savings' "unclaimed prize" list and published in the *Supplement to the London Gazette*, which is updated quarterly. Copies of this publication are held at main post offices in the UK.

There is no limit for recovering these prizes - National Savings will always honour payment when the Premium Bond holder's new address is established.

To offer better customer service and convenience, National Savings is now planning to include a searchable database of these unclaimed prizes on its new Web site. The new site is currently being developed, and it is hoped that it will go live in May 1998.

Mr. Gordon Prentice: To ask the Chancellor of the Exchequer what is the value of unclaimed premium bond prizes *(a)* by English county and Welsh and Scottish unitary authority and *(b)* in total; and how much of this total accrued in the last 12 months. [34746]

Mrs. Liddell: The information requested falls with the responsibility of the Chief Executive of National Savings. I have asked him to arrange for a reply to be given.

Letter from Peter Bareau to Mr. Gordon Prentice, dated 24 March 1998:

Thank you for your question about the value of unclaimed Premium Bond prizes. The information you requested is set out below.

National Savings current computer systems can not provide a breakdown of unclaimed Premium Bond Prizes by individual English counties, or Welsh and Scottish Unitary authorities. However, the information is available by region and is set out in the following table:

Region	*Total Value (£)*
Avon Dorset Glos Somerset Wilts	720,000
Bedfordshire Cambridgeshire	270,000
Berkshire Bucks Oxfordshire	550,000
Channel Isles Cornwall Devon	360,000
Cheshire	300,000
Cleveland Cumbria Durham North Tyne and Wear	530,000
Derbyshire Staffordshire	290,000
Essex	440,000
Foreign Addresses	960,000
Hampshire Isle of Wight	440,000
Herefordshire Shropshire Worcs	190,000
Hertfordshire	310,000
Kent	410,000
Isle of Man Lancs Merseyside	1,100,000
Sth Humberside Leics Lincs Notts	480,000
Greater London	3,800,000
Norfolk Suffolk	260,000
Northamptonshire	98,000
Nth Humberside Yorks (Nth Sth West)	830,000
Scotland	1,100,000
Surrey	430,000
Sussex (East and West)	430,000
Northern Ireland	210,000
Wales	600,000
West Midlands Warwickshire	690,000
Total value of unclaimed prizes	15,800,000

Premium Bond holders do not have to claim their prizes—National Savings automatically writes to all winners. However, there are times when Premium Bond holders move house and forget to notify National Savings of their new address. In these cases National Savings endeavours to find their new address. If not found after 18 months, the winning Bond numbers are put on to National Savings' "unclaimed prize" list and published in the *Supplement to the London Gazette*, which is updated quarterly and is held at main post offices in the UK.

The total unclaimed prizes accrued in the last 12 months is £1.2 million. Because of the 18 months before a prize is deemed "unclaimed", this relates to prizes drawn during the period August 1995 to August 1996.

Over the 40 year life of the Premium Bond Scheme, the total value of prizes paid out has been £3.9 billion. The current amount unclaimed represents less than half of one per cent. of that total.

Taxation

Ms Roseanna Cunningham: To ask the Chancellor of the Exchequer what assessment he has made of the impact of his proposal to alter the basis on which members of professions are taxed on their incomes on *(a)* members of the Faculty of Advocates and *(b)* solicitors' firms in Scotland. [34607]

Dawn Primarolo *[holding answer 18 March 1998]:* The Inland Revenue Press Release issued on 22 December invited comments on the proposals to withdraw the cash basis practices available to professional businesses. The purpose of consultation was to enable those affected to voice their concerns and to help the Revenue to make a better informed assessment of the impact of the proposed change on different sectors. The Inland Revenue has received a large number of responses and I myself have received many. The Inland Revenue and I have also had meetings with representative bodies, including the Law Society, the Law Society of Scotland, the Bar Council, and the Faculty of Advocates.

Following the consultation, the proposal was refined and developed, and a number of modifications to the original scheme were announced in the Budget. An Inland Revenue press release on Budget Day set out the revised proposal.

Ms Roseanna Cunningham: To ask the Chancellor of the Exchequer what representations he has received since 22 December 1997 concerning the alteration of the basis on which members of professions are taxed on their income; and which of these expressed opposition to the proposed changes. [34608]

Dawn Primarolo *[holding answer 18 March 1998]:* We have received a large number of comments and representations on the proposal to withdraw the cash basis practices. Many of these expressed concerns about the effect of the proposal on professions.

Following the consultation, the proposal was refined and developed, and a number of modifications to the original scheme were announced in the Budget. An Inland Revenue press release on Budget Day set out the revised proposal.

Historic and Religious Buildings

Mr. Cousins: To ask the Chancellor of the Exchequer what estimate he has made of VAT income from repairs to historic and religious buildings in each of the last three years. [35569]

Dawn Primarolo *[holding answer 23 March 1998]:* No such estimate has been made.

Third World Debt

Ms Roseanna Cunningham: To ask the Chancellor of the Exchequer how many responses he has received to date from the Christian Aid Campaign on Third World Debt; and how much money has been received by his Department in furtherance of the campaign. [35652]

Mrs. Liddell *[holding answer 23 March 1998]:* Since January 1997, the Treasury has received some 7,000 letters and postcards on Third World Debt. This includes over 1,600 postcards that have been received in response to the Christian Aid Campaign on Third World debt.

The total amount of money that has been received from the public towards reducing the debts of poor countries is over £6,300. We have arranged that this money be used to help write off the debts owed to the UK by Tanzania.

Finance Bill

Mr. Timms: To ask the Chancellor of the Exchequer when the Finance Bill will be published; and if he will make notes on the Bill's clauses available to hon. Members as usual. [36194]

Dawn Primarolo: The Finance Bill will be published on Wednesday 8 April. Explanatory Notes on the Bill's clauses will be placed in the Vote Office and the Libraries of both Houses that day. Members of the public will be able to obtain copies of the Explanatory Notes from the Treasury; these will also be available on the Treasury's Internet site (http://www.hm-treasury.gov.uk).

Departmental Running Costs

Mr. Derek Twigg: To ask the Chancellor of the Exchequer if he will list the final outturn for 1996–97 for *(a)* each running costs limit and *(b)* the Ministry of Defence's operating costs limit. [36302]

Mr. Darling: The final outturn for 1996–97 for each running costs limit and the Ministry of Defence's operating costs limit is shown in the table.

£000

	Outturn 1996–97
Gross running costs limits	
Foreign and Commonwealth Office	507,744
Department for International Development	56,744
Intervention Board	57,410
Ministry of Agriculture, Fisheries and Food	317,861
Department of Trade and Industry (including ACAS)	383,837
Office of Fair Trading	17,855
Office of Telecommunications	9,069
Office of Gas Supply	10,490
Office of Electricity Regulation	13,675
Department of Transport	389,182
Office of Passenger Rail Franchising	7,048
Office of the Rail Regulator	7,321
Department of Environment	220,902
Health and Safety Executive	156,808
Office of Water Services	9,287
Home Office	1,787,053
Charity Commission	20,283
Lord Chancellor's Department	426,447
Northern Ireland Court Service	18,674
Public Record Office	22,225
Crown Prosecution Service	221,322
Serious Fraud Office	9,976
Treasury Solicitor's Department	25,812
Crown Office	43,357
Department for Education and Employment	1,279,193
Office for Standards in Education	28,649
Department For Culture, Media and Sport	29,005
Office of the National Lottery	1,880
Department of Health	274,804
Department of Social Security	3,161,873
Scottish Office	332,309
General Register Office for Scotland	6,617
Scottish Record Office	4,973
Scottish Courts Administration	40,854
Welsh Office	70,865
Office of Her Majesty's Chief Inspector of Schools in Wales	2,974
Northern Ireland Office	788,006
H. M. Treasury	52,179
Customs and Excise	733,948
Inland Revenue	1,683,828
Department of National Savings	177,909
Registry of Friendly Societies	7,639
National Investments and Loan Office	1,183
Office for National Statistics	98,607
Office of Public Service	81,846
Cabinet Office	40,673
Security and Intelligence Services	402,797
Privy Council Office	2,435
Net running costs limits	
Wilton Park (FCO)	930
ADAS Agency (MAFF)	5,650
Central Science Laboratory (MAFF)	0
Veterinary Laboratory Agency (MAFF)	0
Veterinary Medicines Directorate (MAFF)	0
Central Services (DTI)	0
National Weights Measures Laboratory (DTI)	0
Radio Communications Agency (DTI)	0
Vehicle Certification Agency (DoT)	80
QE II Conference Centre (DoE)	4,687
Building Research Establishment (DoE)	3,850
Health and Safety Laboratory (DoE)	−5,105
Ordnance Survey	9,476
Forensic Science Service (HO)	−1
Historic Royal Palaces Agency (DCMS)	0
NHS Estates Agency (DoH)	−490
Information Technology Services Agency (DSS)	0
Valuation Office Agency (Inland Revenue)	−7,703
Paymaster Agency	−1,247
Customer Funded Services (ONS)	1,043
Government Actuaries Department	414
Civil Service College (OPS)	−163
Security Facilities Executive (OPS)	0
Recruitment and Assessment Services (OPS)	246
Occupational Health and Safety Agency (OPS)	−583
Operating Costs	
Ministry of Defence	16,665,747

EDUCATION AND EMPLOYMENT

New Deal

Mr. Hoyle: To ask the Secretary of State for Education and Employment what role the CBI and trade unions have played in the New Deal. [33950]

Mr. Andrew Smith: Effective local partnerships are essential to the success of the New Deal. Employers and trades unions clearly have an important part to play. The CBI and the TUC have encouraged their members to be involved fully in local New Deal arrangements.

In addition, my officials and I have held regular meetings with the CBI and trades unions. The New Deal Task Force itself contains two members of the Executive Council of the TUC and Sir Peter Davis, the Chairman of the Task Force, has also recently met John Monks. Sir Peter Davis and other members of the Task Force are members of the CBI President's Council.

The CBI, TUC and individual trades unions have expressed support for the New Deal and have made a valuable contribution to its development.

Mrs. Lait: To ask the Secretary of State for Education and Employment what is his estimate of the number of people in the Beckenham constituency who will be eligible for the New Deal. [34718]

Mr. Andrew Smith: I have placed in the Library a list of the client planning assumptions for each New Deal unit of delivery which the Employment Service is using to plan provision for young unemployed people aged 18–24. The table shows that the planning assumption for the Croydon and Bromley unit of delivery, which includes the Beckenham constituency, is that 2,619 young people could be eligible to join the New Deal in 1998–99.

Mr. Willetts: To ask the Secretary of State for Education and Employment if he will place in the Library a copy of the KPMG study of partnerships on Pathfinder areas for the New Deal. [36089]

Mr. Andrew Smith: I have placed in the Library a copy of the KPMG Report.

Mr. Willetts: To ask the Secretary of State for Education and Employment when he will publish his response to the New Deal Task Force's, proposals on objectives for the New Deal. [36090]

Mr. Andrew Smith: Within the next two weeks, I will place a copy of my response in the Library.

Sixth Form Colleges

Dr. Whitehead: To ask the Secretary of State for Education and Employment what representations he has received concerning the equity of funding between continuing sixth forms in secondary schools and sixth form colleges. [33994]

Dr. Howells: We have received representations from individual college principals and on behalf of the Hampshire Principals Group.

Dr. Whitehead: To ask the Secretary of State for Education and Employment if he will set out the formula for funding sixth-form pupils *(a)* continuing in the sixth forms of secondary schools and *(b)* transferring to sixth form colleges at age sixteen. [33996]

Dr. Howells: Maintained schools receive funding for sixth form pupils on the basis of a formula devised by the LEA as part of its Local Management of Schools (LMS) scheme. Under LMS arrangements, the bulk of funding is allocated on the basis of pupil numbers. In most cases this funding is weighted for age, with other factors to provide additional funding for schools in particular circumstances. In a small number of cases, LEAs also allocate different levels of funding to reflect the costs of particular courses undertaken by sixth form pupils. Funding for sixth form colleges is allocated through the funding methodology employed by the Further Education Funding Council. Each student attracts a number of units for the college, reflecting in particular the course being followed by the student. The college also receives units for providing the student with appropriate pre-enrolment guidance and for the student's eventual achievement.

Dr. Whitehead: To ask the Secretary of State for Education and Employment if he will review the funding of sixth forms and sixth form colleges. [34026]

Dr. Howells: Funding for post-16 education is being considered as part of the Government's Comprehensive Spending Review. It is expected that announcements will be made in the summer or the autumn.

School Closures

Mr. Paul Marsden: To ask the Secretary of State for Education and Employment if he will list the schools which closed in Shropshire in each year since 1979. [34260]

Mr. Byers: Since 1983, the earliest year for which we have information available, the schools which have closed in Shropshire (excluding special schools) are listed in the table. Some schools have closed to reopen as an amalgamated school: some have closed to facilitate a change in age range. In such cases the successor schools are shown.

Date of closure	*School*	*Successor schools*
31 August 1983	Monkhopton CE Aided Primary	
31 August 1984	Richards Castle County Primary	
31 August 1984	Morton CE Controlled Primary	Pant Bryn Offa
31 August 1984	Porthywaen CE Controlled Primary	
31 August 1984	Llanymynech CE Controlled Primary	
October 1984	Marton CE Controlled Primary	
31 August 1985	Chapel Lawn CE Controlled Primary	
31 July 1987	Apley Park Secondary	
31 December 1987	Teagues Bridge Junior School	Teagues Bridge Primary School
31 December 1987	Teagues Bridge Infant School	
31 August 1988	Coton Mount Infant School	Greenfields
31 August 1988	Lancasterian County Primary School	
31 August 1988	St. Michael's Street County Primary School	
31 August 1988	Acton Burnell Primary School	
31 Augist 1988	Ightfield C of E School	
31 August 1988	Fitzalan School	The Marches
31 August 1988	Crosewylan-Oswestry School	
31 August 1989	Lyneal C of E (Controlled) Primary School	
31 August 1989	Stirchley County Middle School	Stirchley County Primary School
31 August 1989	Brookside Middle School	Brookside County Primary School
31 August 1989	Hollinswood County Middle School	Hollinswood Junior School
31 August 1989	Hollingsworth First	Hollingsworth Infant School
31 August 1989	Brindleyford First	Brindleyford Primary School

Date of closure	School	Successor schools
31 August 1989	Holmer Lake First	Holmer Lake Primary School
31 August 1989	Randlay First	Randlay Primary School
31 August 1989	Stirchley First	Stirchley Primary School
31 August 1991	Bayston Hill County Infant School	Bayston Hill Longmeadows Primary
31 August 1991	Bayston Hill C of E Junior School	
31 August 1991	Hopesay Parochial Primary School	
31 August 1991	St. Laurence's C of E Infant School	St. Laurence's CE (VC) Primary
31 August 1991	Stockton Norton C of E Primary School	
31 August 1992	Ellerdine County Primary School	
31 August 1992	Rodington C of E Primary School	
31 August 1992	St. Peter's C of E Primary School	
31 August 1993	Coreley C of E Primary School	
31 August 1994	The Down Primary School	Brown Clee
31 August 1994	Ditton Priors C of E Primary School	
31 August 1994	Burwarton C of E Primary School	
31 August 1994	Berrington C of E Primary School	
31 August 1994	The John Hunt School	The Sutherland
31 August 1994	The Manor School	
1 September 1996	Ford C of E Primary School	Trinity
1 September 1996	Wattlesborough C of E Primary School	
1 September 1996	Yockleton C of E Primary School	

Mature Students

Mr. Welsh: To ask the Secretary of State for Education and Employment if he will introduce measures to help students over the age of 50 years by *(a)* the provision of grants, *(b)* the waiving of tuition fees and *(c)* extending the upper age limit of eligibility for student loans; and if he will make a statement. [36077]

Dr. Howells: Full-time students currently in higher education who were aged over 50 at the start of their course are eligible for free tuition and for a means tested grant towards their living costs and will continue to be so for the duration of their courses. Those aged 50 and over who begin courses in the academic year 1998–99 will also be eligible for a grant at a reduced rate for that year only.

Under the new arrangements applying to entrants from 1998–99 onwards, all students, irrespective of their age, will be eligible to receive means-related help towards their contribution to tuition costs. We have no plans to extend the eligibility for loans to those aged 50 and over for 1998–99, but intend to review the eligibility requirements for 1999–2000 and subsequent years when grants will no longer be available. The recent consultation paper on lifelong learning, "The Learning Age", invited views on extending loans to those in their early 50s who wish to enter higher education, for example, to retrain following redundancy. Final decisions will be taken in the light of the responses to that consultation.

HEALTH

Acute Hospitals

16. **Mr. Brazier:** To ask the Secretary of State for Health what role he proposes for GPs and other primary carers in determining the local operation of acute hospitals. [34384]

Mr. Milburn: The White Paper The New NHS sets out our approach for modernising the National Health Service and for providing integrated primary and community health care services which will influence local acute NHS Trusts.

Burns and Plastic Surgery Facilities

17. **Mr. Wilkinson:** To ask the Secretary of State for Health if he will make a statement on the future of existing burns and plastic surgery hospital facilities within the Hillingdon, South West-Hertfordshire and Brent and Harrow health authority areas. [34385]

Mr. Boeteng: The Mount Vernon and Watford Hospitals NHS Trust provides plastic and burns services for these areas. A review of these services is being undertaken through joint working with the NHS Executive's regional offices and affected health authorities. Further discussions will shortly confirm a model of care, and criteria against which options for the future provision of services would be assessed. Full public consultation will take place on any significant service reconfiguration.

Learning Disability Services

18. **Mr. McCabe:** To ask the Secretary of State for Health what action the Government are taking to raise standards in learning disability services. [34386]

Mr. Boateng: There is a substantial programme of work in progress including: a report drawing out the lessons from a Social Services Inspectorate inspection of learning disability services last year and a follow up to good practice guidance on health services for people with learning disabilities called 'Signposts for Success' issued in January 1998.

Nurses and Midwives

20. **Mr. Heppell:** To ask the Secretary of State for Health what measures he intends to take to improve the recruitment and retention of nurses and midwives. [34388]

Mr. Milburn: The Government are employing a twin strategy to deal with the growing workforce demand by increasing training levels and investing in initiatives to improve the recruitment, retention and return to practice of trained staff, including flexible and family-friendly ways of working.

36. **Mr. Livsey:** To ask the Secretary of State for Health what strategies are in place to improve the recruitment and retention of nursing staff at NHS trusts. [34405]

Mr. Milburn: We are employing a twin strategy by increasing training levels and investing in initiatives to improve the recruitment, retention and return to practice of trained staff, including flexible and family-friendly ways of working. A resource pack has been sent to all trusts to help local managers develop and expand their recruitment and retention programmes, using the momentum built up by the current £1.2 million nursing publicity campaign.

Health Service (London)

21. **Mr. Randall:** To ask the Secretary of State for Health if he will make a statement on the progress of the review of London's health service. [34389]

Mr. Milburn: My right hon. Friend the Secretary of State announced the findings of the independent review panel, led by Sir Leslie Turnberg, and the Government's response, on 3 February 1998, *Official Report*, columns 843–58. We have accepted all the review panel's recommendations. This marks the beginning of a ten-year programme of modernisation for health services in London, which will deliver tangible benefits to patients, year by year.

Mr. Gapes: To ask the Secretary of State for Health what action the Government are taking to raise standards in primary care in London. [34391]

Mr. Milburn: We have accepted the recommendation of the independent review panel, led by Sir Leslie Turnberg, that there should be systematic progress in developing primary care in London. This will form part of a ten-year programme of modernisation for London's health services which will deliver tangible benefits for patients, year by year.

The starting point for making improvements is the White Paper, "The New NHS" and the vision it sets out for primary care development, organisation and management.

Distinction Awards Scheme

22. **Mr. Pike:** To ask the Secretary of State for Health what action the Government are taking to eliminate racism in consultants' merit awards. [34390]

Mr. Milburn: Action being taken this year includes better data, better monitoring of outcomes, and better representation of ethnic minority consultants on awards committees. I will be meeting the Chairman and Medical Director of the Advisory Committee on Distinction Awards shortly to discuss what more might be done.

Mental Health

24. **Dr. Brand:** To ask the Secretary of State for Health what plans the Government have to support day centres provided by the voluntary sector for mentally ill patients. [34392]

Mr. Boateng: We support the provision of day centres and have provided the Mental Illness Specific Grant which enables local authorities to fund a wide range of social services for mentally ill people. Many day centres are provided in partnership with the voluntary sector.

27. **Mr. Bill Michie:** To ask the Secretary of State for Health what action the Government are taking to improve the mental health of young people. [34395]

Mr. Boateng: The key to improving the mental health of young people is preventing problems from developing in the first place. Good mental health is one of the targets in our public health green paper "Our Healthier Nation". We intend to ensure the development of parenting skills and parent support, foster high quality pre-school education and, within our "healthy schools" initiative, seek to promote emotional and physical well being among young people.

Berkshire Health Authority

25. **Mr. Rendel:** To ask the Secretary of State for Health in which financial year he estimates Berkshire health authority will reach its proposed funding target under the weighted capitation formula. [34393]

Mr. Milburn: We aim to make progress each year. The pace of change depends on the overall level of resources for the National Health Service and the circumstances of all health authorities.

Ethnic Minorities

26. **Mr. Pollard:** To ask the Secretary of State for Health what action the Government are taking to improve the health of people from ethnic minority backgrounds. [34394]

Ms Jowell: The Department is seeking to ensure that the needs of black and minority ethnic groups are fully integrated into the mainstream of service provision. This is an important part of the Government's programme to tackle inequalities and covers public health and health services, employment and social care issues. Ministers have asked for targets to be set and achieved within given time frames to embed ethnic minority health in the policy and service delivery areas.

Local Health Service Planning

28. **Mr. Chidgey:** To ask the Secretary of State for Health if he will make a statement on the Government's strategy for involving the public in planning local health services. [34396]

Mr. Milburn: Rebuilding confidence in the National Health Service as a public service that is accountable, open and shaped by public views is one of our essential tasks. "The New NHS" White Paper sets clear requirements for public accountability and involvement to be met locally in a variety of ways as implementation of the White Paper proceeds.

Prescription Fraud

29. **Miss Melanie Johnson:** To ask the Secretary of State for Health what action the Government are taking to reduce prescription fraud. [34397]

Mr. Milburn: On 7 January, we announced a comprehensive programme of action, which includes plans to create a specific criminal offence of prescription charge evasion, improvements to prescription form security, the establishment of a hotline and internet websites for reporting suspected fraud, and the forthcoming appointment of a Fraud Supremo to spearhead this initiative.

Waiting Lists

30. **Mr. Boswell:** To ask the Secretary of State for Health what action he is taking to reduce hospital waiting lists. [34398]

Mr. Milburn: I refer the hon. Member to the oral answer my right hon. Friend the Secretary of State gave earlier today.

Mr. Burns: To ask the Secretary of State for Health how much money will be given to the North Essex Health Authority in 1998–99 to reduce hospital waiting lists. [35932]

Mr. Milburn: On 18 March 1998, *Official Report*, columns 1290–304, my right hon. Friend the Secretary of State announced that £417 million of the extra £500 million for the National Health Service announced in the Budget will be for the NHS in England. Of this amount, £320 million will be targeted specifically at cutting waiting lists in England. Health authorities will be notified about their allocations shortly.

Private Finance Initiative

31. **Mr. Love:** To ask the Secretary of State for Health how much new investment in health has been secured since 1 May 1997 through the private finance initiative. [34399]

37. **Mr. Chaytor:** To ask the Secretary of State for Health how much new investment has been secured since 1 May 1997 through the private finance initiative in health. [34406]

Mr. Milburn: £360 million of new capital investment has been secured through the private finance initiative since the 1 May 1997—£340 million as a result of 4 major schemes achieving financial close at the following National Health Service trusts: Dartford and Gravesham NHS Trust; Norfolk and Norwich Health Care NHS Trust; Carlisle Hospitals NHS Trust and South Buckinghamshire NHS Trust; and approximately £20 million through small schemes reaching financial close.

Mr. Corbyn: To ask the Secretary of State for Health what estimates he has made of the long-term costs of private finance compared with Government borrowing on hospital expansion programmes. [34387]

Mr. Milburn: To be approved, a Private Finance Initiative contract must offer better or comparable value for money to the publicly funded alternative.

Cosmetic Surgery

32. **Ann Clwyd:** To ask the Secretary of State for Health what representations he has received on the regulation of private cosmetic surgery. [34401]

Mr. Boateng: Since the beginning of the year, we have received seven letters and hon. Members have asked six Parliamentary Questions relating to the regulation of private cosmetic surgery.

Health Service Reforms (NHS)

33. **Mr. Olner:** To ask the Secretary of State for Health what action the Government are taking to involve frontline NHS staff in health service reforms. [34402]

Mr. Milburn: The National Health Service White Paper *The New NHS: Modern, Dependable* (Cmd 3807), published on 9 December 1997, makes clear our commitment to work closely with all those involved in implementing the changes needed to ensure a health service fit for the next century: NHS staff, users and carers, and partner organisations.

Further emphasis is given to this commitment by the establishment of a taskforce to explore new approaches to staff involvement and identify how frontline health service staff can work with local managers to shape new patterns of healthcare. The 13-strong panel which includes a porter, nurses, doctors, managers, a national union officer and representatives from outside industry will report to Ministers in the autumn.

National Institute for Clinical Excellence

34. **Mr. Miller:** To ask the Secretary of State for Health what plans he has for the role of the National Institute for Clinical Excellence in the NHS. [34403]

Ms Jowell: The National Institute for Clinical Excellence will give a new coherence and prominence to information about clinical and cost-effectiveness. It will develop and disseminate clinical guidelines based on relevant evidence of clinical and cost-effectiveness so as to inform decision making and support evidence-based practice in the National Health Service. We will be consulting on the Institute's role and responsibilities over the coming months.

Haemophiliacs

35. **Ms Roseanna Cunningham:** To ask the Secretary of State for Health when he last met representatives of haemophilia sufferers to discuss their concerns. [34404]

Mr. Boateng: My right hon. Friend the Secretary of State for Health met the Haemophilia Society on 10 September last year.

Health Authority Boards

38. **Mr. Flight:** To ask the Secretary of State for Health what is the number of appointments to health authority boards which remain outstanding for the most recent period for which figures are available; and if he will make a statement. [34407]

Mr. Milburn: As at 12 March 1998, there were vacancies for 1 chairman and 38 non-executive members on health authority boards. We will shortly be considering recommendations from National Health Service regional chairmen for filling these vacancies and the 302 vacancies which will fall due on 1 July 1998 when the terms of office of the present incumbents come to an end.

Suicides

39. **Mr. Hanson:** To ask the Secretary of State for Health what steps he intends to take to reduce the number of suicides among young people. [34408]

Mr. Boateng: Action is already being taken on a number of fronts including the pilot of a telephone helpline for young men who may be experiencing distress; restrictions on paracetamol and aspirin pack sizes and improvements in warnings about the effect of overdose; increasing public awareness and understanding about mental illness; educating health and social care professionals about depression; audit of serious incidents and the dissemination of findings; and improving primary and secondary mental health services.

Ambulance Services

Mr. Todd: To ask the Secretary of State for Health if he will review whether ambulance services should be permitted to prioritise calls within the 999 service; and if he will make a statement. [34117]

Mr. Boateng: The widely supported prioritisation of 999 calls is intended to improve response times to life-threatening calls, while maintaining the present standard for other less immediately urgent cases. A research evaluation is under way to test whether this initiative is successful in improving outcomes for patients. We have no present plans for a review.

Infant Mortality

Mr. Jenkin: To ask the Secretary of State for Health if he will make a statement on the infant mortality rate in *(a)* London and *(b)* the rest of the United Kingdom. [35411]

Mr. Boateng *[holding answer 20 March 1998]:* In 1996, there were 6.4 deaths of children aged under age 1 per 1,000 live births in Greater London as compared to 6.1 in the United Kingdom. The Green Paper, *Our Healthier Nation*, sets out our proposals for tackling these inequalities in health which will be informed by the independent inquiry into inequalities in health, led by Sir Donald Acheson.

Health Service Bureaucracy

Mrs. Anne Campbell: To ask the Secretary of State for Health what targets he has for redirecting funds from NHS bureaucracy into patient care. [34400]

Mr. Milburn: The White Paper *The New NHS* sets out a programme of action to sweep away the bureaucracy of the internal market. Over the lifetime of this parliament, £1 billion that would otherwise have been spent on bureaucracy will be released for patient care.

Under-age Drinking

Mr. Jim Cunningham: To ask the Secretary of State for Health what studies his Department has conducted to discover whether a link exists between under-age alcohol consumption and the *(a)* incidence of teenage pregnancies and *(b)* spread of HIV and other sexually transmitted diseases. [35291]

Mr. Boateng: None.

Prescription Charge Exemptions

Mr. Letwin: To ask the Secretary of State for Health what estimate he has made of the cost to the Exchequer of introducing exemptions from prescription charges for people with chronic heart conditions requiring treatment by drugs. [35972]

Mr. Milburn: No such estimate has been made.

National Health Service Centre for Coding and Classification

Mr. Rhodri Morgan: To ask the Secretary of State for Health what proposals he has to regularise the extra-statutory payments position in relation to the NHS Centre for Coding and Classification following the recent National Audit Office report. [35855]

Mr. Milburn: The Department has already regularised the position using delegated authority.

Health Authority Auditors

Mr. Rhodri Morgan: To ask the Secretary of State for Health what are the names and addresses of the *(a)* internal and *(b)* external auditors to (i) the Trent Regional Health Authority between 1990–91 and 1995–96 and (ii) Leicestershire Health Authority from 1995–96 to date. [35856]

Mr. Milburn: The names and addresses of the external and internal auditors for the Trent Regional Health Authority and Leicestershire Health Authority were:

Trent Regional Health Authority

External Auditors 1990–91 to 1995–96

District Audit (formerly known as the District Audit Service)

Lake House

Acorn Business Park

Woodseats Close

Sheffield S8 02B

Internal Auditors 1990–91 to 1995–96

Up to 31 March 1995 this function was carried out in-house

From 1 April 1995 to 31 March 1996 the service was purchased from:

Sheffield Health Authority

5 Old Pulwood Road

Sheffield

South Yorkshire S10 3TG

Leicestershire Health Authority

External Auditors 1990–91 to 1995–96

District Audit

2nd Floor

1 Friarsgate

1011 Stratford Road

Solihull

West Midlands B90 4BN

Internal Auditors from 1995–96 to date

Shires Audit and Management Services (Leicestershire Health Authority)

Enklon House

92 Regent Road

Leicester LE1 7PE.

Written Answers to Questions

Wednesday 25 March 1998

NORTHERN IRELAND

Remand Prisoners

Mr. Gordon Prentice: To ask the Secretary of State for Northern Ireland if she will arrange for remand prisoners charged with *(a)* murder and *(b)* other serious offences to be held in custody other than at HMP Maze. [35194]

Mr. Ingram: Only those prisoners who are connected with paramilitary organisations and who request to be held at HMP Maze are held there. Other remand prisoners—including those charged with non-terrorists murders and other serious offences—are held in HMP Maghaberry. Young Offenders are held on remand at HM Young Offenders Centre. Remand prisoners requiring to be held in segregated conditions will continue to be held in HMP Maze.

DEFENCE

Atomic Weapons Establishment

Mr. Matthew Taylor: To ask the Secretary of State for Defence when the Electronic Systems Division at the Atomic Weapons Establishment, Aldermaston was set up; what is the purpose of this division; how many series of technical papers or reports are currently being produced by this division; and what are the names of each series. [35368]

Mr. Spellar: The Electronic Systems Division existed from the 1950s until 1972. Work on electronic systems currently forms part of the activities of AWE's Systems Engineering Department, which designs and develops electrical and electronic systems for warhead and communications projects. The Department does not produce papers or reports in named series.

Ex Gratia Payments

Mr. Grogan: To ask the Secretary of State for Defence (1) what criteria are used by the Ministry to determine whether ex gratia payments should be made to ex-service personnel who have sustained serious injuries during their service in the armed forces; [35731]

(2) what is the number and total value of ex gratia payments made to ex-service personnel in respect of injuries they sustained during their service in the armed forces in each of the last 10 years. [35720]

Dr. Reid: An ex gratia payment is one made where no legal liability to pay exists. Except for two special categories of claim, relating to injuries sustained by criminal activity overseas and accidental injuries sustained by Service personnel voluntarily involved in research trials, it is my Department's policy to consider claims for compensation from ex-Service personnel only on the basis of its legal liability. With the exception of the two schemes mentioned above, no criteria exist for assessing whether ex gratia payments should be made. No ex gratia payments have been made by my Department to ex-Service personnel in respect of injuries sustained during their service in the ten year period ending 31 December 1997.

Low Flying

Mr. Öpik: To ask the Secretary of State for Defence (1) what percentage of low-flying sorties over Powys were crewed by flight staff from other countries in 1997; and if he will make a statement; [35918]

(2) what percentage of low-flying sorties over Powys were the result of overseas trade deals in 1997; and if he will make a statement. [35919]

Mr. Spellar: The information is not available in the form requested and could be provided only at disproportionate cost. It remains our policy to distribute military low-flying activity as widely and equitably as practicable. In 1997, sorties flown by non-UK based foreign aircraft and UK-based USAF aircraft made up 5 per cent. of the overall number of low-flying sorties flown in the UK.

Service Personnel (Medical Discharges)

Mr. Sarwar: To ask the Secretary of State for Defence how many service personnel were medically discharged from the armed forces *(a)* between 1980 to 1989 and *(b)* since 1990. [35897]

Dr. Reid: The following number of medical discharges for the armed forces have been reported by the services from 1 January 1980 to 31 December 1997 as at 23 March 1998.

(a) Number of medical discharges between 1 January 1980 and 31 December 1989: 11,157

(b) Number of medical discharges between 1 January 1990 and 31 December 1997: 11,456.

Veterans' Unit

Mr. Wareing: To ask the Secretary of State for Defence, pursuant to his answer of 9 March 1998, *Official Report*, column *48*, on a veterans' unit, if he will make a statement on the discussions he had with the Secretary General of the Royal British Legion. [36083]

Dr. Reid: I had a very useful meeting with the Secretary General of the Royal British Legion on 11 March to discuss his organisation's current views on how best to improve the handling of ex-Service affairs. My Department will be looking closely at options for approaching the wider question of matters relating to the ex-Service community in the light of these discussions.

Nuclear Accident Exercises

Mr. Matthew Taylor: To ask the Secretary of State for Defence what was the scenario of a nuclear weapon accident exercise entitled Pantograph which took place in 1988; on what dates and where the exercise took place; and if he will place a copy of the results of this exercise in the Library. [35367]

Dr. Reid: Exercise PANTOGRAPH took place at RAF Hullavington in May 1988. The exercise tested the procedures in place for responding to the crash of a transport aircraft carrying nuclear weapons. A classified report on the exercise does exist, but for the reasons given by my hon. Friend in answer to the hon. Member on 31 July 1997, *Official Report,* column *470,* and under Exemption 2 of the Code of Practice on Access to Government Information, I am not prepared to release the report.

Precision-guided Weapons

Mr. Hancock: To ask the Secretary of State for Defence, pursuant to his answer of 9 February 1998, *Official Report,* column *71,* on precision guided weapons, which countries have been supplied with multi-spectral smoke by UK companies. [30244]

Mrs. Roche: I have been asked to reply.

The Department of Trade and Industry does not compile records of actual exports to any destination.

The export of military smoke projectors and generators is controlled under entry ML2 of the Export of Goods (Control) Order (this is known as the "rating" of these goods). The export of munitions containing smoke is controlled under entries ML3, ML4 and possibly PL5030. The export of vehicles, vessels or aircraft incorporating smoke projectors or generators is controlled under entries ML6, ML9, and ML10 respectively. The export of specialised devices or generators for military training is controlled under entry ML14.

Many licences have been issued covering goods with these ratings. It would entail disproportionate cost to determine which, if any, covered equipment containing or capable of generating or projecting multispectral smoke.

CULTURE, MEDIA AND SPORT

Public Bodies

Mr. Burns: To ask the Secretary of State for Culture, Media and Sport if he will publish *(a)* the number of places on each of his Department's non-departmental public bodies, *(b)* the number of places that are currently unfilled on each non-departmental public body, *(c)* the total number of members that have resigned since 1 May 1997, *(d)* the total number that have retired since 1 May 1997, *(e)* the total number that have not had their contracts renewed since 1 May 1997, *(f)* the total number that have remained in place since 1 May 1997 and *(g)* the total number that have been appointed since 1 May 1997. [35281]

Mr. Chris Smith *[holding answer 19 March 1998]:* The number of seats, and current vacancies, for each of my non-departmental bodies, are set out in the table.

The information requested in parts *(c)*-*(g)* of the question is as follows:

(c) there have been 14 resignations since 1 May 1997;

(d & e) 43 appointments have expired;

(f) 398 members have remained in place; and,

(g) 105 members have been appointed.

These figures include all appointments which are my responsibility or where my role is to advise my right hon. Friend the Prime Minister and, through him, Her Majesty The Queen.

Body	[1]*Maximum number of places permitted*	[2]*Currently un-filled (actively seeking candidates)*
Advisory Committee on Historic Wreck Sites	21	0
Advisory Committee on the Government Art Collection	6	0
Advisory Council on Libraries	11	2
Arts Council of England	26	0
British Film Institute	20	0
British Library	14	0
British Museum	24	1
British Tourist Authority	9	0
Broadcasting Standards Commission	15	0
Crafts Council	21	2
English Heritage	17	1
English Sports Council	16	0
English Tourist Board	7	0
Football Licensing Authority	9	0
Geffrye Museum	No maximum	0
Horniman Museum	No maximum	0
Imperial War Museum	25	0
Library and Information Commission	13	1
Millennium Commission	9	0
Museum of London	18	2
Museum of Science and Industry in Manchester	15	2
Museums and Galleries Commission	15	1
National Film and Television School	20	0
National Gallery	14	2
National Heritage Memorial Fund	15	1
National Lottery Charities Board	22	0
National Maritime Museum	No maximum	3
National Museums and Galleries on Merseyside	20	0
National Portrait Gallery	16	0
Natural History Museum	12	1
Public Lending Right Advisory Committee	9	0
Public Lending Right Registrar	1	0
Reviewing Committee on the Exports of Works of Art	8	0
Royal Armouries	11	0
Royal Commission on Historical Manuscripts	17	0
Royal Commission on the Historical Monuments of England	16	0
Royal Fine Art Commission	18	1
Science Museum	20	4
Sir John Soane Museum	9	0
Tate Gallery	12	0
United Kingdom Sports Council	10	0
Victoria and Albert Museum	20	1
Wallace Collection	No maximum	0
Total		25

[1] This column gives the maximum number of places permissible and includes ex-officio appointments. The actual number of appointees to each board will be determined according to operational requirements. It should be noted that not all of these appointments are in the gift of the Secretary of State for Culture, Media and Sport, or on his advice, the Prime Minister or Her Majesty the Queen. The totals also include appointments made by other organisations such as the Royal Society of Arts, the Society of Antiquaries and the City of London Corporation.

[2] This column lists those appointments which are for the Secretary of State for Culture, Media and Sport or where his role is to advise the Prime Minister or Her Majesty the Queen and where the Department is actively seeking candidates to fill vacant posts. Information on appointments which fall to others is not included. For example, information on the Museum of London does not include appointments made by the City of London Corporation.

Film Policy Review Group

Siobhain McDonagh: To ask the Secretary of State for Culture, Media and Sport when he expects to receive the report of the Film Policy Review Group. [36456]

Mr. Chris Smith: The Film Policy Review Group Report "A Bigger Picture" was published this afternoon. I have placed copies of the Report in the Libraries of both Houses.

National Endowment for Science, Technology and the Arts

Mr. Maude: To ask the Secretary of State for Culture, Media and Sport if he will estimate the amount of money to be allocated to the National Endowment for Science, Technology and the Arts during the lifetime of the current National Lottery operating licence. [36067]

Mr. Chris Smith: The National Endowment for Science, Technology and the Arts will receive an initial endowment of £200 million from the National Lottery Distribution Fund. I have no current plans to make any further endowment to NESTA during the lifetime of the current operating licence.

National Lottery

Mr. Maude: To ask the Secretary of State for Culture, Media and Sport if he will list the organisations that responded to the consultation exercise following the publication of the White Paper "The People's Lottery". [36384]

Mr. Chris Smith: Nearly 500 organisations and over 90 individuals responded to the White Paper, "The People's Lottery". On 18 December last year, I sent the right hon. Member a copy of the comprehensive analysis of all the responses, including a list of the organisations that responded, and placed a copy in the Libraries of both Houses.

LORD CHANCELLOR'S DEPARTMENT

Civil Court Judgments

Miss Melanie Johnson: To ask the Parliamentary Secretary, Lord Chancellor's Department if he will set out his plans for a review of the enforcement of civil court judgments. [35692]

Mr. Hoon: The Lord Chancellor has directed that a comprehensive Review of Enforcement of civil court judgments be carried out. Its primary purpose will be to address public concern about the effectiveness of the present arrangements in enabling plaintiffs to enforce civil court judgments. The Review will also continue the task, within the Civil Justice Reform programme, of unifying the Rules of Court as between the High Court and the county court.

The Terms of Reference of the Review are as follows:

To examine the present methods available for enforcement of county court and High Court Judgment to assess their effectiveness; identify the reasons for any ineffectiveness; identify what changes would be necessary to enhance the effectiveness of the current methods of enforcement; and to make costed recommendations;

To examine the information, advice and assistance currently available to creditors and debtors; to identify what changes would be necessary to enhance the effectiveness of the current methods of enforcement; and to make costed recommendations;

To review the powers of bailiffs (county court and private sector) to determine what changes to their powers would be needed to enhance the effective enforcement of civil court judgments and to increase uniformity; and to make costed recommendations;

To consider what amendment is needed for the successful implementation of section 13 of the Courts and Legal Services Act 1990; and to make costed recommendations;

To consider whether, and if so how, the present power to distrain for rent should be abolished (as recommended by the Law Commission); and to make costed recommendations;

To identify, in the light of the amended procedures and revised powers of bailiffs, the type of agent(s) or form of agency which should be responsible for carrying out those enforcement procedures; and to make costed recommendations;

To implement those recommendations accepted by the Lord Chancellor (including the production of a unified set of Rules of Court for enforcement); and

To gather the necessary data to make comparisons between the current and revised methods of enforcement and to evaluate the effectiveness of the project.

The Review will commence in April 1998. The first changes resulting from the Review should come into effect in the courts in November 2001.

TRADE AND INDUSTRY

Defence Export Licences

Mr. Blunt: To ask the President of the Board of Trade how many defence export licence applications have been outstanding since September 1997. [33135]

Mrs. Roche *[holding answer 6 March 1998]:* The Export Control Organisation's computer databases have been interrogated and the results are as follows. At 6 February 1998, decisions had not been taken on 1,469 applications for standard individual licences and 117 applications for open individual licences received since 1 September 1997 to export goods subject to export control by being listed in Part III of Schedule 1 to the Export of Goods (Control) Order (the so-called "Military List").

This information should be considered in light of the answer I gave my hon. Friend the Member for Don Valley (Caroline Flint) on 30 October 1997, *Official Report,* columns *870–71.*

Mr. Clapham: To ask the President of the Board of Trade what initiatives are planned to ensure cross departmental co-operation and the sharing of information relating to applications for licences to export arms. [34526]

Mrs. Roche *[holding answer 16 March 1998]:* The Department of Trade and Industry already works closely with other Departments and Agencies of the Government in export licensing. There are well-tested arrangements for sharing information.

Looking to the future, the Department is developing a system which will allow export licence applications to be made electronically, and hopes to show it to a number of

companies to seek their opinions very soon. This work, which is proceeding in consultation with the other Departments most closely concerned with export licensing, will create the potential further to improve interdepartmental communication.

Ann Clwyd: To ask the President of the Board of Trade how many applications for arms export licences to Turkey *(a)* are currently pending with her Department and *(b)* have been (i) approved and (ii) refused since 5 November 1997, listing the amount of equipment and the companies involved. [34357]

Mrs. Roche: The Export Control Organisation's computer databases have been interrogated and the results are as follows for the period between 5 November 1997 and 6 February 1998 in respect of applications for individual licences to export to endusers or consignees in Turkey goods controlled under Part III of Schedule 1 to the Export of Goods (Control) Order (the so-called "Military List").

	Applications pending at 6 February 1998	*Licences issued*	*Applications refused in full*
Standard Individual Export Licences	76	38	0
Open Individual Export Licences	—	—	—
	72	4	0
	—	—	—

This information should be considered in light of my answer to a question from my hon. Friend the Member for Don Valley (Caroline Flint), on 30 October 1997, *Official Report*, columns *870–71*.

These figures exclude Media OIELs, which are Open Individual Export Licences authorising the export to any destination of protective clothing, mainly for the protection of aid agency workers and journalists when working in areas of conflict.

As regards the additional information requested, it would entail disproportionate cost to make the inquiries necessary under the Code of Practice on Access to Government Information.

Dr. Tonge: To ask the President of the Board of Trade if she will list the arms for which licences for export to the Philippines have been granted in the past five years. [29120]

Mrs. Roche: The Export Control Organisation's computer databases have been interrogated and the results are as follows. Between 1 January 1993 and 12 January 1998, 142 standard individual licences and 32 Open Individual Licences were issued for the export to endusers or consignees in the Philippines of goods subject to export control by being listed in Part III of Schedule 1 to the Export of Goods (Control) Order (the so-called "Military List").

The entry in the legislation under which the export of goods is controlled is known as their rating. Individual export licences often cover a range of goods, controlled under several entries in the legislation. Where this is so the licence is included in the Table in the total shown against each of the relevant ratings.

Standard individual licences issued for the export to the Philippines of goods on the Military List

	Number of licences covering goods with this rating					
	1993	*1994*	*1995*	*1996*	*1997*	*1998 (until 12 January)*
ML1	7	3	18	16	19	0
ML2	0	1	0	1	1	0
ML3	3	1	3	4	0	0
ML4	0	0	0	0	0	0
ML5	0	2	1	2	3	0
ML6	0	6	3	3	3	0
ML7	0	0	0	0	0	0
ML8	0	0	1	0	0	0
ML9	0	0	1	0	1	0
ML10	0	0	0	1	1	0
ML11	2	4	5	5	1	0
ML12	0	0	0	0	0	0
ML13	0	0	0	2	0	0
ML14	0	0	0	1	1	0
ML15	2	3	3	2	3	1
ML18	0	0	0	0	1	0
ML22	0	0	0	0	7	0
PL5002	0	0	2	0	0	0
PL5006	0	0	0	2	0	0
PL5009	0	0	0	0	0	0
PL5017	0	0	1	1	5	0
PL5018	1	1	0	0	0	0
PL5021	0	2	1	0	0	0

Open individual licences issued for the export to the Philippines of goods on the Military List

	Number of licences covering goods with this rating				
	1994	*1995*	*1996*	*1997*	*1998 (until 12 January)*
ML1	0	0	0	1	0
ML3	1	0	0	0	0
ML4	2	0	1	0	0
ML5	0	2	2	1	0
ML6	0	0	1	0	0
ML8	2	0	0	0	1
ML10	1	0	2	0	0
ML11	2	0	2	1	0
ML13	3	1	5	0	0
ML14	0	0	1	0	0
ML15	1	0	0	0	0
ML17	0	0	0	1	0
PL5001	0	0	1	0	0
PL5017	1	1	1	0	0
PL5027	1	0	0	0	0

These figures exclude so-called Media OIELs, which are Open Individual Export Licences authorising the export to any destination of protective clothing, mainly for the protection of aid agency workers and journalists when working in areas of conflict.

This information should be considered in light of my answer to a question from my hon. Friend the Member for Don Valley (Caroline Flint) on 30 October 1997, *Official Report*, columns *870–71*.

Mr. Quinn: To ask the President of the Board of Trade, pursuant to her answer of 30 October 1997, *Official Report*, columns *870–71*, if statistics on export licences issued and refused for the second half of 1996 have been placed in the Library. [36624]

Mrs. Roche: The statistics on export licences issued and refused for the second half of 1996 have been placed in the Library of the House today.

Iraq

Mr. Menzies Campbell: To ask the President of the Board of Trade if she will list the pathogen strains exported from the United Kingdom to Iraq between 1985 and 1989 indicating the date of export. [34846]

Mrs. Roche *[holding answer 19 March 1998]:* The Department of Trade & Industry does not compile records of exports to any destination. A list of applications for licences to export to Iraq from the period 1984–90 formed Part A of Appendix A to Sir Richard Scott's Report of the Inquiry into the Export of Defence Equipment and Dual-Use Goods to Iraq and Related Prosecutions.

Mr. Clapham: To ask the President of the Board of Trade how many export licence applications were approved between the end of the Gulf War in 1991 and 1997 for shipment to Iraq of growth mediums that could have dual use. [34527]

Mrs. Roche *[holding answer 16 March 1998]:* I refer my hon. Friend to my answer to my hon. Friend the Member for Walsall, South (Mr. George) on 16 March 1998, *Official Report*, columns *487–90*.

Multilateral Agreement on Investment

Mr. Matthew Taylor: To ask the President of the Board of Trade what analysis the Government have undertaken on the relationship between the Multilateral Agreement on Investment and Multilateral Environmental Agreements; and if she will publish the results. [35498]

Mrs. Roche: As part of the OECD's review of the relationship between the Multilateral Agreement on Investment (MAI) and environmental regulation, which was requested by the UK, the OECD Secretariat has prepared a draft paper on the relationship between the MAI and MEAs. This part of the OECD's review is currently under discussion, and we hope it will be placed on the Internet soon.

Mr. Matthew Taylor: To ask the President of the Board of Trade what analysis the Government have carried out on the effect of the Multilateral Agreement on Investment on regulations relating to *(a)* labour standards and *(b)* the environment; and if she will publish it. [35496]

Mrs. Roche: All negotiators agree that the Multilateral Agreement on Investment (MAI) must not undermine normal government regulation, including in the fields of labour standards and the environment. The UK and several other countries are pressing for a requirement that labour and environmental regulations should not be waived to attract particular investments.

A copy of the UK's review of the compatibility of our national laws on the environment with the MAI was placed in the Library of the House on 19 March.

Mr. Matthew Taylor: To ask the President of the Board of Trade if she will publish the evidence evaluated by the Government on the treatment of the trading of pollution quotas under the Multilateral Agreement on Investment. [35497]

Mrs. Roche: The MAI concerns investment rather than trade. Nevertheless, the issue of trading pollution quotas is under consideration in the OECD's review of the relationship between the MAI and MEAs.

Dr. Starkey: To ask the President of the Board of Trade if she will seek to amend the current draft text of the Multilateral Agreement on Investment in respect of compensation for expropriation of an investment. [35619]

Mrs. Roche: New draft text on compensation and expropriation was tabled in negotiations on 17 March in response to fears that an earlier draft was too widely drawn. This makes clear that Parties will not be required to pay compensation for losses arising from normal government activity such as regulation and revenue-raising.

The Government welcome the objective of the new draft, which we will consider carefully.

Millennium Compliance

Mr. Wigley: To ask the President of the Board of Trade what plans she has to provide financial assistance to small businesses to help them deal with millennium computer compliance problems. [35601]

Dr. Kumar: To ask the President of the Board of Trade what financial support she intends to provide to small and medium enterprises to overcome the difficulties of Millennium computer compliance. [34124]

Mrs. Roche: Action 2000 has been set up to raise awareness and understanding of the Millennium bug problem and of the action which can be taken to deal with it. As with any business problem, it will be for individual businesses to finance the steps required to deal with it, although Business Links will be able to offer advice and easy access to the necessary support.

Delft Flight Simulator

Mr. Dalyell: To ask the President of the Board of Trade, pursuant to the Minister for Science, Energy and Industry's letter of 18 February 1998 to the hon. Member for Linlithgow, what is the result of the contact with Caledonian University on helping British companies exploit Delft Flight simulator technology; and if she will make a statement. [34122]

Mr. Battle *[holding answer 23 March 1998]:* My hon. Friend has written to me on this subject, and further to my reply of 18 February, in which I stated that my officials were pursuing this matter, I can confirm they have been making inquiries to obtain details of the project from the university.

My officials will continue to investigate and will consider carefully the information we receive. I will write to my hon. Friend with more details as soon as possible and place a copy of that letter in the Library of the House.

Kenya

Mr. Laxton: To ask the President of the Board of Trade if the military, security and police supplies sent to Kenya in the last two years went to the military or to police units. [32832]

Mrs. Roche: I refer my hon. Friend to my answer to the hon. Member for North Devon (Mr. Harvey), on 12 March 1998, *Official Report*, columns *331–32*.

Export Licences (Iraq)

Sir Peter Lloyd: To ask the President of the Board of Trade how long on average it takes to obtain an export licence to export humanitarian products to Iraq; what proportion of that time is taken waiting for a decision from the UN; what was *(a)* the longest and *(b)* the shortest time taken to grant an application for such a licence in the last 12 months; what was (i) the longest and (ii) the shortest time taken by the UN in processing an application referred to them by her Department over the same 12 months; and if there is any difference between the time taken to process applications made by recognised charities and commercial concerns. [35083]

Mrs. Roche: The Export Control Organisation of the Department does not record the average length of time it takes to process an export licence application, and it would entail disproportionate cost to find the longest and shortest times taken in the last 12 months to process applications to export humanitarian products to Iraq.

Typically, the Department has been notified of the United Nations Sanctions Committee's decisions three to four weeks after submission, but this can vary a great deal from case to case. The Department does not compile records of the time taken between submission to the Committee of an application by the UK Mission to the United Nations and notification of its decision. The Sanctions Committee has recently completed a review designed to streamline its consideration of applications.

In processing applications, the Department makes no distinction between recognised charities and other applicants. However, where a UN aid agency, such as UNICEF or the World Health Organisation, is acting as the consignee, the agency can seek approval from the Sanctions Committee before the exporter applies for an export licence, which is likely to reduce the processing time within the Department of Trade and Industry.

Village Post Offices

Mr. Paul Marsden: To ask the President of the Board of Trade how many village post offices closed *(a)* nationally and *(b)* in Shropshire in each year since 1979 for which figures are available. [34258]

Mr. Ian McCartney: I understand from the Post Office that the number of rural post offices nationally which have closed since March 1987 are as set out in the table. Due to reorganisation and changes in administrative boundaries at Post Office Counters Ltd, data before this date nationally and before 1993 in Shropshire are not available.

	Rural post office closures nationally	*Rural post office closures in Shropshire*
Year to March 1988	90	—
Year to March 1989	208	—
Year to March 1990	192	—
Year to March 1991	229	—
Year to March 1992	33	—
Year to March 1993	163	4
Year to March 1994	160	0
Year to March 1995	55	3
Year to March 1996	131	6
Year to March 1997	149	5
Year to February 1998	219	2

Dismissal Procedure Agreements

Mr. McAllion: To ask the President of the Board of Trade if she will list the dismissal procedure agreements made by employers and trade unions and substituted for industrial tribunals under the terms of the Employment Protection (Consolidation) Act 1978. [35697]

Mr. Ian McCartney: The Employment Protection (Consolidation) Act 1978 has been superseded by the Employment Rights Act 1996. Only one agreement has been made under the dismissal procedures provisions in section 110 of that Act. It relates to the Joint Industry Board for the Electrical Contracting Industry.

Trade Union Ballots

Mr. Jim Cunningham: To ask the President of the Board of Trade if she will ensure that an independent agency has the responsibility for defining the constituency boundaries of trade union ballots. [35780]

Mr. Ian McCartney: The Government will set out their proposals on union recognition for consultation in the forthcoming White Paper on fairness at work.

Workers' Rights

Mr. Jim Cunningham: To ask the President of the Board of Trade what plans she has to ensure that workers dismissed for taking part in a legal strike have a right to *(a)* reinstatement and *(b)* compensation. [35778]

Mr. Ian McCartney: The Government are reviewing the law on the dismissal of strikers and will announce the outcome in the forthcoming White Paper on fairness at work.

Mr. Jim Cunningham: To ask the President of the Board of Trade what reviews she has undertaken to assess the advantages and disadvantages of a minimum length of employment in respect of protection against unfair dismissal. [35779]

Mr. Ian McCartney: My Department monitors carefully the correspondence and representations which we receive from all sides on this issue. Questions about the length of the employment period discriminating

indirectly against women are currently before the European Court of Justice and we shall consider the Court's judgment in due course.

Utility Regulation

Mr. Healey: To ask the President of the Board of Trade if she will make a statement about progress with the review of utility regulation. [36623]

Mrs. Beckett: Water, energy and telecommunications are among the essentials of everyday life. The public expect and have a right to an efficient supply of these services, on fair terms. The Government are determined to ensure that the regulatory framework delivers this.

That is why I announced a review of regulation of the gas, water, electricity and telecommunications utilities on 30 June 1997. I am today publishing the results of this review in a Green Paper, "A Fair Deal for Consumers: Modernising the Framework for Utility Regulation".

Effective regulation should ensure that the consumer comes first. It should do this by providing incentives to innovate and improve efficiency; by driving competition to push service standards up and prices down; by protecting consumers where the discipline of competition is insufficient; and by providing a framework which will ensure that these industries contribute to a better environment and quality of life, capable of being shared by all sectors of society, and by future generations.

The privatised utilities were sold too cheaply, and price controls set by the previous Government on privatisation were too lax. The result was a bad deal for consumers and for taxpayers. The Windfall Tax put right the mistakes of the past. It is time now to learn lessons from the existing regulatory regime—both its strengths and its weaknesses—to ensure that consumers are better served in future. We need to anticipate changes in market structures such as the development of multi-utility companies, the rapid emergence of competition in energy supply, and the impact of liberalisation in telecommunications. We also need to build confidence in the regulatory system by improving the transparency, consistency and accountability of the process.

ENVIRONMENT, TRANSPORT AND THE REGIONS

Motorway Closures

Fiona Mactaggart: To ask the Secretary of State for the Environment, Transport and the Regions which stretches of motorway are subject to cyclical closures for maintenance; how frequent these closures are; at what time of day they occur; and what estimate he has made of the average extra journey time of diverted vehicles. [35129]

Dr. Strang: I have asked the Chief Executive of the Highways Agency, Mr. Lawrie Haynes, to write to my hon. Friend.

Letter from Jon Seddon to Fiona Mactaggart, dated 25 March 1998:

The Minister of Transport, Gavin Strang has asked the Chief Executive of the Highways Agency to reply to your recent Parliamentary question about the cyclical closure of motorways for maintenance. I am writing on his behalf.

In principle motorways are not closed for routine maintenance on a cyclical programme nor in response to ad hoc needs. There are, however, some exceptions where closure is the only way that safety can be assured.

Tunnels are usually closed for routine cleaning, light replacement etc. to maintain Health & Safety standards. These closures are restricted to one weekend night at appropriate intervals and, wherever possible, to one bore at a time to allow contraflow working.

Some slip roads also have to be closed for safety reasons when routine maintenance is undertaken.

On the M50 there is a stretch where the hard shoulder provision is inadequate and occasional closures have had to be made though on and ad hoc basis rather than to a pre-determined cycle.

The special circumstances of metropolitan London give rise to three cases on the western side of the capital where routine maintenance does require cyclical closure. The details are;

M4 from Junction 1 to Junction 3—each carriageway is closed at intervals of six weeks for four nights between 9pm and 6am.

M41 West Cross Route—each carriageway is closed at intervals of six weeks for one night between 10pm and 6am.

A40(M) Westway including Marylebone Flyover—both carriageways are closed at intervals of six weeks from 2am to 10am on Sundays.

The Highways Agency has not made an analysis of the additional journey time imposed on traffic by these closures. We do, however, use our knowledge of traffic flows to ensure that the inevitable disruption occurs only when traffic is at a minimum.

Cyclical closure of carriageways can be caused by matters other than routine maintenance. You will know that the Maidenhead, Windsor and Eton Flood Alleviation scheme on the River Thames will cause some closures of the M4 in and around your constituency from April to September. Notices giving the details of the closures are due to be published soon. The diversion route for the whole has been assessed as being 7 minutes longer than the M4 route.

Roads (A417/A419)

Mr. Clifton-Brown: To ask the Secretary of State for the Environment, Transport and the Regions (1) what decibel projections were modelled for the proposed A417/A419 DBFO road; what decibel readings have been taken by the Department, or other agencies, on the road *(a)* before and *(b)* after it was constructed; at which points along the road the readings were taken; and whether any of these readings are above the Department's decibel mean; [35346]

(2) what were the costs of surfacing an average mile of the A419/A417 DBFO road in *(a)* HRA, *(b)* SMA and *(c)* concrete; [35348]

(3) what critical noise modelling has been undertaken in respect of the A419/A417 DBFO road; and what the results are; [35347]

(4) which sections of the A419/A417 DBFO road are surfaced with *(a)* hot rolled asphalt, *(b)* stone mastic asphalt and *(c)* concrete; how many miles in total of the A419/A417 DBFO are surfaced with each; and what reasons underlay the use of different surfaces; [35345]

(5) what would be the cost of roadsurfacing all the concrete surfaces on the A419/A417 DBFO road between Latton and Nettleton Bottom with hot rolled asphalt. [35349]

Dr. Strang: I have asked the Chief Executive of the Highways Agency, Mr. Lawrie Haynes, to write to the hon. Member.

Letter from Lawrie Haynes to Mr. Geoffrey Clinton-Brown, dated 25 March 1998:

The Minister for Transport, Dr. Gavin Strang, has asked me to reply to your recent Parliamentary Questions about the new A417/A419 DBFO scheme.

About 15 miles of the road between the M4 and Marston Meysey and between Cowley Roundabout and the M5 are surfaced with Hot Rolled Asphalt (HRA). The sections surfaced with Stone Mastic Asphalt (SMA) total about 7 miles and are at Marston Meysey, the Churn Valley Viaduct and from Stratton to Cowley Roundabout. About 8.2 miles of the road from Latton Village to Quarry Junction have a concrete surface, apart from section across the Churn Valley Viaduct.

Under the terms of the contract, the choice of road carriageway materials was entirely a matter for the contractor.

Noise predictions were calculated in accordance with "Calculation of Road Traffic Noise" (CRTN), a copy of which can be seen in the House of Commons Library. I am arranging for a copy of the noise report that was prepared for this scheme under CRTN to be sent to you direct. We are checking the road traffic noise calculations to ensure that the correct assessments have been made. Noise readings, which use a different unit of noise measurement, were taken at eighteen Control Stations along the route to record the ambient noise levels before work started and to monitor the level of construction noise. Measurements are also being taken now at the same control stations.

Because this is a Design Build Finance Operate contract we do not have exact details of the costs incurred in laying the road surfaces used. However the Department's Agent estimates that the cost of constructing the full depth of pavement with different surfacings on an average mile of the road were

		£
a.	HRA	935,000 per mile
b.	SMA	965,000 per mile
c.	Concrete	645,000 per mile

These estimates do not take account of any consequential changes in earthwork quantities due to the different pavement thicknesses.

There are no plans to resurface the concrete section with (HRA) and in any event there may be difficulties in doing so because the thickness of the (HRA) surfacing required would affect the drainage design, the height of the safety barriers and the headroom at bridges; major work could be required to overcome the problems.

If the concrete carriageway were to be overloaded with a thin surfacing such as SMA the estimated cost would be £1.4 million (excluding VAT, any preliminaries, insurances, drainage and maintenance costs).

Accounting Officer (Directions)

Mr. Matthew Taylor: To ask the Secretary of State for the Environment, Transport and the Regions on how many occasions written directions were sought by the accounting officer of the Department of Transport since 1 January 1996; what were the circumstances of each direction; and on what dates the directions were sought. [35369]

Dr. Strang: One. It concerned a scheme of redress for those who had experienced exceptional hardship from generalised blight as a result of the Channel Tunnel Rail Link before the final route was fixed. It was sought on 18 March 1997 but became unnecessary owing to changes in the hardship scheme.

Channel Tunnel Rail Link

Mrs. Ellman: To ask the Secretary of State for the Environment, Transport and the Regions if he will ensure that the choice of site for the London terminal for the rail link to the Channel Tunnel meets the needs of the North West and Northern regions. [35742]

Dr. Strang: St. Pancras is the London terminal specified in both the Channel Tunnel Rail Link Act 1996 and the Development Agreement with London and Continental Railways. It would provide ready access to services from King's Cross and Euston to the North and North West of England. LCR also plan through international services to the West Coast Main Line via Stratford.

Local Authority Housing

Mr. Mitchell: To ask the Secretary of State for the Environment, Transport and the Regions how many local authorities own housing stock; and if he will list those which spend notional rent surpluses to meet the cost of housing benefit, indicating for each how much notional rent surplus is spent on housing benefit; what is the total number of council house tenants in each authority; and what is the total number who do not receive housing benefit. [35640]

Mr. Raynsford: In 1997, 324 local authorities in England owned housing stock which was accounted for in their Housing Revenue Account.

The other information requested is contained in tables which I have placed in the Library of the House.

Private Hire Vehicles

Ms Perham: To ask the Secretary of State for the Environment, Transport and the Regions how many of the responses to the consultation document, "Licensing Minicabs in London", advocated that private hire drivers in London should undergo a form of topographical training. [35847]

Dr. Strang: The majority of responses were in favour of some test of topographical knowledge for minicab drivers, though there was a range of views as to the nature of such a test.

Ms Perham: To ask the Secretary of State for the Environment, Transport and the Regions what plans the Government have to require applicants for licences as taxi drivers to pay for their own testing. [35845]

Dr. Strang: Such an arrangement might be desirable in principle, but would depend on an opportunity being found for primary legislation.

Ms Perham: To ask the Secretary of State for the Environment, Transport and the Regions if the statement by the Principal of the Public Carriage Office in February, that a map reading test will be a sufficiently rigorous check on topographical skills should licensing be introduced for private hire drivers, represents Government policy. [35858]

Dr. Strang: Decisions on licensing arrangements for private hire vehicles drivers will be taken after the necessary primary legislation is in place.

Ms Perham: To ask the Secretary of State for the Environment, Transport and the Regions what consultation processes the Public Carriage Office undertakes when it proposes to make changes to its operating procedures. [35846]

Dr. Strang: I understand that the Public Carriage Office consults as it judges appropriate in the light of any particular change.

Ms Perham: To ask the Secretary of State for the Environment, Transport and the Regions what process of consultation and policy development will be undertaken by the Public Carriage Office in developing topographical training and testing for licensed private hire vehicle drivers under his Department's proposals to license minicabs in London; which organisations will be formally included in the consultation process; and if testing procedures for private hire vehicles will also apply to licensed taxi drivers. [35877]

Dr. Strang: It is envisaged that there will be consultation with appropriate organisations on topographical knowledge testing as on other aspects of licensing arrangements. The details are for consideration once the necessary legislation is in place.

Road Traffic

Mr. Matthew Taylor: To ask the Secretary of State for the Environment, Transport and the Regions if he will list the pilot schemes being evaluated by his Department to monitor the effect of increased journey times in reducing the volume of private road traffic. [35638]

Dr. Strang: The Department is not at present conducting a programme of pilot schemes examining this topic. With London Transport, it has studied the reductions in the volume of road traffic when roads happened to be closed or their capacity restricted for a variety of purposes. The results were published on 11 March 1998 in a summary report entitled "Traffic Impact of Highway Capacity Reductions", a copy of which has been placed in the Library of the House. The study did not analyse the relationship between increased journey times and the volume of traffic.

Rail Services (Overcrowding)

Mr. Truswell: To ask the Secretary of State for the Environment, Transport and the Regions what steps he is taking to encourage renewal of rolling stock and to reduce overcrowding on the Wharfedale, Harrogate and Calderdale lines. [35745]

Dr. Strang: These are matters for the Franchising Director and West Yorkshire Passenger Transport Executive. On 6 November 1997, I gave the Franchising Director new Objectives, Instructions and Guidance which require him to manage existing franchise agreements in a manner which promotes the interests of the passenger, and to secure a progressive improvement in the quality of rail services. Existing franchise agreements require operators to address expected demand for services and to demonstrate improving levels of customer satisfaction. Our forthcoming White Paper will set out new measures to increase the attractiveness of rail travel.

Parish Councils

Mr. Truswell: To ask the Secretary of State for the Environment, Transport and the Regions what assessment he has made of the potential use of *(a)* referendums and *(b)* other forms of public consultation in determining support for the establishment of parish councils. [35703]

Mr. Raynsford: The Local Government and Rating Act 1997 provides for the creation of parishes either where there is public support as evidenced by a petition signed by 250 or 10 per cent. of the electorate (whichever is the greater) or as a result of a request by a district council following a parish review. Since the Act has come into force my right hon. Friend has not made any assessment of the potential use of referendums or other forms of public consultation in such reviews.

Mr. Truswell: To ask the Secretary of State for the Environment, Transport and the Regions how many applications for the setting up of parish councils he has *(a)* received, *(b)* approved and *(c)* rejected since 1 May 1997; and for what reasons. [35699]

Mr. Raynsford: Since 1 May 1997 my right hon. Friend has received 6 requests for new parishes in the form of petitions and two from district councils following parish reviews. To date he has decided that three new parishes should be created; he has yet to decide on the other requests.

The three parishes for East Cowes, Beverley and Cottingham were all requested by petition and all fulfil the definitions set out in Section 22 of the Local Government and Rating Act 1997 and Environment Circular 11/97.

Planning Consents

Mr. Vaz: To ask the Secretary of State for the Environment, Transport and the Regions in how many cases since 1 May 1997 he has revoked a planning consent; and if he will list them. [35889]

Mr. Raynsford: None. My right hon. Friend has, however, used his power under section 100 of the Town and Country Planning Act 1990 on 5 March 1998 to modify a planning permission to delete class A1 retail use from a planning permission granted on 20 December 1993 by Alnwick District Council for development of a retail/business park on land north east of Willowburn Avenue, Alnwick.

Highway Schemes

Mr. Nicholas Winterton: To ask the Secretary of State for the Environment, Transport and the Regions if he will list the total sums in bids for transport supplementary grant or credit approval for 1998–99 made by each local authority in England in each of the categories *(a)* major highway schemes eligible for TSG, *(b)* major highway schemes not TSG-eligible, *(c)* structural maintenance on carriageways, *(d)* structural maintenance on bridges, *(e)* major public transport projects, *(f)* minor works: packages, *(g)* minor works: non packages and *(h)* minor works: local safety schemes. [35649]

Dr. Strang: Bids for 1998–99 local transport capital resources are shown in a table, a copy of which has been placed in the Library.

Circus Accidents

Mr. Gordon Prentice: To ask the Secretary of State for the Environment, Transport and the Regions how many circus accidents involving *(a)* lions, *(b)* tigers and *(c)* other wild animals have been reported in each year since 1990. [35748]

Angela Eagle: The Health and Safety Executive (HSE) records all accidents at work or in connection with work that result in a fatality, major injury or over-3-day injury. HSE's information systems can identify accidents involving animals as a whole since the operating year 1991–92, the first year where accidents occurring in circuses can be identified. These records show one over-3-day injury to an employee by a circus animal. The species of animal is not identified.

The provisions of the Data Protection Act preclude any further detail being provided as it would allow the injured person to be identified.

Radioactive Waste

Mr. Llew Smith: To ask the Secretary of State for the Environment, Transport and the Regions what calculation he has made of the volumes of low level and intermediate level radioactive wastes that will be stockpiled in the United Kingdom by 2010. [35755]

Angela Eagle: At 2010, the volume of committed intermediate-level radioactive waste from all sources and when conditioned is estimated to be 136,457m^3.

No estimates are available for the low-level radioactive waste (LLW) in store at 2010. The vast majority of LLW is routinely disposed of and no projections have been made of the small amounts of LLW that are unsuitable for disposal using the current disposal routes.

The total volume of radioactive waste of all types, from all sources, including those in store on 1 April 1994 and those predicted to arise thereafter can be found in The 1994 United Kingdom Radioactive Waste Inventory. A copy of the summary called *Radioactive Waste Arisings in the UK—A Summary* is in the Library of the House. The next inventory—for 1998—will be published in 1999.

Sellafield

Mr. Llew Smith: To ask the Secretary of State for the Environment, Transport and the Regions how many submissions from *(a)* the United Kingdom, *(b)* other European Union countries and *(c)* other countries were made to the public consultation on the Sellafield MOX plant before the submission period closed. [35753]

Angela Eagle: The Environment Agency has run two public consultations regarding the application to commission and operate the Sellafield MOX plant. The Environment Agency has provided the following breakdown of the responses it has received.

The consultation which ended on 7 April 1997 elicited 88 responses as follows:

	Number
United Kingdom	85
Other European Union countries	3
Other countries	—

A further public consultation, which ended on 16 March, was held into the report produced by PA Consulting on its assessment of BNFL's economic case for the MOX plant. This consultation elicited 88 responses, 10 of which arrived after the closing date and will be taken into consideration. The responses are broken down as follows:

	Number
United Kingdom	78
Other European Union countries	5
Other countries	5

Single Regeneration Budget

Mr. Harvey: To ask the Secretary of State for the Environment, Transport and the Regions how much money has been received through the single regeneration budget, by Government office region, each year since its inception. [35913]

Mr. Caborn: The table gives the regional breakdown of funding under the Single Regeneration Budget (SRB) since April 1994. The figures exclude expenditure by English Partnerships, which although part of the SRB, receives a national allocation. A forecast figure has been provided for 1997–98.

Government office	*1994–95*	*1995–96*	*1996–97*	*1997–98*
Eastern	14.6	9.4	8.5	10.5
East Midlands	75.6	73.6	58.8	51.5
London	320.8	351.6	336.5	389.1
Merseyside	104.6	105.4	101.8	100.4
North East	160.9	151.8	142.8	147.2
North West	148.8	142.9	142.4	111.3
South East	13.7	9.9	13.5	26.7
South West	42.7	29.9	30.4	36.3
West Midlands	176.1	147.7	141.6	128.3
GOY&H	161.5	131.5	128.6	109.3
Total	1,219.3	1,153.7	1,104.9	1,110.6

Bracken

Mr. Levitt: To ask the Secretary of State for the Environment, Transport and the Regions what assessment he has made of the impact of the clearance of bracken on local biodiversity. [36055]

Angela Eagle: The impacts of bracken control have been studied by my Department, as well as by the Ministry of Agriculture, Fisheries and Food, the statutory conservation agencies and voluntary sector organisations such as Butterfly Conservation. Although bracken can form important habitat for some flora and fauna such as rare butterflies—notably Fritillaries—it is an invasive weed and needs to be considered in terms of the vegetation and faunal communities which it is replacing. It may also displace livestock on to adjacent heather moorland contributing to overgrazing of this habitat. The studies point to a targeted rather than a blanket approach to bracken control, with judicious decisions on a site by site basis taking into account the value of the area for biodiversity and locally agreed management objectives.

Hedgerows

Mr. Levitt: To ask the Secretary of State for the Environment, Transport and the Regions (1) what plans he has for amendments to the Hedgerow Regulations 1997 in relation to matters not covered by the recent consultation; [36054]

(2) when he will publish the results of the consultation on the Review of Hedgerow Regulations 1997; and what estimate he has made of the proportion of hedges in rural areas which will be exempt from the regulations. [36053]

Angela Eagle: We expect shortly to receive the report by the group set up to review the Hedgerows Regulations 1997. The Regulations protect important countryside hedgerows from removal through a process of prior notification to the local planning authority. No estimate of the scale of exemptions from the requirement for prior notification under Regulation 6(1) has been made.

It is estimated, on the basis of a limited survey carried out by ADAS as part of their hedgerow evaluation system research, that some 20 per cent. of all hedgerows would meet the current statutory criteria defining importance. One of the main tasks of the review group was to look at improving the criteria.

Following consideration of the group's recommendations, the Government will announce any revisions they propose to make to the Regulations. Any such proposals would be subject to statutory consultation.

Mr. Levitt: To ask the Secretary of State for the Environment, Transport and the Regions what assessment he has made of the effect on hedgerows of the MAFF proposals to give retirement grants to farmers whose land goes to a larger holding or to forestry. [36056]

Angela Eagle: On 18 March 1998, the Ministry of Agriculture, Fisheries and Food invited views on whether the Early Retirement Scheme, as provided under Regulation No. 2079/92, should be applied in the United Kingdom.

No specific assessment has been made of the effect of the scheme, if introduced, on hedgerows. However, if the land were to go to a larger agricultural holding or to forestry, the requirements of the Hedgerow Regulations 1997 would apply.

London Docklands

Mr. Swinney: To ask the Secretary of State for the Environment, Transport and the Regions for each year since the creation of the London Docklands Development Corporation, what was the (i) population, (ii) unemployment rate and (iii) employment rate for the area covered by the London Docklands Development Corporation. [36095]

Angela Eagle *[holding answer 24 March 1998]:* These figures are not available on a yearly basis. The figures shown in the Table have been compiled from information available from the 1981 and 1991 Population Censuses and estimates by the London Docklands Development Corporation in 1996 and 1997.

	Population—UDA total
1981	39,429
1991	60,760
1996	76,849
1997	81,231

percentage

	Unemployment rate-UDA total	*Employment rate-UDA total*
1981 (April)	—	[1]83.4
1981 (July)	17.8	—
		[2]84.6
1991 (April)	11.9	[3]83.3
1996 (October)	11.4	[4]88.6
1997 (December)	7.2	[5]92.8

[1] Source—1981 Population Census

[2] Including residents on a government training scheme

[3] Excluding residents on a government training scheme. Source—1991 Population Census

[4] LDCC estimate—assumes all estimated economically active who are not unemployed are employed

[5] LDCC estimate—assumes all estimated economically active who are not employed are employed

Notes:

The smallest geographical area for which unemployment rates are produced are travel to work areas which approximate to self-contained labour markets. Official unemployment rates are therefore produced for the Heathrow and Greater London travel to work area but not at borough, ward or Urban Development (UDA) level.

Unemployment rates for the London Docklands UDA have been calculated using the estimated count of unemployment for the UDA (using official unemployment counts) and dividing this by the known or estimated economically active population.

Employment rates are based on residents in employment (including self employed) as a percentage of the economically active population.

In July 1991 there were an estimated 3,533 UDA residents who were unemployed; by December 1997 the count of unemployment was estimated to be 2,883. Over the same time period the population has more than doubled.

Mr. Swinney: To ask the Secretary of State for the Environment, Transport and the Regions what has been the total financial assistance given to the London Docklands Development Corporation since its inception. [36094]

Angela Eagle *[holding answer 24 March 1998]:* Since the LDDC's creation in 1981, until 31 March 1998 when the Corporation ceases to operate, it will have received a total of £1,859 billion in Grant in Aid support.

Mr. Swinney: To ask the Secretary of State for the Environment, Transport and the Regions if he will list the transport projects of value greater than £10 million funded by public money in the area covered by the

London Docklands Development Corporation; and what is the total cost for each project for each of the last five years. [36096]

Angela Eagle: I refer the hon. Member to the table. The total estimated final cost of the major projects as illustrated in the Table is £719.3 million.

LDDC Transport Projects in Excess of £10m with previous 5 years spend

£ million

Project number	*Title*	*Estimated final cost*	*Spend 1993–94*	*Spend 1994–95*	*Spend 1995–96*	*Spend 1996–97*	*Spend 1997–98*
Royal Docks Roads							
0815	Eastern Gateway Access Road	12.1	0.0	0.0	0.0	0.0	0.0
1427	Connaught Crossing	29.7	0.0	0.0	0.0	0.0	0.0
1564	Lower Lea Crossing	43.3	0.2	0.1	0.0	0.0	0.0
Isle of Dogs Roads							
1536	Trafalgar Way	11.6	0.6	0.0	0.0	0.0	0.0
1714	Poplar Link	30.0	0.0	0.0	0.0	0.0	0.0
1871	Limehouse Link	255.0	42.0	0.7	0.1	0.0	0.0
2431	East India Dock Link	48.0	0.2	1.4	0.0	0.0	0.0
Docklands Light Railway							
0658	Original Railway	37.4	0.0	0.0	0.0	0.0	0.0
2842	Beckton Extension	252.2	18.2	12.1	0.7	0.6	0.0

Audit Commission

Mr. Swinney: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the responsibilities of the Audit Commission in Scotland; if he will state the *(a)* location of, *(b)* running costs of, *(c)* salary costs of and *(d)* number of staff based at the HQ of the Audit Commission; what percentage of staff are based in (i) head office, (ii) London and (iii) Scotland; and what percentage of (A) salary and (B) running costs are incurred in (1) London and (2) Scotland. [36107]

Mr. Raynsford *[holding answer 24 March 1998]:* The Audit Commission's responsibility for audit of local authorities and health service bodies extends only within England and Wales. The headquarters of the Audit Commission is at 1 Vincent Square, London, SW1 2PN. The estimated total running costs of the Audit Commission, including District Audit, for 1997/98 are £71.4m, including salary costs of £46.7m. 150 staff work in headquarters in London and 17 in a sub-office in Bristol. The percentage of staff in headquarters in London is 11.4% and in Bristol 1.2%. The London headquarters account for 8% of salary costs and 5% of running costs. The cost of the work undertaken by district auditors in London is not readily available.

British Board of Agrément

Mr. Swinney: To ask the Secretary of State for the Environment, Transport and the Regions if he will list the *(a)* location of, *(b)* running costs of, *(c)* salary costs of and *(d)* number of staff based at the head office of the BBA, the percentage of staff employed (i) at head office, (ii) in London and (iii) in Scotland, and the percentage of (A) salary and (B) running costs incurred in (1) Scotland and (2) London. [36121]

Mr. Raynsford: The British Board of Agrément employs a total of 95 staff, comprising 84 staff (88% of the total) based at its headquarters in Garston, Watford, and 11 salesmen and inspectors, who are mobile. No employees are based in either London or Scotland.

Projected salary and running costs for 1997–98 are as follows:

	£000
Headquarters staff salaries	1,869
Mobile staff salaries	220
Running costs	2,231

Mr. Swinney: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the responsibilities of the British Board of Agrément in Scotland. [36120]

Mr. Raynsford: The British Board of Agrément provides commercial services for the testing and certification of construction products for which there are no recognised product standards. The service is available to manufacturers throughout the UK. The BBA is also appointed by Government as the UK spokesbody in the European Organisation for Technical Approvals and is designated to issue European Technical Approvals to companies, including those in Scotland, which successfully apply for them.

Ordnance Survey

Mr. Swinney: To ask the Secretary of State for the Environment, Transport and the Regions if he will list the *(a)* location of, *(b)* running costs of, *(c)* salary costs of and *(d)* number of staff based at the head office of the Ordnance Survey; and what percentage of (i) salary, (ii) general administration expenditure and (iii) capital expenditure costs relate to (1) London and (2) Scotland. [36118]

Mr. Raynsford: Ordnance Survey's headquarters are located in Southampton. It moved to Hampshire from the Tower of London following a fire at the Tower in 1841.

Running costs and salary costs relating to the 1,300 Ordnance Survey staff based at its Southampton headquarters for 1996/97 (latest available information) are as follows:

	£ million
Running costs	29.9
Salary costs	33.8

The percentage of Ordnance Survey's salary, general administration (running costs) and capital expenditure costs relating to London and Scotland as a percentage of the total cost of these items for Ordnance Survey in 1996/97 (latest available information) is as follows:

	percentage	
	London	Scotland
Salary costs	0.5	3.4
Running costs	0.2	1.9
Capital expenditure	0.2	0.7

Ordnance Survey's presence in central London is a field office in Vauxhall. The above costs relate to this field office.

Departmental Transfer

Mr. Swinney: To ask the Secretary of State for the Environment, Transport and the Regions what is the total estimated cost of the Department's transfer from Marsham Street. [36124]

Angela Eagle: The latest estimated costs of relocating staff from 2 Marsham Street and satellite accommodation to Eland House and Ashdown House is £67.4 million and to Great Minster House is £23.1 million.

Core Policy and Administration

Mr. Swinney: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 18 March 1998, *Official Report*, column *608*, what percentage of his Core Policy and Administration Group is based in *(a)* London and *(b)* Scotland. [36119]

Angela Eagle: At 1 January 1998, the percentage of the Headquarters element of my Department based in (a) London and (b) Scotland is 80 per cent. and 1 per cent. respectively.

Public Bodies

Mr. Swinney: To ask the Secretary of State for the Environment, Transport and the Regions if he will list the *(a)* locations of, *(b)* running costs of, *(c)* salary costs of and *(d)* number of staff based at the head office of the (i) Commission for the New Towns, (ii) Countryside Commission, (iii) English Nature, (iv) English Partnerships, (v) Environment Agency, (vi) Health and Safety Commission and Executive, (vii) Housing Corporation, (viii) Rural Development Commission, (ix) London Pension Fund Authority, (x) National Forestry Commission, (xi) Local Government Commission for England, (xii) Local government Residency Board for England and (xiii) Joint Nature Conservation Committee; and if he will state the percentage of total (1) staff based in, (2) salary costs and (3) running costs for each body which relate to London. [36117]

Angela Eagle: The latest available figures are as follows:

Body	Location	Head Office Running Costs (£ million)	Salary Costs (£ million)	Number of staff	London Staff (percentage)	London Salary costs (percentage)	London Running costs (percentage)
Commission for the New Towns	London	0.95	2.08	55	18	21	19
Countryside Commission	Cheltenham	0.4	3.3	139	9	8	23
English Nature	Peterborough	4.9	5.5	236	1	1	1
English Partnerships	London, Haydock and Gateshead	1.9	3.4	111	7	8	6
Environment Agency	Bristol (Main HQ) and London	1.6	8.8	255	9	7	14
Health and Safety Commission	London and Bootle						
Health and Safety Executive		'—	'—	1978	16	n/a	n/a
Housing Corporation	London	1.99	9.38	198	50	62	67
Joint Nature Conservation Committee	Peterborough	0.38	1.2	81	—	—	—
Local Government Commission	London	1.6	0.85	34	100	100	100
Local Government Residuary Body (E)	London	0.31	0.1	2	100	100	100
London Pensions Fund Authority	London	4	2	67	100	100	100

Body	Location	Head Office Running Costs (£ million)	Salary Costs (£ million)	Number of staff	London Staff (percentage)	London Salary costs (percentage)	London Running costs (percentage)
National Forest Company	Swandlicote	0.75	0.43	13	—	—	—
Rural Development Commission (Joint HQ)	London	0.24	0.73	28	29	13	10
	Salisbury	0.22	1.71	93			

[1] Figures are not held in a readily available form

Common Land

Mr. Walter: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 18 March 1998, *Official Report*, column *608*, what is the total area of common land in each National Park on which payments are made under agri-environmental schemes; and under which schemes those payments are made. [35781]

Angela Eagle: The total area of common land in each National Park on which payments are made under agri-environmental schemes, and the schemes under which those payments are made, are set out in the table.

National Park (sq km)	Total Area[1]	Total Area of common land	Total area of common land on which payments are made under Agri-Env[2] Schemes	Total area of common land on which payments are made under Agri-Env Schemes	Schemes under which those payments are made: Environmentally sensitive areas	Schemes under which those payments are made: Countryside stewardship
Exmoor	693	46.3	46.1	20.61	19.85	0.76
Dartmoor	953	349.7	349.7	25.52	25.52	—
Lake District	2,292	620	618	200	200	—
Northumberland	1,050	0	0	0	—	—
North York Moors	1,436	233.8	0	0	—	—
Peak District	1,438	15.3	13.2	3.34	3.34	—
Yorkshire Dales	1,769	468.1	15.2	15.2	11.6	3.6

[1] All figures relate to sq. km.
[2] These figures relate to schemes implemented under EC Council Regulation 2078/92 (the Agri-Environment Regulation). My answer of 18 March (columns 608–609) also included areas covered by English Nature's Wildlife Enhancement Scheme and by the Moorland Regeneration Scheme.

Local Government Commission

Mr. Gardiner: To ask the Secretary of State for the Environment, Transport and the Regions if he will be publishing in draft the direction to the Local Government Commission for England, in accordance with section 7 of the Greater London (Referendum) Act 1998. [36568]

Mr. Raynsford: A draft direction to the Commission has today been placed in the Library of the House.

Water Abstraction

Ms Rosie Winterton: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the means by which the water abstraction licensing system in England and Wales can be used to deal with environmentally damaging water abstractions. [36418]

Mr. Meacher: Where water abstractions are damaging sites specially protected under the EC Habitats and Birds Directives, or by designation as SSSIs, the Environment Agency should seek voluntary agreements for reductions with the abstractors wherever possible. Where that is not possible, the Environment Agency should use its existing powers, on a clearly prioritised basis, to vary or revoke the relevant licences, and be prepared to pay compensation where necessary. As part of their review of the water abstraction licensing system, the Government are considering future compensation arrangements and a consultation paper on those and other proposals will be published within the next few weeks.

SOCIAL SECURITY

Disability Living Allowance

Mr. Love: To ask the Secretary of State for Social Security what representations she has received regarding the length and complexity of the self-assessment forms for claiming disability living allowance; what consideration is being given to changing the questionnaires; and if she will make a statement. [35095]

Mr. Denham: The administration of Disability Living Allowance is a matter for Mr. Peter Mathison, the Chief Executive of the Benefits Agency. He will write to my hon. Friend.

Letter from David Riggs to Mr. Andrew Love, dated 24 March 1998:

The Secretary of State for Social Security has asked Peter Mathison to reply to your recent Parliamentary Question about what representations have been received regarding the length and complexity of the self assessment forms for claiming Disability

Living Allowance (DLA) and what consideration is being given to changing the questionnaires. As Mr. Mathison is away from the office on leave, I am replying.

A comprehensive review of DLA and Attendance Allowance (AA) claim packs was undertaken by a dedicated project team over a two year period up until November 1997. Part of the remit for the work undertaken by the team was to reduce the complexity and volume of questions and/or pages within the packs. As a result, ten pages were removed from the DLA claim pack.

Additionally a child specific claim pack was introduced in April 1997. This was as a direct response to requests from the disability lobby. Liaison was undertaken with some 30 disability groups of and for disabled people.

Effectively disability organisations such as RNIB, Age Concern, Mencap, the National Schizophrenia Association and ASBAH worked with BA staff in redesigning and refining the claim pack.

Since the revisions to DLA adult packs and the introduction of the child specific pack the Disability Benefits Directorate has not received any representations regarding the length or complexity of claim packs. In a survey to our customers following the changes to the DLA claim pack it was confirmed that the revised versions were a significant improvement on their predecessors.

There are no current plans to review the DLA claim pack given the period of time over which the last review was conducted, the organisations with whom liaison was undertaken and the relatively recent conclusion of such work. However, comments are always welcomed and can be directed to: The Customer Service Team, Disability Benefits Unit, Warbreck House, Warbreck Hill, Blackpool, FY2 0YE, telephone number 01253 337 871.

I hope you find the reply helpful.

Mr. Love: To ask the Secretary of State for Social Security how many people *(a)* nationally and *(b)* in the Edmonton constituency have had their disability living allowance (i) increased, (ii) reduced and (iii) disallowed as a result of the Benefit Integrity Project; how many of those in categories (ii) and (iii) have been reviewed; of those how many appeals have been held or are pending; and what is the outcome of those appeals that have been heard. [35054]

Mr. Denham: The Benefit Integrity Project aims to ensure that those in receipt of Disability Living Allowance are entitled to it. While it is right to check that people are receiving the correct amount of benefit, we are determined that those checks should be undertaken as sensitively as possible—also, that we should ensure all decisions taken as a result of the project are right. We have, therefore, acted to introduce an extra safeguard to improve the quality of, and confidence in, benefit decisions made by the Project.

The administration of this programme is a matter for Peter Mathison, Chief Executive of the Benefits Agency. He will write to my hon. Friend.

Letter from David Riggs to Mr. Andrew Love, dated 24 March 1998:

The Secretary of State for Social Security has asked Peter Mathison to reply to your recent Parliamentary Question concerning how many people (a) nationally and (b) in the Edmonton constituency have had their Disability Living Allowance (i) increased, (ii) reduced and (iii) disallowed as a result of the Benefit Integrity Project (BIP); how many of those in categories (ii) and (iii) have been reviewed; of those, how many appeals have been held or are pending; and what is the outcome of those appeals that have been heard.

The information is not available in the format requested. The database of casework has not been designed to extract information geographically during the project. To do so would necessitate high cost and disruption to the processing of ongoing casework. However, once the casework has been completed a full evaluation of the data is planned to provide a geographical analysis.

As at 31 January 1998, 54,839 cases nationally have been examined as part of the BIP. Of the total cases dealt with 1,299 have had their benefit increased, 42,730 have been unchanged, 6,884 have had their benefit reduced and 3,926 have had their benefit stopped. The total includes 10,811 renewal cases; of which 334 had their benefit increased, 5,601 remain unchanged, 2,907 have had their benefit reduced and 1,969 have had their benefit decreased. Of those cases where benefit has been reduced, 1,279 have been reviewed. Of those cases where benefit has been stopped 895 have been reviewed. In total 554 appeals have been registered.

As at 17 March 1998, 45 appeals have been heard. Of these 7 have maintained the BIP award, 6 have been reduced to a lower rate, 4 have been increased to a higher rate and 28 have reverted to the original award.

I hope you find this reply helpful.

Winter Fuel Payments

Mr. Swinney: To ask the Secretary of State for Social Security (1) what efforts her Department is taking to ensure payment of the winter assistance to pensioners to pensioner households in *(a)* tenement blocks and *(b)* blocks of flats; [35420]

(2) what estimate she has made of the percentage of the total winter assistance payments which *(a)* have been made and *(b)* have been made incorrectly to date. [35421]

Mr. Denham: Winter Fuel payments are one of a number of initiatives the Government have taken to help vulnerable people, especially the elderly, keep warm in the winter. A total of £400 million has been committed for this winter and next, to help pensioners with fuel bills to pay. This is the first time any Government have provided additional help with heating costs to all pensioners receiving a Retirement Pension or one of a number of other qualifying benefits.

The making of this winter's payments has been an enormous and unprecedented exercise. In order to establish all eligible pensioners, correctly identify pensioner households, and determine the amount each should receive, it was necessary to correlate data in around fifteen million computer records, involving fifteen qualifying benefits, across nine computer systems. Overall, almost ten million payments will have been made to over seven million pensioner households by the end of March.

The administration of winter fuel payments is a matter for Peter Mathison, Chief Executive of the Benefits Agency. He will write to the hon. Member.

Letter from Peter Mathison to Mr. John Swinney, dated 24 March 1998:

The Secretary of State for Social Security has asked me to reply to your recent Parliamentary Questions concerning the payment of winter fuel payments.

The making of almost ten million winter fuel payments to over seven million pensioner households before the end of March 1998 has been a challenging task for the Benefits Agency. Around one and a half million of the poorest pensioners, those receiving Income Support or income-based Jobseeker's Allowance, received their payment of £50 during January.

In order to establish other eligible pensioners, correctly identify pensioner households, and determine the amount each should receive, it was necessary to match around fifteen million computer records, involving fifteen qualifying benefits, across nine

computer systems. We expect that every eligible pensioner will have received a payment before the end of March 1998. This has been achieved whilst maintaining normal benefit business.

In order to determine whether these eligible pensioners were entitled to a payment of £20 or £10 it was necessary to undertake an exercise of data correlation of all addresses held in Departmental records. Where only one eligible person was identified as living at an address a payment of £20 was made. Where more than one eligible person was identified as living at an address a payment of £10 was made.

Where official records showed that an address contained a number of separate households, for example, numbered flats or bedsits, each separately identifiable unit was treated as a separate address for the purposes of determining the number of eligible pensioners in a household. Therefore, where only one common address was recorded for more than one eligible person, it was not possible to determine which, if any, lived in a household where there was no other eligible person. As a result, some eligible pensioners who live alone or are the only eligible person in a household, but share a common address with other eligible person, will have been sent a payment for £10 when they should have received £20.

The award letter which accompanies the payment clearly explains the entitlement conditions and informs anyone who receives a £10 payment, but satisfies the conditions for a £20 payment, to contact the Benefits Agency Office which deals with their pensions, or to telephone the Winter fuel Helpline, and request the balance. Requests for review of the original decision to pay £10 are being dealt with as a matter of priority, particularly in the case of tenement residents.

So far, fewer than 10,000 of the £50 payments made during January have been identified as being incorrectly made. I am unable at present to provide you with information which takes into account payments of £20 or £10 made incorrectly. This is due to the fact that those payments are still in the process of being issued. it is anticipated that this information will be available some time after the end of April. I will provide the information requested once it is available.

Thank you for the opportunity to explain the position.

EDUCATION AND EMPLOYMENT

Special Needs

Mr. Jim Cunningham: To ask the Secretary of State for Education and Employment what measures he is taking to help local education authorities achieve the 18 week target on drafting all statements for children with special educational needs. [35548]

Ms Estelle Morris: The Department will be contacting LEAs which failed to produce most of their draft statements within 18 weeks to ask how they propose to improve their performance, and to inquire about any obstacles to better performance. We shall also be contacting those LEAs which have performed well to identify the factors which contributed to their success. We shall then provide guidance to LEAs aimed at increasing significantly the proportion of draft statements produced within 18 weeks, and consider what further action may be helpful.

Mr. Jim Cunningham: To ask the Secretary of State for Education and Employment what assessment he has made of the figures in the Audit Commission's report on education services, in respect of Coventry local education authorities' performance in the processing of statements on special needs education against the Government's target period. [35549]

Ms Estelle Morris: The Audit Commission's report showed that in 1996–97 only 7 per cent. of the draft statements produced by Coventry LEA were made within the statutory 18-week time limit. This is not acceptable. My Department will be contacting LEAs, including Coventry, which did not produce most of their draft statements within the time limit to ask how they propose to improve their performance.

Funding Agency for Schools

Mr. Dorrell: To ask the Secretary of State for Education and Employment what is the present number of employees of the Funding Agency for Schools in Darlington. [35940]

Mr. Byers: The total number of employees of the Funding Agency for Schools based in Darlington as at 28 February 1998 was 158. Of this figure, 88 staff are on permanent contracts, 32 staff are on loan from other government departments, 24 staff are on fixed terms contracts and 14 staff are either casual or long term temporary staff.

Mr. Dorrell: To ask the Secretary of State for Education and Employment what redundancy arrangements have been made for the staff of the Funding Agency for Schools following the passage of the School Standards and Framework Bill. [35941]

Mr. Byers: The provisions of the Civil Service Compensation Scheme will apply in the event of redundancies for the staff of the Funding Agency for Schools which is a member of the Principal Civil Service Pension Scheme. It is however, a matter for the Funding Agency, as the employer, to determine the precise redundancy arrangements which will apply to its staff. I have asked the Chairman of the Funding Agency to write to the right hon. Member.

FOREIGN AND COMMONWEALTH AFFAIRS

Seal Hunting (Canada)

Mr. Kidney: To ask the Secretary of State for Foreign and Commonwealth Affairs what representations the Government have made to the Government of Canada concerning the subsidising of commercial seal hunts. [35896]

Mr. Fatchett: We have made no representations to the Canadian Government on the specific question of subsidies for commercial seal hunting. However, we do raise the general question of seal culling at suitable opportunities at senior levels with the Canadian Government and they are fully aware of the strength of opposition in the UK to the practice. I understand that the Canadian Federal Government subsidy for seal meat will be phased out in 1999.

Kenya

Mr. Kidney: To ask the Secretary of State for Foreign and Commonwealth Affairs what assessment he has made of the compliance with his Department's ethical foreign policy of the sale of military, security and police equipment to Kenya. [35969]

Mr. Fatchett: In accordance with the revised criteria for licensing arms exports, we do not issue arms export licences for Kenya where there is a clearly identifiable risk that the proposed export might be used for internal repression.

During 1997 we rejected licence applications (together worth over £1.5 million) to export certain types of riot control equipment, including baton rounds and tear gas, to the Kenyan police. Furthermore, we removed Kenya from the coverage of several Open Individual Export Licences for the supply of body armour, firearms and ammunition.

Passport Application

Mr. Vaz: To ask the Secretary of State for Foreign and Commonwealth Affairs for what reasons the application of Mr. B. M. H. Handa for a British passport was turned down at the British Embassy in Sana'a on 19 February 1998, (Embassy ref; 343/6APP5/95). [35921]

Mr. Fatchett: Mr. Handa is not a British Citizen. He was a Citizen of the United Kingdom and Colonies (CUKC) by virtue of his birth in the former Aden Colony. When the People's Republic of Southern Yemen (PRSY) gained independence on 14 August 1968 he became a citizen of that country and lost his citizenship of the United Kingdom and Colonies.

EU (Exemptions and Derogations)

Mr. Wilkinson: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will list the *(a)* exemptions and *(b)* derogations from the Treaty on European Union permitted for member states and the legal bases in European Union law on which they are allowed. [36073]

Mr. Doug Henderson: The Treaty on European Union, as now in force, inserted into the Treaty establishing the European Community provisions on Economic and Monetary Union, in respect of which Protocols make special provisions with regard to the UK and Denmark.

When the Treaty on European Union was concluded at Maastricht, exemptions where also agreed for Denmark in Protocol No. 1 on the acquisition of property in Denmark; for the United Kingdom in Protocol No. 14 on social policy; and for Ireland in Protocol No. 17 on Article 40.3.3 of the Constitution of Ireland. The Treaty concerning the accession to the European Union of Austria, Finland and Sweden also provided for certain temporary derogations for those States.

Arms Sales

Mr. Jim Cunningham: To ask the Secretary of State for Foreign and Commonwealth Affairs what assessment he made of proposals that the EU Code of Conduct on arms sales should be reviewed annually and that each review should be made available to the public. [35599]

Mr. Fatchett: Discussions with EU partners on the proposed Code of Conduct are ongoing. We have no difficulty in principle with the idea of an annual review of the Code's operation. The details of a review remain to be agreed.

Mr. Jim Cunningham: To ask the Secretary of State for Foreign and Commonwealth Affairs what consultation he had with non-Governmental organisations prior to the negotiations for the EU Code of Conduct on Arms Sales. [35600]

Mr. Fatchett: Ministers and Officials have discussed the proposed EU Code of Conduct on arms exports with non-governmental organisations (NGOs) on a number of occasions, although NGOs were not consulted on the draft text. My right hon. Friend the Foreign Secretary held the most recent discussions on the EU Code of Conduct with NGO's on 18 February.

British Council

Mr. Swinney: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will list the locations of the British Council *(a)* headquarters and *(b)* other buildings in the United Kingdom, providing a breakdown of (i) staff numbers, (ii) salary costs and (iii) running costs for each building in (1) London and (2) Scotland. [36184]

Mr. Fatchett: The British Council's headquarters are located in London and Manchester. In addition, the Council has a presence, which may range from a single room to part of a building, in Aberdeen, Bangor, Belfast, Birmingham, Brighton, Bristol, Cambridge, Canterbury, Cardiff, Edinburgh, Glasgow, Guildford, Huddersfield, Lancaster, Leeds, Liverpool, London (Portland Place and Telford Way), Loughborough, Newcastle, Norwich, Nottingham, Oxford, Plymouth, Reading, Southampton and Warwick.

The details for London and Scotland are as follows (1997–98 figures):

	Running costs (£)	*Salary costs (£)*	*Staff numbers*
London		13,800,000	580
Spring Gardens (Headquarters)	2,952,005		
Portland Place	339,230		
Telford Way	281,790		
Scotland		600,000	25
Glasgow	14,000		
Aberdeen	4,000		
Edinburgh	60,000		

Note:
Running costs include reception staff, rent, rates, utilities, maintenance, cleaning, security, restaurant.

WALES

Travelcards

Mr. Ieuan Wyn Jones: To ask the Secretary of State for Wales what plans he has to promote the use of travelcards for public transport. [35524]

Mr. Hain: Greater use of travelcards is being considered as part of the review of integrated transport policy. This will lead to a UK-wide White Paper on transport later this year, together with a Welsh Transport Policy Statement at around the same time.

Welsh Development Agency

Mr. Ieuan Wyn Jones: To ask the Secretary of State for Wales if he will list the amounts allocated by the Welsh Development Agency under its statutory duties in connection with land reclamation in the current year. [35535]

Mr. Hain: Sections 1 and 16 of the Welsh Development Agency Act 1975, as amended, provide the necessary statutory powers for the land reclamation activities of the WDA. In 1997–98, the WDA has allocated £16.3 million for this purpose.

Railway Line Maintenance

Mr. Llwyd: To ask the Secretary of State for Wales what safety procedures are enforced during railway line maintenance in Wales; and what measures are taken to ensure compliance with these procedures. [35536]

Mr. Hain: All those involved in maintenance of the railway throughout Great Britain must comply with their obligations under the Health and Safety at Work, etc. Act 1974 and related legislation. Work on Railtrack's network must comply with the requirements of their Rule Book and the Railway Standards (the provisions of which are mandatory on Railtrack plc and its contractors by virtue of Railtrack's Railway Safety case and related contractual arrangements).

Inspectors of the HSE's Railway Inspectorate are responsible for enforcing legal requirements relating to health and safety on the railways.

Civil Servants

Mr. Wigley: To ask the Secretary of State for Wales what percentage of the staff of the Welsh Office is currently aged 50 years or over; and what percentage of the staff recruited during the past 12 months was aged 50 years or over at their time of appointment. [35584]

Mr. Ron Davies: The percentage of permanent staff in the Welsh Office who are currently aged 50 years or over is 19 per cent.

The percentage of permanent staff recruited over the past 12 months (19 March 1997–18 March 1998) who were aged 50 years or over at their time of appointment is 9 per cent.

Road Accidents

Mr. Wigley: To ask the Secretary of State for Wales if he will list the number of accidents on *(a)* rural and *(b)* urban roads for the latest available period. [35576]

Mr. Hain: The readily available information is for accidents involving personal injury on roads in built-up areas (defined as roads where the speed limit does not exceed 40 mph) or on roads in non built-up areas, as recorded by the police. The latest figures, which are provisional, are for the twelve months to September 1997. There were 6,531 accidents on built-up roads and 3,268 on non-built up roads in Wales in addition to 251 accidents on motorways/A(M) roads.

Optec D.D. Factory, Buckley

Mr. Barry Jones: To ask the Secretary of State for Wales what progress the WDA has made in finding a new tenant for the Optec D.D. factory in Buckley. [35738]

Mr. Hain: The Welsh Development Agency is continuing to actively market the company's premises at Buckley and is aware that there have been a number of expressions of interest in the property. The Agency will continue its efforts until a tenant has been found.

Modern Apprenticeships

Mr. Rowlands: To ask the Secretary of State for Wales if he will list the agreed number of modern apprenticeship places in each training and enterprise council area for 1998–99. [35626]

Mr. Hain: I refer my hon. Friend to the reply I gave him on 18 December 1997, *Official Report,* column *285.*

Degree Courses (Applications)

Mr. St.Aubyn: To ask the Secretary of State for Wales how many *(a)* school-leavers and *(b)* mature students (i) applied for, (ii) were offered and (iii) accepted places on degree courses, by university, in Wales in (1) 1995, (2) 1996 and (3) 1997. [36045]

Mr. Hain: Information in the form requested is not readily available centrally.

The number of applicants and acceptances, aged 17 and 18 and aged 21 and over, who made at least one application for full-time and sandwich first degree, diploma or HND higher education courses at Welsh higher education institutions for the academic years 1995–96, 1997–97 and 1997–98 is set out in the table.

Applicants/acceptances to Welsh higher education institutions[1]

Age of Student[2]	*1995–96*		*1996–97*		*1997–98*	
	Applicants	*Accepted*	*Applicants*	*Accepted*	*Applicants*	*Accepted*
17 and 18	27,242	7,360	23,125	8,213	25,292	9,004
21 and over	7,198	3,234	6,056	3,501	5,761	3,349

[1] Includes applicants who made at least one application for full-time and sandwich first degree, diploma or HND higher education courses.

[2] Age as at 30 September in year of entry.

Source:

Universities and Colleges Admissions Service

Mr. St. Aubyn: To ask the Secretary of State for Wales if he will list, by university, how many school-leavers have applied for places on degree courses in Wales in 1998. [36044]

Mr. Hain: Information in the form requested is not readily available centrally.

As at 15 December 1997 there were 33,266 applicants, aged 17 and 18, who made at least one application for full-time and sandwich first degree, diploma or HND higher education courses at Welsh higher education institutions for the academic year, 1998–99.

Mr. St. Aubyn: To ask the Secretary of State for Wales if he will list, by university, how many mature students have applied for places on degree courses in Wales in 1998. [36043]

Mr. Hain: Information in the form requested is not readily available centrally.

As at 15 December 1997 there were 5,151 applicants, aged 21 and over, who made at least one application for full-time and sandwich first degree, diploma or HND higher education courses at Welsh higher education institutions for the academic year, 1998–99.

PRIME MINISTER

Bournemouth

Q17. **Mr. David Atkinson:** To ask the Prime Minister when he next plans to make an official visit to Bournemouth. [34673]

The Prime Minister: I have no immediate plans to do so.

Government Business (Civil Servants)

Mr. Hanson: To ask the Prime Minister what advice has been given to civil servants on the conduct of Government business during the forthcoming local elections and London referendum campaign. [36455]

The Prime Minister: The Government have issued guidance to civil servants on the principles which they should observe in relation to the conduct of Government business in the period before the forthcoming local elections. This guidance also incorporates material on the role and conduct of civil servants during the London Referendum campaign which will coincide with the local elections.

The guidance stresses that civil servants should conduct themselves in accordance with the Civil Service Code and is based on the need to maintain political impartiality of the Civil Service and the need to ensure that public resources are not used for party political purposes.

The guidance on the London Referendum will come into force today with the publication of the Government's White Paper on a Greater London Authority. For local elections, the convention is that particular care should be taken in the three weeks prior to polling day.

Copies of the guidance have been placed in the Libraries of the House, and are also available from the Vote Office.

INTERNATIONAL DEVELOPMENT

Ethical Trading

10. **Mr. Hanson:** To ask the Secretary of State for International Development if she will meet representatives of retail organisations to discuss the promotion of ethical trading policies. [34636]

Mr. Foulkes: My right hon. Friend the Secretary of State meets representatives of retailers whenever possible to encourage them to adopt ethical codes and to work with their suppliers to improve labour conditions and environmental standards. We are greatly encouraged by the growing strength of ethical consumer movements, the responsiveness of many retailers and the huge improvements in life to which this leads for very poor producers in developing countries.

Voluntary Service Overseas

11. **Mr. HomeRobertson:** To ask the Secretary of State for International Development if she will make a statement on the promotion of Voluntary Service Overseas. [34637]

Mr. Foulkes: The Government currently support volunteers serving overseas through the British Volunteer Programme. In the current financial year, we are providing £23.769 million to support over 2,000 volunteers through agencies such as Voluntary Service Overseas.

EU Aid Programme

12. **Mr. Gibb:** To ask the Secretary of State for International Development what representations she has received from non-governmental organisations concerning the future of the EU aid programme. [34638]

Clare Short: I receive regular representations from NGOs on all subjects. In January I spoke at an NGO forum on the re-negotiation of the Lomé Convention. In April I will attend a similar forum in Brussels with NGOs from throughout the EU. The major objective of our Presidency in the development area is to ensure that the future Lomé Convention and EC development efforts more effectively support this international poverty eradication strategy. Most NGOs strongly support this objective.

Poverty

13. **Mr. Dobbin:** To ask the Secretary of State for International Development when she last met her European counterparts to discuss the United Kingdom's priorities for the EU presidency in respect of poverty alleviation; and if she will make a statement. [34639]

Clare Short: I met all the EU Development Ministers or their representatives and Commissioners Pinheiro and Marin at a High Level seminar in Brussels on 17 March. The seminar, which was arranged on the initiative of British Presidency, provided a valuable opportunity for an open and informal discussion on how the European Union can more effectively contribute to the implementation of the International Poverty Eradication Strategy, a key target of which is to halve world poverty by 2015. There

will be a further discussion of these issues and the future of the Lomé Convention at the General Affairs Council on 30 March, and Development Council on 18 May.

Multilateral Agreement on Investment

14. **Mr. White:** To ask the Secretary of State for International Development what progress has been made in ensuring that the concerns of non-OECD countries, with particular reference to environmental and labour standards, are taken into account in the MAI discussion. [34640]

Clare Short: The study of the development implications of the Multilateral Agreement on Investment (MAI) commissioned by my Department has just been completed. It indicates that this Agreement could offer substantial opportunities to developing countries in attracting and regulating foreign investment. I have placed copies of this report in the Libraries of the House. The Government have made it clear that we would not sign an MAI that undermined environmental protection or core labour standards but will work for an MAI and possible WTO based agreement that benefits developing countries.

22. **Mr. Matthew Taylor:** To ask the Secretary of State for International Development if she will make a statement on her Department's report on the consequences for developing countries of the proposed multilateral agreement on investment. [34650]

Clare Short: The report on the development implications of the Multilateral Agreement on Investment (MAI) commissioned by my Department was completed on Monday 23 March and placed in the Library on 25 March. The key conclusion is that the MAI could offer substantial opportunities to developing countries if their needs are accommodated in the Agreement. The Government are currently considering all the report's findings and how best to respond to them.

Safe Motherhood

15. **Mr. Martyn Jones:** To ask the Secretary of State for International Development what plans the Government have to promote safe motherhood in connection with World Health Day on 7 April. [34641]

Mr. Foulkes: We are promoting safe motherhood in collaboration with developing countries, through the UN health and development agencies (the World Health Organisation, the UN Population Fund and UNICEF) and through international NGOs. We are also supporting research into the extent and causes of maternal ill health. The Department is also supporting a major World Bank-led meeting on World Health Day to review progress on reducing maternal mortality. There is an urgent need for greater progress. In Nepal, for example, pregnancy still carries a one in 10 chance of death.

Angola

16. **Mr. Clapham:** To ask the Secretary of State for International Development what plans she has to support developments to provide clean water in Angola. [34643]

Clare Short: We have committed almost £0.9 million to projects in Luanda and Kwanza Sul province which will bring clean water to poor communities and help them manage and maintain the services. The EC, to which we are a major contributor, is also rehabilitating water services in the Planalto region.

EU Development Committee

17. **Mr. Clifton-Brown:** To ask the Secretary of State for International Development who attended the EU Seminar for Development Ministers, European Commissioners and representatives of the European Parliament's Development Committee earlier this month on behalf of the United Kingdom. [34644]

Clare Short: I represented the United Kingdom at the High Level Seminar in Brussels on 17 March with my officials. Commissioners Pinheiro and Marin also attended, as did Ministers or high level representatives from all EU Member States.

Biological Diversity

18. **Mr. Randall:** To ask the Secretary of State for International Development what progress her Department has made in implementing the convention on biological diversity. [34646]

Clare Short: My Department supports the implementation of the Convention on Biological Diversity by helping poor people in developing countries to manage and benefit from their biodiversity. Since 1992, we have committed over £185 million in support of a wide range of biodiversity programmes in over 40 developing countries, including management of ecosystems, institution building, research and training and education. We have also committed over £130 million since 1991 to the Global Environment Facility (GEF), which is the financial mechanism for the Convention. Since 1991, the GEF has committed over $600 million in support of the Convention, which represents nearly 40% of its total commitments to the global environment.

The Department for International Development is currently reviewing its strategy of support for biodiversity and expects to issue a revised strategy at the Fourth Conference of the Parties to the Biodiversity Convention in Bratislava in May.

Development Assistance

19. **Mr. Evans:** To ask the Secretary of State for International Development what proposals she has to concentrate development assistance on the poorest countries. [34647]

Clare Short: My Department is revising Country Strategy Papers in the light of the White Paper and the Departmental Spending Review. Over time, we shall increase the proportion of bilateral assistance allocated to low income countries, in particular countries which are themselves committed to sound policies to bring about the elimination of poverty. Country Strategy Papers will be made publicly available as they are finalised.

Children (Conflict)

20. **Mr. Martin Bell:** To ask the Secretary of State for International Development what steps her Department is taking to help children whom UNICEF assesses to have been affected by conflict situations. [34648]

Clare Short: My Department is committed to supporting initiatives to protect and promote the rights of children affected by war. We have supported a number of projects world-wide including UNICEF's new work on child protection, and will continue to push for the upholding of humanitarian norms to protect children threatened by conflict. In addition, we have provided £200,000 to support the work of the new UN Special Representative on Children and Armed Conflict which aims to ensure the protection, healing and rehabilitation of children affected by armed conflicts world-wide. We will host a ministerial meeting in London on 23 June to promote Mr. Otunnu's work to our European partners and NGOs, and will explore opportunities for working together in specific countries.

Development Issues

21. **Mr. Connarty:** To ask the Secretary of State for International Development how she plans to increase public awareness of development issues; and if she will make a statement. [34649]

Clare Short: My hon. Friend the Parliamentary Under-Secretary of State for International Development will chair the first meeting of the Development Awareness Working Group on 31 March. This will consider an outline strategy document for our work in this area. We are seeking not only to review the treatment of development issues in the formal education sector, but also to find new ways to engage other sectors of the Community.

My hon. Friend and I are also continuing a series of regional visits to take the message of the recent White Paper on International Development to a wider audience.

Bhutan

23. **Mr. Nicholas Winterton:** To ask the Secretary of State for International Development when she next plans to visit Bhutan to discuss aid to refugees. [34651]

Clare Short: I have no plans at present to visit Bhutan. My Department is a major contributor to the United Nations High Commission for Refugees (UNHCR) which is supporting 93,000 refugees from Bhutan in Nepal. The Governments of Bhutan and Nepal have been seeking a solution to the problem through a series of bilateral talks and UNHCR will help to implement any arrangements reached.

Women

24. **Helen Jones:** To ask the Secretary of State for International Development what steps she is taking to ensure that the needs of women are met by development programmes. [34652]

Clare Short: As is made clear in the White Paper on International Development, the overwhelming majority of the poor of the world are women and children. Sustainable development is impossible without educating girls and empowering women. We are actively involved in the implementation of the Platform for Action agreed at the 1996 Beijing Conference on Women and are pursuing a twin-track approach, addressing gender inequalities as an integral part of all our development activities, as well as continuing to support specific and focused initiatives to enhance women's empowerment, both in our own programmes and in our support to relevant national and multilateral organisations.

European Bank for Reconstruction and Development

25. **Mr. Tyrie:** To ask the Secretary of State for International Development if she will make a statement on the long-term future of the EBRD. [34653]

Clare Short: I refer the hon. Member to the reply I gave on 28 January 1998, *Official Report*, column 290.

Irrigation Projects

26. **Mrs. Fyfe:** To ask the Secretary of State for International Development what plans she has to increase assistance to irrigation projects. [34654]

Clare Short: Agricultural irrigation has a vital role to play in ensuring future food security, and brings with it direct and indirect benefits, the latter mainly through employment, to poor people. 2.4 billion people living in developing countries depend directly on irrigated agriculture for food. This number will increase. Two thirds of all water extracted from rivers and aquifers is used for irrigation. In developing countries the proportion is even higher. There is increasing awareness of the finite nature of water as a resource, and increasing competition for the use of that water.

This issue and the general question of sustainable water management will be the subject of the meeting of the United Nations Commission on Sustainable Development in New York in April.

Water, Food and Shelter

27. **Mr. Baker:** To ask the Secretary of State for International Development what percentage of her budget is spent on providing help to those without adequate access to water, food and shelter. [34655]

Clare Short: The percentage of the Department for International Development's budget spent on providing basic education, basic health, water and sanitation, nutrition and emergency food aid, both directly and through NGOs, was 11 per cent. in the last financial year.

Jamaica

Mr. Mullin: To ask the Secretary of State for International Development what recent discussions she has had with the Government of Jamaica regarding debt relief; and if she will make a statement. [34642]

Clare Short: My officials have made several visits to Jamaica in the past months to make recommendations to me on whether debt relief should be extended to Jamaica under the Commonwealth Debt Initiative. I expect to be in a position to take a decision soon.

Iraq

Mr. John Cryer: To ask the Secretary of State for International Development what steps her Department has taken to provide humanitarian assistance to the people of Iraq; and if she will make a statement. [34635]

Clare Short: I have recently announced a new £7 million programme for humanitarian assistance to the people of Baghdad-controlled Iraq, to be directed through UN Agencies, and NGOs who have a capacity to provide food and medicines to those in need. This new package is in addition to my Department's existing programme of some £3 million a year, which is concentrated in the North.

I will also be co-hosting a meeting in April with my right hon. Friend the Foreign Secretary to discuss how the European Union and others can help the UN to try to ensure that the expanded oil-for-food programme brings urgent relief to the Iraqi people.

HEALTH

Food Poisoning

Mr. Chaytor: To ask the Secretary of State for Health if he will list the total number of outbreaks of food poisoning for each of the last three years, listed by known infective agent. [35761]

Ms Jowell: The information requested is given in the table.

General outbreaks of infectious intestinal disease reported to the PHLS communicable disease surveillance centre for England and Wales

Number of foodborne outbreaks by organism and year

Organism	*1994*	*1995*	*[1]1996*	*[2]1997*
Salmonella enteritidis PT4	52	55	47	58
S. enteritidis other phage types	11	9	14	33
Salmonella typhimurium	18	14	10	16
S. virchow	5	4	1	2
Other Salmonella serotypes	5	8	9	5
Clostridium perfringens	21	18	18	23
Small round structured virus	17	14	7	7
Bacillus cereus	7	8	4	3
Scombrotoxin	8	9	6	7
Escherichia coli O157	—	5	7	4
Campylobacter	5	3	6	5
Staphylococcus aureus	2	1	5	—
Bacillus subtilis	1	2	2	2
Small round virus	3	1	—	—
Shigella sonnei	1	—	—	—
Astrovirus	1	—	1	—
Cryptosporidium	—	1	—	—
Rotavirus	1	—	—	—
Shigella flexneri	—	—	1	—
Other	2	1	1	1
Unknown	29	24	17	22
Total	189	177	156	188

[1] Provisional
[2] Interim data. Data for 1997 is still being collated and therefore the figures will change
Source:
Public Health Laboratory Service

Microbiological Research Agency

Mr. Key: To ask the Secretary of State for Health if he will place in the Library a copy of the management statement of the Microbiological Research Agency dated February 1995. [36027]

Ms Jowell: Copies of the management statement have been placed in the Library.

Microbiological Research Authority

Mr. Key: To ask the Secretary of State for Health, pursuant to his answer of 21 July 1997, *Official Report*, column *409*, if he will make a statement about the quinquennial review of the Microbiological Research Authority. [36028]

Ms Jowell: The findings of the first stage of the review are currently being discussed by Ministers, and we expect to make a statement in the near future.

NHS Anniversary (Internet)

Mr. Maples: To ask the Secretary of State for Health what has been the cost to date involved in starting and administering the NHS 50th Anniversary Internet site. [36150]

Mr. Milburn: The cost to the Department has been approximately £20,700, all of which has been met from within the communications budget. All other costs of the NHS 50 website have been met through British Telecommunications sponsorship.

Departmental Information Division

Mr. Maples: To ask the Secretary of State for Health what was the cost at current prices of his Department's Information Division in 1996–97. [36185]

Ms Jowell: The cost of the Department's press and publicity division (formally information division) for 1996/97, inflated to current prices, was £2,757,727. Press and publicity division is comprised of a news branch, containing the press office and public inquiry office, together with a publicity branch. In addition the cost of the Department's storage, distribution and fulfilment was £2,741,355.

NHS Funding

Mr. Maples: To ask the Secretary of State for Health if he will list the purposes on which the £420 million extra NHS funding allocated in the Budget will be spent. [36148]

Mr. Milburn: I refer the hon. Member to the statement my right hon. Friend the Secretary of State made on 18 March 1998, *Official Report*, columns 1290–92.

Glaucoma

Mr. Oaten: To ask the Secretary of State for Health if he will remove prescription charges for eye-drops for those suffering from glaucoma. [36176]

Mr. Milburn: All aspects of prescription charges are being examined as part of the comprehensive spending review, which will report in the summer. The review in the Department is being undertaken in the context of our manifesto commitment:

"if you are ill or injured there will be a national health service there to help; and access to it will be based on need and need alone—not your ability to pay, or on who your general practitioner happens to be or on where you live".

Access Committee for England

Mr. Oaten: To ask the Secretary of State for Health if he will restore funding to the Access Committee for England. [36175]

Mr. Milburn: Decisions on the funding of voluntary organisations by this Department for the 1998–99 financial year have now been made and communicated to the organisations concerned. We have no current plans to restore funding to the Access Committee for England.

Food Science Research Contracts

Mr. Charles Clarke: To ask the Secretary of State for Health if he will list the food science research contracts allocated by his Department and its agencies in *(a)* 1994–95, *(b)* 1995–96 and *(c)* 1996–97 broken down by (i) length of contract, (ii) value of contract and (iii) institution securing the contract. [35404]

Ms Jowell *[holding answer 20 March 1998]:* The Department funds the following contracts which could be considered to fall under the heading of food science research.

Department of health food science related research projects

Project title	*Duration*	*Cost (£)*	*Organisation*
1994/95			
Detection of specific mRNA as an index of viability in stressed foodborne microbes	36 months	256,626	Institute of Food Research
Quantitative detection of metabolically active *Campylobacter* spp. in four hours	24 months	70,644	University of Nottingham
1995/96			
Assessment of the degree of heat treatment necessary to destroy *E. coli* 0157	24 months	159,631	University of Reading
The application of notational analysis and hazard analysis to assess the potential for cross contamination in domestic food preparation	36 months	66,857	Cardiff Institute of Higher Education
Food safety risks scores and food operations risk scores of targeted groups of consumers and the evaluation of hygiene intervention	36 months	69,832	Cardiff Institute of Higher Education
Investigation of methods for logging and recording the temperature of food samples submitted for microbiological analysis	21 months	51,532.30	Preston Public Health Laboratory
A study into tolerance and survival in salmonellas particularly *Salmonella typhimurium* DT104	12 months	37,524	Exeter Public Health Laboratory
1996/97			
Acid tolerance and pH homeostasis of verocytotoxin producing *Escherichia coli*	36 months	126,304	University of Aberdeen
Quantitative detection of metabolically active *Campylobacter* spp. in four hours	12 months	44,481	University of Nottingham
Development and evaluation of solid media to identify verocytotoxin producing *Escherichia coli* and to detect verocytotoxin in clinical and food samples by a novel method producing a direct colour response to both the toxin antigen and its biological activity	36 months	286,083.12	Laboratory of the Government Chemist
Diarrhetic shellfish poisoning (DSP): development of a protein phosphatase inhibition (PPI) assay and tissue culture assay for the detection of DSP toxins in shellfish	12 months	38,356	Public Health Laboratory Service

In addition, the Department currently funds a Unit at St. Bartholomew's Hospital for research into the toxicology of chemicals some of which can be found in food.

DUCHY OF LANCASTER

Public Bodies

Mr. Burns: To ask the Chancellor of the Duchy of Lancaster if he will publish *(a)* the number of places on each of his Department's non-departmental public bodies, *(b)* the number of places that are currently unfilled on each non-departmental public body, *(c)* the total number of members that have resigned since 1 May 1997, *(d)* the total number that have retired since 1 May 1997, *(e)* the total number that have not had their contracts renewed since 1 May 1997, *(f)* the total number that have remained in place since 1 May 1997 and *(g)* the total number that have been appointed since 1 May 1997. [35274]

Dr. David Clark *[holding answer 19 March 1998]:* The appointments to non-departmental public bodies sponsored by my Department include appointments made by the Prime Minister, and myself. In addition, I also make appointments for a non-departmental public body sponsored by the Central Office of Information, which is a Department in its own right and which reports directly to me.

The table lists the information requested.

NDPB	*a*	*b*	*c*	*d*	*e*	*f*	*g*
Advisory Committee on Business Appointments	8	0	0	0	0	8	0
Better Regulation Task Force	16	0	0	0	6	0	'16
British Government Panel on Sustainable Development	5	1	0	0	0	4	0
Civil Service Appeal Board	26	2	1	2	1	'23	1
Committee on Standards in Public Life	10	0	'0	0	0	5	5
Political Honours Scrutiny Committee	3	0	0	0	0	3	'3
Security Commission	7	0	0	0	0	5	2
Security Vetting Appeals Panel	6	0	0	0	0	6	6
Advisory Committee on Advertising	12	3	3	0	0	9	'0

NDPB	a	b	c	d	e	f	g
Advisory Committee on JPs in Lancashire, Greater Manchester and Merseyside	192	0	2	27	0	163	35
Total	—	—	6	29	7	226	68

[1] 1 member re-appointed from De-Regulation Task Force
[2] 8 members re-appointed
[3] When the Committee on Standards in Public Life was established in October 1994, the Chairman and members were appointed for three years in the first instance. When those appointments expired in October 1997, five members of the Committee decided they did not wish to serve for a further term
[4] Members only serve for an Administration and were re-appointed
[5] 1 current member has been appointed Chairman

Notes:
a. Number of places on each NDPB
b. Number of places at are currently unfilled on each NDPB
c. The total number of members that have resigned since 1 May 1997
d. The total number that have retired since 1 May 1997
e. The total number that have not had their contracts renewed since 1 May 1997
f. The total number that have remained in place since 1 May 1997
g. The total number that have been appointed since 1 May 1997

Freedom of Information

Mr. Jim Cunningham: To ask the Chancellor of the Duchy of Lancaster what financial provisions will be made available to public authorities to process applications for information, following the implementation of his Freedom of Information proposals. [35776]

Dr. David Clark: Public authorities will be expected to allocate resources to fulfil their duties under the Freedom of Information Act from within overall expenditure ceilings.

Mr. Jim Cunningham: To ask the Chancellor of the Duchy of Lancaster what figure he plans to set as a disproportionate cost or diversion of resources under the Gateway provisions of his Freedom of Information proposals. [35777]

Dr. David Clark: We do not envisage the Freedom of Information Act specifying a fixed sum for what would amount to disproportionate cost or diversion of resources from other priorities. This would depend on the circumstances of the public authority concerned and the nature of the request.

As proposed in the White Paper, *Your Right to Know*, a decision by a public authority not to provide the information requested on these grounds would be appealable to the Information Commissioner who would take account of other discretionary cost thresholds such as that for answering Parliamentary Questions.

MINISTER WITHOUT PORTFOLIO

Millennium Dome

Mr. Baker: To ask the Minister without Portfolio what evaluation was made of the option of using an air-conditioning system for the Millennium Dome powered by hydrocarbons. [35928]

Mr. Mandelson *[holding answer 24 March 1998]:* The New Millennium Experience Company (NMEC) received no bids proposing the use of hydrocarbons during the procurement process for air chiller units. Subsequent inquiries made by the NMEC suggested that suppliers were reluctant to offer a hydrocarbon system for a project of the scale and nature of the Dome. I also understand from the NMEC that hydrocarbons would require additional and more complex precautions to ensure optimum safety in a project the size of the Dome.

Mr. Baker: To ask the Minister without Portfolio if he will list the sponsorship secured by contract for the Millennium Dome by 18 March giving in each case *(a)* the company or individual, *(b)* the amount and *(c)* details of undertakings given to sponsors in return for their sponsorship. [35931]

Mr. Mandelson: I refer the hon. Member to the answer I gave to my hon. Friend the Member for Pontefract and Castleford (Ms Cooper) on 24 February 1998, *Official Report*, column *204*. Negotiations on the contractual details are continuing in each case.

Millennium Experience

Mr. Simon Hughes: To ask the Minister without Portfolio what are the specifically Christian elements of the Millennium Experience. [36173]

Mr. Mandelson: The New Millennium Experience Company is holding regular discussions, facilitated by the Archbishops' Officer for the Millennium, with representatives of the Lambeth Consultation Group. The purpose of these discussions is to ensure that the "Spirit Zone" of the Millennium Experience contains appropriate and inclusive references to Christianity and the Christian heritage of the United Kingdom.

AGRICULTURE, FISHERIES AND FOOD

EU Fisheries Council

Dr. Ladyman: To ask the Minister of Agriculture, Fisheries and Food what was the outcome of the Fisheries Council held in Brussels on 24 March; and if he will make a statement. [36569]

Dr. John Cunningham: I chaired the meeting of the Fisheries Council in Brussels on 24 March. My hon. Friend the Parliamentary Secretary represented the United Kingdom together with my noble friend the Under-Secretary of State at the Scottish Office, Lord Sewel.

The Council discussed the introduction of a ban on high seas drift nets. Views were divided. The UK, with a majority of other Member States, argued for the phasing out of such nets because of the by-catch problems associated with them, particularly by-catches of dolphins. Several Ministers opposed a ban. However, at the end of the discussion I was able to conclude that there was an expectation that there will be a qualified majority in support of a ban. This helps clear the way for a formal agreement before the end of June. In the meantime, the European Commission will prepare measures such as decommissioning or conversion, to be applied within existing funding provisions, for fishermen affected by the ending of drift netting for tuna, swordfish and other high seas species.

The Council agreed by qualified majority, with Belgium voting against, new total allowable catches (TACs) and quotas for the North Sea. The six new TACs will help to conserve stocks by extending the quota system to cover anglerfish, megrim, skates and rays, turbot and brill, dab and flounder, lemon sole and witch. The new TACs are precautionary and national quotas are based on historic catches, so confirming large UK shares.

Political agreement was reached, with the Netherlands dissenting, on a measure to rationalise by-catch limits for herring in industrial fisheries for other species and to limit industrial fishing for herring to part of the Baltic Sea. No other herring may be used for industrial purposes unless it is first offered for sale for human consumption and fails to find a buyer. Taken together, these measures should help to conserve sensitive herring stocks.

The European Commission presented a report reviewing the operation of fisheries monitoring under the Common Fisheries Policy (CFP) and drawing attention to areas where enforcement needs to be strengthened by means of a 3-year action plan. In an orientation debate, the UK supported the introduction of new measures to achieve more effective and more consistent fisheries enforcement. As chairman, I was able to conclude that there was general support for improved enforcement and the Council welcomed the Commission's intention to come forward rapidly with concrete proposals. The Council will return to the subject at its next meeting.

The Council unanimously agreed conclusions welcoming pilot regional meetings held during 1997 and calling for the initiative to be developed and extended in 1998. These regional meetings contribute to the UK's objective of increasing the involvement of fishermen in CFP discussions and developing the regional dimension of the CFP.

Finally, the Council unanimously agreed, with Spain abstaining, autonomous tariff quotas for imports of fish products in 1998.

Central Science Laboratory

Mr. Charles Clarke: To ask the Minister of Agriculture, Fisheries and Food what plans his Department has to transfer the MAFF-funded food research work programme to other scientific institutions in Norwich in the event of closure of the Norwich site of the Central Science Laboratory. [35963]

Mr. Rooker *[holding answer 24 March 1998]:* There are no plans to transfer ongoing MAFF funded work to other research institutes in the event of closure of the Norwich laboratory. MAFF funding for food research is available via open competition; scientific institutions at Norwich may continue to bid for such funding in the usual way.

Mr. Charles Clarke: To ask the Minister of Agriculture, Fisheries and Food what detailed studies *(a)* his Department and *(b)* the Central Science Laboratory have made of options for setting the Sand Hutton Laboratory, York on a sound financial footing; and if he will publish them. [35961]

Mr. Rooker *[holding answer 24 March 1998]:* I have asked officials to undertake studies on measures to improve the financial footing of the Central Science Laboratory, and am considering their analyses with Ministerial colleagues.

Such studies necessarily include commercially sensitive information and therefore it would not be appropriate to publish them.

Mr. Charles Clarke: To ask the Minister of Agriculture, Fisheries and Food what redundancy costs his Department is assuming, and for how many staff, for *(a)* scientists and *(b)* non-scientists if the Central Science Laboratory site at Colney Lane, Norwich is closed; and by which body such costs would be born. [35956]

Mr. Rooker *[holding answer 24 March 1998]:* The Central Science Laboratory (CSL) would seek to retain as many staff as possible if a decision is taken to move the work of the Norwich laboratory to York. CSL would endeavour to avoid compulsory redundancies by seeking to re-deploy non-mobile staff.

Mr. Charles Clarke: To ask the Minister of Agriculture, Fisheries and Food if he will list the current and projected capital charges for the Central Science Laboratory at Sand Hutton, York, for each of the years 1996–97 to 2001–02, indicating which are payable by *(a)* his Department, *(b)* the Central Science Laboratory and *(c)* other public bodies. [35953]

Mr. Rooker *[holding answer 24 March 1998]:* Capital charging is being introduced across the Government estate from 1 April 1998. Information is therefore only available from that date. The annual cost for Sand Hutton is anticipated to be £7.2 million until the year 2001–02. The Department will bear the full cost of the capital charge as the Agency forms part of the MAFF estate. However, the Central Science Laboratory must recover the full accommodation costs of both sites through charges to customers.

Mr. Charles Clarke: To ask the Minister of Agriculture, Fisheries and Food what estimates his Department has made of *(a)* the number and *(b)* the total value of the contracts which would be lost by the Central Science Laboratory in the event of closure of the Norwich laboratory of the CSL. [35964]

Mr. Rooker *[holding answer 24 March 1998]:* In relocating to York in 1996, the Central Science Laboratory closed three large sites and five smaller sites. Experience from this exercise indicates that there would be minimal long-term loss of work or customers as a result of relocating work from Norwich to York.

Mr. Charles Clarke: To ask the Minister of Agriculture, Fisheries and Food what assessment his Department has made of the possibility of moving other MAFF and MAFF Agency laboratories to the Central Science Laboratory at Sand Hutton, York. [35960]

Mr. Rooker *[holding answer 24 March 1998]:* The Prior Options review of Government Research Establishments explored all avenues in relation to science programmes and the location of work. MAFF laboratory agencies were considered as part of this review.

There are no laboratories within the core Department.

Mr. Charles Clarke: To ask the Minister of Agriculture, Fisheries and Food if *(a)* his Department and *(b)* the Central Science Laboratory have taken legal advice on the possible redundancy costs of closure of the Central Science Laboratory at Norwich. [35958]

Mr. Rooker *[holding answer 24 March 1998]:* The Ministry of Agriculture, Fisheries and Food operate the rules laid down in the Principal Civil Service Pension Scheme for the administration of early retirement and redundancy. Legal advice would be sought, as appropriate, should it be decided to re-locate staff currently based at Norwich.

Mr. Charles Clarke: To ask the Minister of Agriculture, Fisheries and Food what estimate he has made of the capital cost of closing the Central Science Laboratory facility at Colney Lane, Norwich; and where this cost would be funded from. [35954]

Mr. Rooker *[holding answer 24 March 1998]:* Closure of the Central Science Laboratory at Norwich would result in costs of £2.8 million being incurred. These costs would be borne by the Department.

Mr. Charles Clarke: To ask the Minister of Agriculture, Fisheries and Food what estimates his Department has made of the revenue savings resulting from the closure of the Central Science Laboratory facility at Colney Lane, Norwich; and to which body such planned savings would accrue. [35952]

Mr. Rooker *[holding answer 24 March 1998]:* Projected revenue savings of £1.5 million per annum would result from the closure of the Norwich site. These savings would accrue to the Department in terms of a reduction in running costs for the Central Science Laboratory.

Mr. Charles Clarke: To ask the Minister of Agriculture, Fisheries and Food, pursuant to his answer of 5 March 1998, *Official Report*, column 728, what reasons underlie the difference between the £133,832,000 cost to his Department of constructing the new Central Science Laboratory at Sand Hutton, York, and its assessed value at 31 March 1997. [35546]

Mr. Rooker *[holding answer 20 March 1998]:* The estimate of value as at 31 March 1997 has been prepared for capital charging purposes, on the basis of ongoing operational use, in readiness for the move to resource accounting. The valuation was made on a depreciated replacement cost basis to reflect the building's specialist use, in accordance with HM Treasury's publication "Capital Charging for Property—Accounting Guidance". This requires that, in accordance with the Royal Institution of Chartered Surveyors' Appraisal and Valuation Manual, valuations are based on the estimate of the existing use value of the land and an estimate of the gross replacement cost of the buildings, from which deductions are made to allow for age, condition and functional obsolescence.

There are a number of reasons why a difference can be expected between the estimate of value based on the depreciated replacement cost basis and the realised building cost. The depreciated replacement cost approach assumes that the design is fixed at the beginning of the contract and is built without variation or delay, for example as a result of inclement weather, construction difficulties or design changes in what is a sophisticated and complex building. This impacts on the building costs, the fees and the various overhead items incorporated in the valuation. In accordance with normal practice, VAT has been included with all the cost items but has been reduced in proportion to the extent to which the Central Science Laboratory is able to recover VAT in the services provided to clients. The property valuation also specifically excluded all equipment not of a fixed nature. Off site service provision including electricity, water and drainage is not included in the cost but was reflected indirectly in the land value.

Mr. Charles Clarke: To ask the Minister of Agriculture, Fisheries and Food, pursuant to his answer of 11 March 1998, *Official Report*, column *255*, if he will make a statement on the distinction between fee earning and other scientists. [35545]

Mr. Rooker *[holding answer 20 March 1998]:* The majority of Central Science Laboratory staff are fee-earning in that they work on funded scientific contracts. A number of other scientists are employed in management roles and support functions.

Mr. Charles Clarke: To ask the Minister of Agriculture, Fisheries and Food what is the projected non-scientific pay bill in the year 1997–98 at the Central Science Laboratory site at Sand Hutton, York. [35406]

Mr. Rooker *[holding answer 25 February 1998]:* The projected non-scientific pay bill for the Central Science Laboratory, Sand Hutton in 1997–198 is £2.2 million.

Mr. Charles Clarke: To ask the Minister of Agriculture, Fisheries and Food how much income is projected to be received by the Central Science Laboratory in the 1997–98 financial year from research contracts based primarily at Colney Lane, Norwich from (i) his Department, (ii) other public sector agencies and (iii) private companies. [35405]

Mr. Rooker *[holding answer 20 March 1998]:* Projected income for 1997–98 from research contracts primarily based at Colney Lane, Norwich is as follows:

	£ million
MAFF	5.0
Other public agencies	0.5
Private sector	0.9
Total	6.4

Mr. Charles Clarke: To ask the Minister of Agriculture, Fisheries and Food for what reasons overheads per employee in the Central Science Laboratory average £7,248 at Colney Lane, Norwich, and £17,378 at Sand Hutton, York. [35402]

Mr. Rooker *[holding answer 20 March 1998]:* The figures that my hon. Friend has quoted appear to have been based on the number of scientists at each of the Central Science Laboratory sites. Equivalent figures based on the total number of employees at each site would be £5,766 and £12,723.

The Sand Hutton site has a high proportion of specialist R&D facilities and this contributes to the higher cost per employee.

Sausage Labelling

Dr. Gibson: To ask the Minister of Agriculture, Fisheries and Food if he will introduce labelling of pork sausages which contain beef in relation to BSE risks. [35650]

Mr. Rooker: No. Warning statements of this nature are unjustified on any food containing beef, including pork sausages. Labelling rules already require ingredients lists on pork sausages which also contain other meats to declare the presence of each type of meat separately. I consider these rules sufficient to enable consumers to make their own decisions about whether or not they buy particular products.

Poultry

Mr. Jenkin: To ask the Minister of Agriculture, Fisheries and Food what assessment he has made of the risk of food poisoning contracted from New York dressed poultry. [35382]

Mr. Rooker: The Government believe that the evisceration of New York dressed poultry, whether in the domestic kitchen or in a butcher's shop, could lead to cross contamination of other foods by any foodborne pathogens present, via contamination of the hands of the person carrying out the evisceration and the implements and surfaces used.

This view is based on scientific evidence and advice, including that of the Advisory Committee on the Microbiological Safety of Food, in its 1996 Report on Poultry Meat; and a paper from Professor Mead and Dr. Scott of the Royal Veterinary College, published in British Poultry Science, 1997, Vol. 38, pages 195 to 198, entitled, "Spread of an enteric 'marker' organism during evisceration of New York dressed poultry in a simulated kitchen environment".

Bovine Tuberculosis

Mr. Nicholas Winterton: To ask the Minister of Agriculture, Fisheries and Food, pursuant to his answer of 10 March 1998 to the hon. Member for West Dorset (Mr. Letwin), *Official Report*, columns *164–66*, by what date he has requested the Expert Group under Professor Bourne's chairmanship to provide advice on the timing and conduct of the culling experiment recommended in the Krebs report. [35647]

Mr. Rooker: I hope to receive advice on the design of the culling trial by June.

Mr. Nicholas Winterton: To ask the Minister of Agriculture, Fisheries and Food what assessment he has made of recent evidence indicating the spread of TB related to badgers to new areas. [35648]

Mr. Rooker: We continue to monitor the situation in all areas of the country. The Krebs report recommended a package of measures to address the issue of TB in cattle and badgers. We will make a further announcement when we have considered submissions made during consultation.

Mr. Nicholas Winterton: To ask the Minister of Agriculture, Fisheries and Food what assessment he has made of the situation facing Cheshire farmers in respect of the spread of bovine tuberculosis following the publication of the Krebs report on Bovine Tuberculosis in Cattle and Badgers. [35518]

Mr. Rooker: In Cheshire there was one confirmed breakdown in 1994 and one in 1995. There were no confirmed breakdowns in 1996 or 1997, but there has been one so far in 1998. The breakdowns appear to be sporadic and not confined to any particular area of the county. There has been no evidence of badger involvement. I can assure the hon. Member that we are continuing to monitor the situation.

Mr. Nicholas Winterton: To ask the Minister of Agriculture, Fisheries and Food what measures he is taking to protect the livelihoods of farmers affected by outbreaks of bovine tuberculosis on their land during the period before an effective vaccine has been developed and following the recommendations contained in the Krebs report; and if he will make a statement. [35517]

Mr. Rooker: We will continue to test cattle for bovine tuberculosis at intervals of four years, or more frequently where there is perceived to be an increased risk of disease. Regular testing, plus the removal to slaughter of reactor cattle (for which farmers receive compensation) ensure that disease is generally caught at an early stage. Restrictions imposed on the movement of cattle from herds where disease is suspected safeguards against the spread of disease to other herds. We are considering the implementation of the Krebs recommendations which should provide a sound basis for future policy concerning badgers and bovine TB. We will make an announcement when we have considered submissions made during the consultation exercise.

SCOTLAND

Multilateral Agreement on Investment

Mr. Gorrie: To ask the Secretary of State for Scotland what impact the Multilateral Agreement on Investment would have on the powers of the Scottish Parliament to deal with issues relating to land ownership, absentee landlords and second home ownership. [34546]

Mr. Wilson *[holding answer 20 March 1998]:* The key principle of the Multilateral Agreement on Investment is that signatories would not generally discriminate on the basis of the ownership of an investment. Under proposals in the Scotland Bill currently before Parliament changes in the law relating to land ownership in Scotland will be a matter for the Scottish Parliament, subject to any international obligations which might apply.

Mr. Gorrie: To ask the Secretary of State for Scotland if the Scottish Parliament will have the power to create exemptions on matters covered by the Multilateral Agreement on Investment. [35143]

Mr. Wilson: The Multilateral Agreement would be an addition to the range of international obligations already undertaken by the UK through the Organisation for Economic Co-operation and Development and other agreements affecting trade and investment. These remain reserved and will continue to be dealt with by the UK Government. The Scotland Bill includes appropriate

machinery, in Clause 54 and elsewhere, to ensure that Scottish legislation and practice observes these obligations in so far as they impact on devolved areas.

Cashmere Goat Farming

Mr. Gorrie: To ask the Secretary of State for Scotland what plans he has to implement the recommendation contained in the Third report of the Scottish Affairs Committee of Session 1995–96 (HC 629) to extend to cashmere goat farming the same support as is given to sheep farming. [35142]

Mr. Macdonald: My right hon. Friend has no plans to extend Sheep Annual Premium payments or Hill Livestock Compensatory Allowances to cashmere goats.

Higher Still Programme

Mr. Gorrie: To ask the Secretary of State for Scotland what plans he has to meet representatives of teachers of English to discuss the assessment procedure proposed for Higher Still English. [35190]

Mr. Wilson: I meet regularly with representatives of teacher associations to discuss Higher Still and other issues.

Mr. Gorrie: To ask the Secretary of State for Scotland what representations he has received expressing concern about the content and assessment procedures proposed for Higher Still English; and what response he has made to them. [35192]

Mr. Wilson: I have received a number of representations from teachers about the content and assessment procedures proposed for Higher Still English and Communication.

I refer the hon. Member to the answer which I gave to him on 6 March 1998, *Official Report*, columns *777–78*, for my response to these representations.

Mr. Gorrie: To ask the Secretary of State for Scotland what steps he is taking to ensure that the methods of assessment proposed for Higher Still will maintain the educational standards currently expected of fifth and sixth year secondary pupils. [35214]

Mr. Wilson: Higher Still is designed to raise standards of achievement in schools and colleges, leading to more passes and better grades. This will be achieved without compromise on standards of assessment.

The benchmark for the new Higher is the existing Higher Grade. I commissioned research on the benchmarking of standards from the Scottish Qualifications Authority. This has confirmed that Higher Still requirements are appropriately set against the existing Higher Grade.

In order to ensure that staff are familiar with the new assessment system, staff development has been offered to principal teachers and subject leaders. A National Assessment Bank containing nationally validated assessment instruments for use in schools and colleges is being developed. These will help to ensure that internal assessment is consistent with national standards. The Scottish Qualifications Authority is currently working on external assessment exemplars drawing heavily on the existing Higher Grade and CSYS for new qualifications at Higher and Advanced Higher levels.

Quality assurance of both the internal and external elements of Higher Still is a function of the Scottish Qualifications Authority. The Scottish Qualifications Authority will operate a variety of techniques to maintain standards involving, for instance, the benchmarking of external assessment to ensure the maintenance of standards and the moderation of internal assessment in school and colleges. Research carried out by the Scottish Council for Research in Education has shown that the Authority's predecessor (the Scottish Examination Board) was successful in maintaining assessment standards through a period of change in the qualifications structure. I am confident that the Authority will be able to capitalise on this experience and be equally successful.

Residential Colleges (Arts and Crafts)

Mr. Gorrie: To ask the Secretary of State for Scotland if he will assess the benefits of providing financial start-up assistance to a residential college for arts and crafts. [35140]

Mr. Wilson: A wide range of arts and craft provision is already available both in schools and in further education colleges. I am not aware of any expression of need for such residential provision.

Head Teachers

Mr. Gorrie: To ask the Secretary of State for Scotland what plans he has to introduce qualifications for head teachers. [35504]

Mr. Wilson: Raising standards in schools means making teachers more effective. That means training and development for head teachers and classroom teachers alike. For aspiring head teachers we plan to introduce a new qualification, soundly based on practical experience in schools, which will help them acquire the skills, knowledge and understanding required for the job. Development of this new qualification is proceeding and I look forward to its introduction next year.

Students

Mr. Gorrie: To ask the Secretary of State for Scotland what previous qualifications were held by students entering a first degree course at a Scottish university in its second or third year in each of the past five years, indicating in each case the number holding the qualifications. [35503]

Mr. Wilson: Information on the number of new entrants to a second or third year of programme of a first degree course at a Scottish higher education institution for 1994–95 to 1996–97 by known highest entry qualification

is given below. Information on previous qualifications for students entering a first degree course is not available for the years prior to 1994–95.

New entrants into 2nd & 3rd year of programme, at a Scottish higher education institution, of a first degree course by year and highest entry qualification

	1994–95	*1995–96*	*1996–97*
GCE A level, SCE highers and equivalent	1,981	938	1,428
ACCESS courses	100	6	13
Other UK	101	106	60
Overseas qualification	582	605	654
No formal qualification/not known	856	349	950
Total	3,620	2,004	3,105

Mr. Gorrie: To ask the Secretary of State for Scotland how many students started first degree courses in Scottish universities each year for the past 10 years; how many started their course in its second year; and how many of each group gained *(a)* an honours degree, *(b)* an ordinary degree, *(c)* dropped out of the course and *(d)* are still on their course. [35502]

Mr. Wilson: The statistical information held by The Scottish Office on higher education students does not permit the tracking of entrants to their results. It is therefore not possible to produce a table linking the numbers of students starting, and students starting in the second year, with course outcomes.

Mr. Sarwar: To ask the Secretary of State for Scotland what steps have been taken to reduce the delays in the processing of student award applications by the Student Awards Agency for Scotland. [35902]

Mr. Wilson: A Review has been initiated to examine the lessons to be learned from the problems which were experienced during academic year 1997–98; to consider whether any changes in existing arrangements can be identified to improve the efficiency and effectiveness of dealing with applications and handling inquiries; to consider the implications of changes in student support arrangements; and to identify the resource implications of any improvements identified. A Steering Committee, including representatives from the private sector with experience of high volume processing, has been established to oversee the work of the Review. I expect the Committee to report its conclusion to me in April.

Housing (Improvements)

Mr. Gorrie: To ask the Secretary of State for Scotland what estimate he has made of the investment required to bring all housing in Scotland to an acceptable standard in terms of *(a)* eliminating dampness and condensation, *(b)* reaching a score of seven in the energy efficiency scale and *(c)* effecting urgent repairs. [35841]

Mr. Macdonald: I would refer the hon. Member to the report of the 1996 Scottish House Condition Survey, a copy of which is in the Library. The survey estimated that the cost of carrying out all urgent repairs was £530 million. It did not provide any estimate of the cost of eliminating dampness and condensation or of reaching a score of seven in the energy efficiency scale.

Mr. Gorrie: To ask the Secretary of State for Scotland what investment from public funds has been made in repairs and improvements to houses in Scotland in each of the past 10 years broken down to show funding provided to *(a)* council houses, *(b)* Scottish Homes and housing association houses and *(c)* private houses. [35840]

Mr. Macdonald: The information requested is set out in the table.

Public expenditure on repairs and improvements

£ million

	Council houses	*Scottish homes and housing association houses*	*Private houses*
1987–88	344.300	n/a	138.000
1988–89	352.081	n/a	148.000
1989–90	387.997	185.034	146.000
1990–91	374.129	169.628	121.000
1991–92	350.675	165.802	100.000
1992–93	339.399	155.805	112.000
1993–94	360.622	147.900	106.000
1994–95	364.295	132.130	114.000
1995–96	363.550	112.260	106.000
1996–97	269.751	90.525	74.000

Notes:

1. The figures for Council houses, Scottish Homes and housing association houses are for capital and revenue expenditure for the provision of repairs and improvements to housing stock. The figures for private sector houses are for improvement and repair grants obtained by proprietors from local authorities. The sources for columns 1 and 3 are local authorities and for column 2 is Scottish homes.
2. n/a denotes information not readily available for that year.

Local Government Finance

Mr. Gorrie: To ask the Secretary of State for Scotland what figure was allowed in *(a)* percentage and *(b)* cash terms, for wage rises in GAE, AEF and capping limits to Scottish councils in 1998–99 and in each of the last 10 years; and what the actual increases were in respect of the wage levels for (i) teachers and (ii) other staff. [35843]

Mr. Macdonald: Pay awards to local authority staff in Scotland are a matter for councils themselves, and no central record of actual pay increases is kept. Whether any allowance was made for wage rises in the local authority settlement by the previous Administration is not a matter for me: actual levels of GAE, AEF and spending for the previous 10 years are given in the table. In setting Government support for council spending and in capping levels for 1998–99, no assumption was made about the level of pay rises in local authorities; the Government's public sector pay policy is that pay increases must be affordable within existing resources.

£ million

Year	*Total GAE*	*Total AEF*	*Total net expenditure (outturn)*
1988–89	3,640	3,689	4,426
1989–90	3,873	3,716	4,725
1990–91	4,293	3,937	5,143
1991–92	4,792	4,651	5,498
1992–93	5,103	5,123	5,974
1993–94	5,086	5,165	6,038
1994–95	5,260	5,272	6,206

£ million

Year	Total GAE	Total AEF	Total net expenditure (outturn)
1995–96	5,318	5,306	6,593
1996–97	5,391	5,369	[1]6,605
1997–98	5,316	5,345	[2]6,629
1998–99	5,495	5,366	not yet available

[1] Provisional Outturn
[2] Budget Estimate

Notes:

1. Grant Aided Expenditure (GAE) does not include expenditure on loan and leasing charges.
2. Prior to 1991 Grant Aided Expenditure (GAE) was known as Assessments of Relative Need.
3. Prior to 1991–92 Aggregate External Finance (AEF) was known as Aggregate Exchequer Grant.
4. Aggregate Exchequer Grant consisted of Rate Support Grant and Specific Grants only. The Non-Domestic Rate Income (NDRI) figures have therefore been added to these years for comparison purposes.
5. The above AEF figures are as announced and do not include any subsequent redeterminations.
6. Total net expenditure figures are total non-housing net current expenditure (including loan and leasing charges). For the years 1988–89 to 1995–96 the figures are final outturns, for 1996–97 the figure is a provisional outturn and for 1997–98 it is a budget estimate.
7. No adjustments have been made for changes in local authority responsibility over the period in question.
8. The 1997–98 AEF and expenditure figures include £105.6 million which was paid to local authorities as a special grant (outside AEF) in respect of Strathclyde Passenger Transport. £5.236 million has also been included in the 1998–99 AEF figure for the same purpose.

Schools

Mrs. Ray Michie: To ask the Secretary of State for Scotland when he expects the research study into the management of change in small schools to be completed; and if he will make a statement. [35695]

Mr. Wilson: The research exercise is now complete and the final report is being drafted. The Scottish Office will publish an "Interchange" (summary of research) as soon as possible after the report has been submitted.

Mrs. Ray Michie: To ask the Secretary of State for Scotland if he will list the primary schools earmarked for closure in each education authority, the number of pupils currently in attendance in each and the distance from the nearest school. [35704]

Mr. Wilson: The information is not collected centrally.

Mr. Dalyell: To ask the Secretary of State for Scotland what plans he has to assist schools in poorer areas to raise matching funds so as to be able to take advantage of lottery funding. [34775]

Mr. Galbraith: It is open to schools which are preparing applications for funding from the National Lottery, and to education authorities advising them, to discuss with the relevant distributing body such matters as partnership funding.

Scotland Bill (Environmental Appraisal)

Mr. Matthew Taylor: To ask the Secretary of State for Scotland what environmental appraisal of the Scotland Bill has been produced; and if he will place a copy in the Library. [35642]

Mr. McLeish: The Scottish Parliament will have significant legislative powers over many aspects of the environment, including environmental protection, matters relating to air, land and water pollution, and the functions of the Scottish Environment Protection Agency. It will be open to the Parliament to require environmental appraisal of Acts of the Scottish Parliament.

Departmental Salaries and Running Costs

Mr. Swinney: To ask the Secretary of State for Scotland if he will list the salary and running costs of his core Department and the percentage of these costs which are incurred in *(a)* Scotland and *(b)* London. [36125]

Mr. Dewar: The running costs budget for the Scottish Office core for 1997–98 is £136.1 million, of which £88.5 million is to cover salary costs. The percentage of these costs which are incurred in Scotland are: 99.63 per cent. for running costs and 99.65 per cent. for pay. The percentages incurred in London are: 0.37 per cent. for running costs and 0.35 per cent. for pay. The figures for London comprise the running costs of staff permanently based in Dover House and of Dover House itself.

Urban Development Corporations

Mr. Swinney: To ask the Secretary of State for Scotland if he will list the *(a)* location of and *(b)* public assistance given to urban development corporations in Scotland since their establishment. [36097]

Mr. Macdonald: There are no urban development corporations in Scotland.

HOME DEPARTMENT

Parole

Mr. Conker: To ask the Secretary of State for the Home Department who is responsible for decisions on the non-disclosure of information in parole dossiers. [36572]

Ms Quin: The responsibility for decisions on the non-disclosure of information contained in parole dossiers presently rests with the Parole Board Chairman.

From 1 May 1998 I intend to move responsibility for such decisions to prison governors, who already have responsibility for taking such decisions in applications for temporary release.

From 1 May 1998, under new procedures which are designed to streamline and speed up the parole process, a fuller dossier will be submitted to the Parole Board at a later stage by the prison.

Metropolitan Police

Mr. Hill: To ask the Secretary of State for the Home Department if he will publish the Metropolitan Police Policing Plan. [36071]

Mr. Straw: Following consultation with the Chairman of the Metropolitan Police Committee and the Commissioner, the Metropolitan Police Policing Plan 1998–99 will be published tomorrow morning. I will place

a copy of the report in the Library and will be sending copies to all hon. Members whose constituencies are within the Metropolitan Police District tomorrow.

Young Offenders

Mr. Keetch: To ask the Secretary of State for the Home Department how many 15-year-olds have been convicted under section 53 of the Children and Young Persons Act 1933 in each of the last five years; and of that number, how many who were not previously resident in secure units were placed by him in young offenders' institutions during the same period. [35608]

Mr. Michael: Information held centrally on the Court Proceedings database for the years 1992–1996 (latest available) is given in table A.

Information on the number of 15 year olds who were previously resident in secure units is not collected centrally. The available information relates to the number of 15 year olds received into prison service establishments in England and Wales under section 53 of the Children and Young Persons Act 1933 and is given in table B.

Table A: Number of 15 year olds sentenced under section 53 of the Children and Young persons Act 1933, 1992–1996

England and Wales

Disposal	*1992*	*1993*	*1994*	*1995*	*1996*
Section 53(1)—murder offences only	—	—	1	—	1
Section 53(3)—other grave offences	24	42	59	63	90
Total	24	42	60	63	91

Table B: Receptions into prison service establishments in England and Wales of 15 year olds under section 53 of the Children and Young Persons Act 1993–1997

England and Wales

	Receptions
1992	16
1993	33
1994	44
1995	44
1996	63
1997[1]	61

[1] Provisional

Note:

Information for 1992–1996 (and for other custody types, by age) is published in successive volumes of "Prison statistics, England and Wales" (table 3.9 of the 1993 edition and table 3.10 of the 1994–96 editions), copies of which are in the Library.

Focus Groups

Mr. Mullin: To ask the Secretary of State for the Home Department how much his Department plans to spend on focus groups. [34977]

Mr. Straw: I refer my hon. Friend to the reply that the Under-Secretary my hon. Friend the Member for Knowsley, North and Sefton East (Mr. Howarth) gave to the hon. Member for Hertsmere (Mr. Clappison) on 16 March 1998, *Official Report*, column *507*.

My Department is not planning any further expenditure on focus groups at present.

Police Authorities

Mr. Mullin: To ask the Secretary of State for the Home Department what interests members of police authorities are required to register; and what plans he has to change the requirements. [34941]

Mr. Michael: I will write to my hon. Friend.

Extraditions

Mr. Vaz: To ask the Secretary of State for the Home Department how many people Britain has extradited, and to which countries, in each of the last five years. [35872]

Mr. Michael: The number of extraditions which have taken place in each of the last five years is as follows:

1993: 27

1994: 35

1995: 31

1996: 35

1997: 43.

Information is not available for the full period as to which countries were involved. The table shows to which countries extraditions have taken place since 15 May 1995.

	1995 (from 15 May)	*1996*	*1997*
Australia	—	1	—
Austria	1	2	—
Belgium	—	1	1
Botswana	—	—	1
Canada	—	—	3
Croatia	—	—	1
Cyprus	1	—	1
Denmark	—	—	2
France	4	—	3
Germany	3	6	8
Gibraltar	—	—	1
Greece	—	1	—
India	—	1	—
Israel	1	—	—
Italy	—	1	2
Netherlands	—	12	6
New Zealand	1	—	—
Norway	—	1	2
Poland	—	—	1
Portugal	—	—	2
Spain	—	—	1
Sweden	—	2	1
Switzerland	—	—	4
USA	5	7	3
Total	16	35	43

Mr. Vaz: To ask the Secretary of State for the Home Department if he will list the countries with which Britain has an extradition treaty. [35871]

Mr. Michael: Those countries with which the United Kingdom has extradition arrangements are listed below. The Extradition Act 1989 also enables special extradition arrangements to be made with foreign states with which the United Kingdom has no extradition arrangements. In addition, there are a number of international conventions which allow for the extradition of fugitives between ratifying states for certain serious offences, even in the absence of an extradition arrangement.

Countries with bilateral extradition treaties with the United Kingdom (with date of entry into force)

1. Albania: 1927
2. Argentina: 1894,1980
3. Bolivia: 1898
4. Brazil: 1997
5. Chile: 1898
6. Colombia: 1889
7. Cuba: 1905
8. Ecuador: 1886
9. Guatemala: 1886
10. Haiti: 1876
11. Iraq: 1933
12. Liberia: 1894
13. Mexico: 1889
14. Monaco: 1892
15. Nicaragua: 1906
16. Panama: 1907
17. Paraguay: 1911
18. Peru: 1907
19. Salvador: 1882
20. San Marino: 1900
21. Thailand: 1911
22. Uruguay: 1885, 1891
23. USA: 1976, 1986
24. Yugoslavia: 1901

Commonwealth countries which have been designated by order in council under section 5(1) of the Extradition Act 1989

1. Antigua and Barbuda
2. Australia
3. The Bahamas
4. Bangladesh
5. Barbados
6. Belize
7. Botswana
8. Brunei
9. Canada
10. Dominica
11. Fiji
12. The Gambia
13. Ghana
14. Grenada
15. Guyana
16. India
17. Jamaica
18. Kenya
19. Kiribati
20. Lesotho
21. Malawi
22. Malaysia
23. Maldives
24. Mauritius
25. Nauru
26. New Zealand
27. Nigeria
28. Papua New Guinea
29. St. Kitts and Nevis
30. St. Lucia
31. St. Vincent and the Grenadines
32. South Africa
33. Seychelles
34. Sierra Leone
35. Singapore
36. Solomon Islands
37. Sri Lanka
38. Swaziland
39. Tonga
40. Tanzania
41. Trinidad and Tobago
42. Tuvalu
43. Uganda
44. Vanuatu
45. Western Samoa
46. Zimbabwe
47. Zambia

Colonies and dependent territories to whom the Extradition Act 1989 applies

48. Anguilla
49. Bermuda
50. Cayman Islands
51. Cook Islands
52. Falkland Islands
53. Gibraltar
54. Montserrat
55. New Hebrides
56. Pitcairn Islands
57. St. Helena
58. Turks and Caicos Islands
59. Virgin Islands

The Extradition Act 1989 also applies to:

1. Channel Islands
2. Isle of Man

Parties to the European Convention on Extradition of 1957 which are designated by order in council under section 4(1) of the Extradition Act 1989

1. Austria
2. Belgium
3. Bulgaria
4. Croatia
5. Cyprus
6. Czech Republic
7. Denmark
8. Estonia
9. Finland
10. France
11. Germany
12. Greece
13. Hungary
14. Iceland
15. Israel
16. Italy
17. Latvia
18. Liechtenstein
19. Lithuania
20. Luxembourg
21. Malta

22. Moldova
23. The Netherlands
24. Norway
25. Poland
26. Portugal
27. Romania
28. Slovakia
29. Slovenia
30. Spain
31. Sweden
32. Switzerland
33. Turkey

Other arrangements

1. Hong Kong Special Administrative Region: Extradition arrangements with the Hong Kong Special Administrative Region are under the Extradition Act 1989 as amended by the Hong Kong (Extradition Order) 1997.

2. Republic of Ireland: Extradition arrangements with the Republic of Ireland are under the Backing of Warrants (Republic of Ireland) Act 1965.

TREASURY

Lloyd's of London

Mr. Hammond: To ask the Chancellor of the Exchequer, pursuant to his answer of 2 March 1998, *Official Report*, column *454*, on Lloyd's of London, what account he took of the impact on public confidence of the legal proceedings currently under-way in the United States of America in reaching his decision. [36140]

Mr. Geoffrey Robinson *[holding answer 24 March 1998]:* In reaching a view on the future regulatory arrangements for Lloyd's, a range of relevant factors was taken into account.

Equitas

Mr. Hammond: To ask the Chancellor of the Exchequer what action he intends to take to provide information to the American policyholders on the solvency of Equitas following publicity arising from legal proceedings over Lloyd's of London currently in progress in the United States of America. [36141]

Mr. Geoffrey Robinson *[holding answer 24 March 1998]:* Financial information provided by UK authorised insurance companies including Equitas, pursuant to requirements under the Companies Acts and the Insurance Companies Act 1982, is available for public inspection at Companies House.

Capital Gains Tax

Mr. Heathcoat-Amory: To ask the Chancellor of the Exchequer what assumptions for inflation and asset growth he used in calculating the revenue effects of his Budget proposals for capital gains tax reform. [36040]

Mr. Geoffrey Robinson *[holding answer 24 March 1998]:* The assumptions for inflation and asset price growth used in calculating the revenue effects of the Budget proposals for Capital Gains Tax reform are consistent with the economic assumptions referred to on pages 108 and 109 of the march 1998 "Financial Statement and Budget Report" (FSBR, HC620 published on 17 March 1998). Equity prices are assumed to grow at the same rate as gross domestic product (GDP) at current market prices—"money GDP".

Smuggling

Mr. Heathcoat-Amory: To ask the Chancellor of the Exchequer if he will publish the recent report on alcohol and tobacco smuggling prepared by Customs and Excise. [36076]

Dawn Primarolo *[holding answer 24 March 1998]:* The Government will be taking action to clamp down on smuggling and fraud and, in view of the possible public spending implications, will announce their proposals for doing this as part of the outcome of the Comprehensive Spending Review. Nothing will be published before then.

Mr. Grogan: To ask the Chancellor of the Exchequer what plans he has to publish the recent Customs and Excise Review of measures to combat the smuggling of beer. [35721]

Dawn Primarolo: The Government will be taking action to clamp down on smuggling and fraud and, in view of the possible public spending implications, will announce their Proposals for doing this as part of the outcome of the Comprehensive Spending Review.

Insurance Premium Tax

Mr. Alasdair Morgan: To ask the Chancellor of the Exchequer what representations he has received since 1 January on extending the application of the higher rate IPT for travel insurance to the motor vehicle and electrical retail sectors; and what assessment he has made of the advantages of equalising treatment of the travel, motor vehicle and electrical retail sectors. [36114]

Dawn Primarolo: Treasury Ministers have received no such representations.

Mr. Alasdair Morgan: To ask the Chancellor of the Exchequer if he will extend his proposal on higher rate IPT for travel insurance to the motor vehicle and electrical retail sectors. [36113]

Dawn Primarolo: No.

Economic and Monetary Union

Mr. Cousins: To ask the Chancellor of the Exchequer if he will list the date of the meetings of the standing committee chaired by the Minister for Trade and Competitiveness in Europe on United Kingdom preparedness for the introduction of the euro in the euro countries; if he will list the members of the committee and the interests which they have declared; and if he will place the minutes of the meetings in the Library. [35572]

Mrs. Liddell *[holding answer 23 March 1998]:* The Standing Committee on preparations for EMU has met once, on 27 January. The meeting was chaired by the Chancellor of the Exchequer. Non-ministerial members of the Committee are the Governor of the Bank of England, the Chairman of the Financial Services Authority, the Head of the Home Civil Service, the President of the Confederation of British Industry, the President of the British Chambers of Commerce, the President of the British Bankers' Association and the General Secretary

of the Trades Union Congress. They all attended in their capacity as representatives of these organisations. A copy of the minutes of the meeting has been placed in the Libraries of both Houses. The next meeting is planned to take place in May: no date has been set.

Mr. Mitchell: To ask the Chancellor of the Exchequer if he will make a statement on the priority accorded to compliance with the Maastricht fiscal convergence criteria in determining his Department's *(a)* fiscal and *(b)* economic policies. [35207]

Mrs. Liddell: Economic stability based on low inflation and sound public finances is an essential precondition for high levels of growth and employment The "Financial Statement and Budget Report" published on 17 March 1998 shows that figures for the fiscal deficit and government debt as a ratio of GDP are already well below the 3 per cent. and 60 per cent. reference values set out in the Maastricht Treaty and are projected to remain below these levels.

Mr. Mitchell: To ask the Chancellor of the Exchequer if it is his policy to observe the requirements of the EMU stability pact in the period before joining EMU. [35213]

Mrs. Liddell: The Government's commitments with respect to the Stability and Growth Pact are set out in Council Regulations (EC) 1466/97 and 1467/97. The "Financial Statement and Budget Report" published on 17 March 1998 shows fiscal projections which are consistent with the terms of the European Union Stability and Growth Pact.

Mr. Mitchell: To ask the Chancellor of the Exchequer if he will make a statement on the extent to which the United Kingdom is in compliance with each of the Maastricht fiscal convergence criteria. [35206]

Mrs. Liddell: The "Financial Statement and Budget Report" published on 17 March showed that in 1997 the UK's general government financial deficit on a Maastricht basis was 1¾ per cent. of GDP and the general government gross debt on a Maastricht basis was 53½ per cent. of GDP. Both of these figures are well below the 3 per cent. and 60 per cent. reference values set out in Protocol No. 5 to the Maastricht Treaty.

Income Tax

Mr. Cousins: To ask the Chancellor of the Exchequer, pursuant to his answer to the hon. Member for Ribble Valley (Mr. Evans) of 9 March 1998, *Official Report*, columns *1–4*, on income tax, if he will provide equivalent information for Scotland; and if he will list the number and percentage of taxpayers paying income tax at the lower rate in England, Wales and Scotland. [35598]

Dawn Primarolo *[holding answer 23 March 1998]:* Table 1 shows estimates of the number and percentage of basic and higher rate taxpayers by unitary authority in Scotland in 1995–96, the latest year for which there is information. Table 2 shows estimates of the number and percentage of taxpayers paying income tax at the lower rate in England, Wales and Scotland in 1995–96.

Table 1: Number and percentage of basic and higher rate taxpayers by Scottish Unitary Authority

Scotland	*Number of basic rate taxpayers (thousands)*	*Percentage of all taxpayers*[1]	*Number of higher rate taxpayers (thousands)*	*Percentage of all taxpayers*[1]
Aberdeen City	79	65.3	10	8.5
Aberdeenshire	73	69.2	17	15.8
Angus	42	70.7	5	7.7
Argyll and Bute	24	65.2	4	12.4
Clackmannanshire	[2]—	[2]—	[2]—	[2]—
Dumfries and Galloway	43	72.6	3	5.1
Dundee City	27	60.5	3	5.9
East Ayrshire	39	82.5	[2]—	[2]—
East Dunbartonshire	40	67.2	8	13.1
East Lothian	39	73.1	4	8.2
East Renfrewshire	26	69.0	5	13.6
Edinburgh, City of	147	65.6	19	8.3
Eilean Siar	[2]—	[2]—	[2]—	[2]—
Falkirk	34	60.6	[2]—	[2]—
Fife	113	76.3	8	5.7
Glasgow City	146	71.3	14	7.0
Highland	72	71.4	4	3.6
Inverclyde	26	68.0	[2]—	[2]—
Midlothian	23	71.2	[2]—	[2]—
Moray	28	76.8	[2]—	[2]—
North Ayrshire	37	69.6	[2]—	[2]—
North Lanarkshire	115	75.9	5	3.2
Orkney Islands	[2]—	[2]—	[2]—	[2]—
Perth and Kinross	34	59.2	7	12.5
Renfrewshire	61	73.8	5	6.1
Scottish Borders	33	72.6	4	9.1
Shetland Islands	[2]—	[2]—	[2]—	[2]—
South Ayrshire	36	76.8	4	8.7
South Lanarkshire	108	71.8	12	7.7
Stirling	20	57.5	4	11.8
West Dunbartonshire	31	82.9	[2]—	[2]—
West Lothian	41	70.1	5	9.0

[1] All taxpayers includes people liable to tax at the lower rate as well as the basic and higher rate

[2] Sample size too low to make reasonable estimate

Table 2: Number and percentage of lower rate taxpayers for England, Wales and Scotland

	Number of lower rate taxpayers (thousands)	*Percentage of all taxpayers*
England	4,780	22.0
Wales	297	25.3
Scotland	493	22.0

Dr. Lynne Jones: To ask the Chancellor of the Exchequer what would be raised in a year by taxing *(a)* at the standard rate and *(b)* at the higher rate all households with (i) a total income in excess of £40,000 and (ii) one earner with an income in excess of £40,000. [35527]

Dawn Primarolo: Information is given for 1998–99 in the table.

£ million

	Income	*Cost(-)/yield(+) in a full year*
(i)	Total income[1] of single person or couple exceeds £40,000 p.a.	
	—All taxable income[2] taxed at flat rate of 23 per cent. (basic rate)	–7,700
	—All taxable income[2] taxed at flat rate of 40 per cent. (higher rate)	+20,000
(ii)	Total income[1] of single person or at least one member of couple exceeds £40,000 p.a.	
	—All taxable income[2] taxed at flat rate of 23 per cent. (basic rate)	–7,700
	—All taxable income[2] taxed at flat rate of 40 per cent. (higher rate)	+8,800

[1] Total income subject to tax, including earnings from employment, self-employed income, investment income and taxable social security benefits.

[2] Income subject to tax less tax allowances and reliefs which are available at the marginal rate.

This answer assumes that the intention is to apply a flat rate of tax at 23 or 40 per cent. to taxable income in the specified circumstances. The personal allowance and married couple's allowance have been given where appropriate.

Code for Fiscal Stability

Mr. Baker: To ask the Chancellor of the Exchequer (1) for what reasons the principles of fiscal management set out in the Code for Fiscal Stability do not refer to the need to take account of environmental impact; [35333]

(2) for what reasons environmental impact is not specified in the Code for Fiscal Stability as part of the minimum information required to be included in economic and fiscal strategy reports. [35332]

Dawn Primarolo *[holding answer 19 March 1998]:* The Code for Fiscal Stability is primarily designed to improve the conduct of macroeconomic fiscal policy by specifying the principles that shall guide the formulation and implementation of fiscal policy, and by strengthening the reporting requirements incumbent on the Government.

Information on the environmental impact of Budget measures is published in other sources, and was included within the "Financial Statement and Budget Report" on 17 March.

PEPs and TESSAs

Mr. Love: To ask the Chancellor of the Exchequer what research his Department has evaluated in respect of the average gross salary of those who have taken out *(a)* PEPs and *(b)* TESSAs in each year since their introduction. [35096]

Mr. Geoffrey Robinson: The distribution by income of the take-up of PEPs and TESSAs is not available from Inland Revenue records. However information on take-up by household income based on data from household surveys was published in November 1997 by the Institute for Fiscal Studies in "Commentary 66—Taxing Household Saving: What role for the new individual savings accounts?". The proportion of holders in the various income tax bands has also been considered in a survey conducted by NOP.

Generally the proportion of those holding PEPs and TESSAs increases with household income. The two key objectives of the Budget proposals for a new savings account are to develop and extend the savings habit and to ensure that tax relief on savings is fairly distributed.

Suicides

Mr. Gordon Prentice: To ask the Chancellor of the Exchequer how many persons committed suicide by taking an overdose of *(a)* paracetamol since 1996 and *(b)* other non-prescription drugs in each year since 1992. [35208]

Mrs. Liddell: The information requested falls within the responsibility of the Chief Executive of the Office for National Statistics. I have asked him to arrange for a reply to be given.

Letter from Tim Holt to Mr. Gordon Prentice, dated 25 March 1998:

As the Director of the Office for National Statistics (ONS), I have been asked to reply to your parliamentary question on suicides.

The available information is given in the attached table.

It is not possible to identify deaths certified as due in part or whole to other non-prescription drugs, as there is no definitive list.

For suicides the classification *suicides* has been used and for deaths the *classification injury and poisoning undetermined whether accidentally or purposely inflicted* has been used. This corresponds to codes E950-E959, and E980-E989 (excluding E988.8), of the International Classification of Diseases Ninth Revision (ICD9).

Deaths with a mention of paracetamol certified as (a) suicide and (b) undetermined whether accidentally or purposely inflicted, England and Wales occurrences 1996 and 1997 [4]

Year	Suicide		Deaths[1]	
	Paracetamol[2]	Paracetamol[3]	Paracetamol[2]	Paracetamol[3]
1996	54(6)	160(16)	54(3)	94(19)
1997	66(5)	124(28)	64(5)	113(28)

[1] Deaths undetermined whether accidentally or purposely inflicted
[2] Paracetamol without mention of other drugs
[3] Paracetamol with mention of other drugs
[4] 1997 data are provisional

Note:
The figures in brackets are those deaths where there was a mention of alcohol. These figures are included in the non-bracketed figures.)

Excise Duty

Mrs. Lait: To ask the Chancellor of the Exchequer what the excise duty receipts for 1998–99 were projected to be in the July 1997 budget statement for *(a)* fuel, *(b)* alcohol and *(c)* tobacco; and what they are now projected to be. [36074]

Dawn Primarolo: The forecast excise receipts for 1998–99 are as follows:

£ billion

	July 1997 forecast	*March 1998 forecast*
Fuel duties	20.6	21.5
Alcohol duties	6.1	6.0
Tobacco duties	9.0	8.9

Dr. Julian Lewis: To ask the Chancellor of the Exchequer what was the yield in 1996–97 and what is the latest estimate of yield in 1997–98 from *(a)* petrol duty, *(b)* derv duty, *(c)* vehicle excise duty, *(d)* VAT on petrol and derv sales and *(e)* VAT on vehicle sales. [35966]

Dawn Primarolo:

£ billion

	Yield 1996–97	*Estimated yield 1997–98*
(a) petrol duty	10.9	11.9
(b) derv duty	6.1	7.0
(c) vehicle excise duty	4.2	4.6
(d) VAT on petrol and derv sales	1.9	2.0
(e) VAT on vehicle sales	4.5	5

Sources:
(a) Breakdown of figures in table B9 of March 1998 Financial Statement and Budget Report.
(b) Breakdown of figures in table B9 of March 1998 Financial Statement and Budget Report.
(c) Table B9 of March 1998 Financial Statement and Budget Report.
(d) Estimate based on Office for National Statistics' figures for consumers' expenditure on petrol and diesel.
(e) Estimate based on Office for National Statistics' figures for consumers' expenditure on motor vehicles plus estimates for VAT blocked on vehicles bought by businesses.

Mr. Nicholas Winterton: To ask the Chancellor of the Exchequer what revenue would have been forgone since 1992 from duty in petrol and diesel fuel excise duties if those duties had been increased in line with the retail price index. [35513]

Dawn Primarolo: HM Customs and Excise's estimate of the revenues that would have been forgone since 1992 had petrol and diesel fuel excise duties been increased in line with the retail price index is shown in the table.

£ billion

Financial year	*Revenues forgone*
1992–93	0.2
1993–94	1.4
1994–95	2.7
1995–96	3.9
1996–97	5.0

The estimates include VAT and take account of expected changes in the pattern of consumers' expenditure as a result of the lower duty increases.

Civil Servants

Mr. Wigley: To ask the Chancellor of the Exchequer if he will list for each of the nations and regions of the United Kingdom and for the UK as a whole in *(a)* 1970, *(b)* 1979, *(c)* 1989 and *(d)* the last available two years, the amount paid out in (i) Civil Service salaries, (ii) all other running costs of the Civil Service and (iii) the total of *(a)* and *(b)* expressed in current prices. [34870]

Mr. Darling: The running costs and paybill of the civil service are shown in the table.

£ billion

	1989–90	*1995–96*	*1996–97*
Civil Service running costs (cash)[1]	9.707	14.345	14.331
(constant prices)[2]	13.188	15.164	14.718
Civil Service paybill (cash)[3]	9.0	11.0	10.9
(constant prices)[2]	12.2	11.6	11.2

[1] This covers the gross expenditure on civil departments' running cost net of VAT on contracted out services. It does not include the administrative expenditure of the Ministry of Defence which falls outside the central government running costs regime. Wholly consistent running costs figures are only available from 1992–93.
[2] Uses the adjusted GDP deflator at market prices to convert to constant (1997–98) prices.
[3] This covers the pay costs, national insurance and superannuation charges of civil servants and others (including casual staff) covered by running costs, and the civil servants employed by the Ministry of Defence.

Civil Service running costs were not measured separately in this way until 1985. Figures relating to prior years are therefore unavailable.

Running costs and Civil Service paybill figures for each of the nations and regions of the UK are not collected.

Tax Harmonisation

Mr. Fraser: To ask the Chancellor of the Exchequer if the Government will place a general discussion on VAT and tax harmonisation on the agenda of the Council of Ministers during their presidency of the EU. [35624]

Dawn Primarolo: Discussions on tax matters at ECOFIN are ordinarily based on specific proposals presented by the European Commission. I have no plans to initiate any more general discussion of tax issues during the remainder of the UK Presidency.

Charity Taxation

Mr. Fraser: To ask the Chancellor of the Exchequer what account the Government will take of the views of the charitable sector expressed through the review of charities' taxation in future discussions with other EC states on VAT social reliefs; and if he will make a statement. [35621]

Dawn Primarolo: One of the aims of the Review of Charities' Taxation is to inform the Government's negotiating position in any future EC discussions of VAT social reliefs. The contributions to the first phase of the review are currently being analysed and a consultation document will be issued later this Spring. A consultation process will follow during 1998. It is too early to speculate on the outcome of the review.

Mr. Fraser: To ask the Chancellor of the Exchequer what plans he has to reform the taxation of charities to take account of the representations of the Church of England in respect of VAT on repairs. [35744]

Dawn Primarolo: European law does not allow any VAT relief for church repairs.

Mr. Fraser: To ask the Chancellor of the Exchequer how many submissions to his review of charity taxation were received by 1 December 1997. [35622]

Dawn Primarolo: There were over 3,000 submissions to the first phase of the Review of Charities' taxation.

Mr. Fraser: To ask the Chancellor of the Exchequer what estimate he has made of the financial effect on UK charities of the phased withdrawal of tax credits on dividends over a five year period beginning in 1999. [35623]

Dawn Primarolo: What charities might lose will depend on the extent of their UK equity holdings in the years from 1999–2000, the level of dividend payments, and on assumptions about company performance and dividends had my right hon. Friend not undertaken his corporation tax reforms, including significant cuts in companies' tax burdens. Charities will enjoy generous compensation costing up to £1 billion, by reference to their dividend income for 1999–2000 to 2003–2004.

Church Schools

Mr. Fraser: To ask the Chancellor of the Exchequer if he will assess the benefits of bringing the VAT treatment of Church schools into line with that of those run by local education authorities; and if he will make a statement. [35620]

Dawn Primarolo: The VAT treatment for local education authorities was established to prevent VAT from falling as a burden on local taxation. Church schools are independent bodies and it is therefore not appropriate to extend the same treatment to them.

National Minimum Wage

Mr. Sanders: To ask the Chancellor of the Exchequer what figure for the national minimum wage was assumed in the preparation of the Budget. [35394]

Mrs. Liddell: None.

The Government are committed to setting the national minimum wage at a sensible level once they have the advice of the Low Pay Commission, taking into account the effects on employment, inflation and the public finances.

Written Answers to Questions

Thursday 26 March 1998

CHURCH COMMISSIONERS

Ethical Investments

Mr. Flynn: To ask the hon. Member for Middlesbrough, representing the Church Commissioners, what guidance the Church Commissioners give to cathedrals on ethical investments. [36252]

Mr. Stuart Bell: The Church Commissioners' ethical investment policy is developed in consultation with the Ethical Investment Working Group which includes all of the Church of England's central investing bodies. Information about the Commissioners' ethical investment policy, including an annually updated list of the Commissioners' larger equity investments, is widely disseminated.

The Commissioners do not take investment decisions or make ethical investment policy for other bodies in the Church; this is a matter for the trustees of their own funds. Cathedrals are required to make investment decisions on advice from the Commissioners. The making of ethical investment policy is also a matter for trustees, but the Commissioners explain the rationale and working of their ethical investment policy to other Church bodies, including cathedrals, when approached.

ENVIRONMENT, TRANSPORT AND THE REGIONS

Travelcards

Mr. Ieuan Wyn Jones: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to promote the use of travelcards for public transport. [35523]

Dr. Strang: Greater use of travelcards is being considered in the context of developing an integrated transport policy.

Eurostar

Mr. Ottaway: To ask the Secretary of State for the Environment, Transport and the Regions if he will list the projections of passenger numbers for Eurostar in the years 1998 to 2005. [35392]

Dr. Strang: There is no single, definitive set of traffic forecasts. A number of forecasts have been produced, including those commissioned by LCR, who own Eurostar (UK) Ltd.

Kyoto Protocol

Mr. Stunell: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 4 March 1998, *Official Report*, column *648*, on the Kyoto Protocol, if he will list his objectives in respect of each of the outstanding issues. [35616]

Mr. Meacher: Consistent rules, modalities and guidelines for the operation of each of the flexible mechanisms of emissions trading, joint implementation and the clean development mechanism must be put in place at the earliest opportunity. They should ensure that the mechanisms provide real, cost effective and verifiable environmental benefits and do not create loopholes that undermine the objectives of the Protocol.

It is also a priority for the UK and its EU partners to continue the dialogue with developing countries at the 4th Conference of the Parties and beyond about how to take forward the issue of increasing participation in global efforts to combat climate change.

Regional Development Agencies

Mr. Harvey: To ask the Secretary of State for the Environment, Transport and the Regions (1) how the success of RDAs will be *(a)* evaluated and *(b)* monitored (i) in general, (ii) with reference to rural areas and (iii) with reference to the environment; and who will be responsible for evaluating and monitoring the programmes and strategies of RDAs; [35915]

(2) if he will make it his policy to encourage RDAs to create strategies which relate specifically to rural areas. [35914]

Mr. Caborn: We are currently considering what guidance to give to Regional Development Agencies (RDAs) about the preparation of their strategies. We are also considering what arrangements need to be put in place to monitor the work of RDAs.

Sewage Sludge

Mr. Levitt: To ask the Secretary of State for the Environment, Transport and the Regions (1) what assessment he has made of the risks posed to food safety by the use of treated sewage sludge on agricultural land; [36061]

(2) what progress is being made towards the target of 100 per cent. of sewage sludge being treated by 2002; [36059]

(3) what changes he is considering to the 1996 Code of Practice for the Agricultural use of Sewage Sludge; [36060]

(4) if he will take measures to encourage the disposal of treated sewage sludge on agricultural land. [36062]

Angela Eagle: The Government consider that the controlled use of sewage sludge on agricultural land is the best environmental option for most sludges—particularly where there is ready access to suitable land. Government measures to encourage this use, and to maintain the confidence of farmers and their customers in it, include a review of the adequacy of the current controls in The Sludge (Use in Agriculture) Regulations 1989 and the associated Code of Practice. This review, which contains an assessment of the controls to protect food safety, taking into account the latest scientific evidence, will be scrutinised by independent experts and published in the next few months. Decisions on proposed changes

to the 1989 Regulations or the Code of Practice, including any targets on treatment requirements, will be based on the results of the review and will take into account the recent recommendations of the Environment Sub-Committee of the Environment, Transport and Regional Affairs Committee.

Sheep Dips

Mr. Levitt: To ask the Secretary of State for the Environment, Transport and the Regions what estimate he has made of the economic impact of the EC Groundwater Regulations on farmers in the tenth decile rank of income who use sheep dip. [36050]

Angela Eagle: The Government are currently consulting on proposed regulations to improve the transposition of the EC Groundwater Directive. Their potential impact on all economic sectors, including sheep farming, is being addressed as part of the consultation process, and a compliance cost assessment of the proposals will be published when the Regulations are laid before Parliament.

Mr. Levitt: To ask the Secretary of State for the Environment, Transport and the Regions if he will estimate the proportion of registered sheep dips in England which have a direct drain into watercourses. [36049]

Angela Eagle: This information is not held centrally. However, the Government issued a consultation paper in January on proposed regulations to improve the transposition of the EC Groundwater Directive (a copy of which is in the Library of the House). These would provide for enhanced controls over activities such as sheep dipping and the disposal of spent sheep dip. As a result of these measures, information on the number and location of sheep dips will become available to the Environment Agency.

Mr. Levitt: To ask the Secretary of State for the Environment, Transport and the Regions what proposals he has to reduce the environmental impact of poorly managed sheep dips. [36051]

Angela Eagle: The proposed regulations to improve the transposition of the EC Groundwater Directive on which the Government are currently consulting, provide for enhanced controls over activities, including sheep dipping, or the disposal of waste, including spent sheep dip, which pose a threat to groundwater.

Clear advice on what farmers must do to avoid pollution is already contained in the leaflet 'Sheep Dipping', issued jointly by the Health and Safety Executive, Veterinary Medicines Directorate, Environment Agency and SEPA. A revised version of the leaflet was launched on 12 March.

Fuel and Vehicle Excise Duties

Dr. Julian Lewis: To ask the Secretary of State for the Environment, Transport and the Regions what was the yield in 1996–97 and what is the latest estimate of yield in 1997–98 from *(a)* fuel duty and *(b)* vehicle excise duty broken down by (i) cars, light goods vehicles and taxis, (ii) motorcycles, (iii) buses and coaches, (iv) goods vehicles over 3.5 GVW and (v) other vehicles. [35967]

Ms Glenda Jackson: The revenue yield in 1996–97 is as follows:

Revenue yield 1996–97	*£ million*
Fuel duty	17,174
Vehicle excise duty	4,252
of which:	
Cars, light goods and taxis	3,604
Motorcycles	27
Public service buses and coaches	23
Goods over 3.5 tonnes gross weight	552
Others	46

Sources:
HM Customs and Excise: Annual report 1996–97
Driver and Vehicle Licensing Agency: Motor tax account 1996–97
Driver and Vehicle Licensing Agency: Financial statistical returns for 1996–97

Projected revenues given in the recent Financial Statement and Budget Report estimate that the yield from fuel duties and vehicle excise duties in financial year 1997–98, will be £19,100 million and £4,600 million respectively.

Ferry Transport

Dr. Brand: To ask the Secretary of State for the Environment, Transport and the Regions (1) how much of the additional funding for public transport announced in the Budget will be available for ferry travel to and from offshore communities; [36218]

(2) what proportion of the rural transport subsidy announced in the Budget will be available for ferry travel to and from offshore communities. [36219]

Dr. Strang: The Budget included provision for an additional £500 million in total for public transport over the next three years. There is no specific provision for ferry services. £365 million is being made available for London Transport. There is also an additional £50 million a year across the UK for rural public transport. £45 million of this will be used to support additional bus services in rural areas. The rest will be made available for community-based transport schemes. Criteria will be developed to ensure a fair and comparable distribution process, and to make sure the money gets to where it is most needed.

Honorary Advisory Panel on Driving and Diabetes

Mr. Swayne: To ask the Secretary of State for the Environment, Transport and the Regions if he will list the members of the Honorary Advisory Panel on Driving and Diabetes, together with their qualifications. [36401]

Dr. Strang: The information requested is as follows:

Dr. Peter J. Watkins, BChir 1961, MB Camb. 1962, MD Camb. 1968, FRCP Lond. 1975 (Member since 1985, Chairman since 1997)

Professor John D. Ward, Bsc Lond. 1958, MB BS Lond. 1961, MD 1971, FRCP Lond. 1976 (Member since 1985)

Dr. John L. Day, MB BS 1963, MD Lond. 1973, FRCP Lond. 1979 (Member since 1985)

Dr. Nina Essex, MB BS Lond. 1965, FRCP Lond. 1985 (Member since 1989)

Dr. Brian Frier, BSc (1st cl. Hons. Physiol.) Ed. 1969, MB ChB Ed. 1972, MRCP (UK) 1974, MD Ed 1981, FRCP Ed. 1984, FRCP Glas 1986 (Member since 1996)

Dr. Stephen G. Gilbey, BA Oxf. 1975, MB ChB Birm 1981, MRCP (UK) 1984, MD Birm. 1989 (Member since 1997)

Dr. Anthony B. Stevens, MB BCh BAO Belf. 1982, MRCP (UK) 1985, MD Belf. 1991, MFOM RCP Lond. 1991, AFOM 1989 (Member since 1997)

All are consultant physicians who specialise in diabetes.

Green Belt (Hertfordshire)

Mr. Lilley: To ask the Secretary of State for the Environment, Transport and the Regions how many dwellings situated in the Green Belt in Hertfordshire he has given planning consent to on appeal since 1 May 1997. [36362]

Mr. Caborn: The provision of information on planning appeals is the responsibility of the Planning Inspectorate. I have asked the Inspectorate's Chief Executive, Mr. Chris Shepley, to write to the right hon. Member.

Letter from C. J. Shepley to Mr. Peter Lilley, dated 26 March 1998:

The Secretary of State has asked me to reply to your Question about the number of dwellings in the Green Belt in Hertfordshire given planning consent on appeal since 1 May 1997.

Twelve appeals involving residential development in the Green Belt have been allowed. However, most were for extensions to an existing dwelling. Two new dwellings have been approved, one at Goffs Oak (which was already classed as ancilliary residential accommodation), and the other at Bower Health (a conversion from a barn).

Access Committee for England

Mrs. May: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the level of grant provided to the Access Committee for England in the financial years *(a)* 1996–97, *(b)* 1997–98 and *(c)* 1998–99. [36332]

Mr. Raynsford: Grant payments by the Department of the Environment, Transport and the Regions for the years in question are:

(a) 1996/97: £10,000

(b) 1997/98: £10,000

(c) 1998/99: 0.

The grant payments in 1996/97 and 1997/98 were made as part of an inter-departmental agreement by the previous Government to provide funding to the Access Committee for England for the two years ending 31 March 1998.

Hillingdon Hospital (Incinerator)

Mr. Randall: To ask the Secretary of State for the Environment, Transport and the Regions when he expects the results of his Department's inquiry into the incinerator at Hillingdon Hospital to be published. [36321]

Mr. Caborn: I hope to announce decisions and release the inspectors' report of this inquiry very shortly.

Ecolabelling Board

Mr. Swinney: To ask the Secretary of State for the Environment, Transport and the Regions if she will list the *(a)* location of, *(b)* running costs of, *(c)* salary costs of and *(d)* staff numbers at the head office of the UK Ecolabelling Board; what percentage of staff are based in (i) London and (ii) Scotland; and what percentage of salary and running costs relate to (1) London and (2) Scotland. [36128]

Angela Eagle: The UK Ecolabelling Board is located in central London. The Board's running costs for 1997/98 are £0.6 million, of which £0.3 million are salary costs. The Board has 14 members, five full-time officers and one part-time officer, all of whom work at the London office. It is not possible to identify the proportion of the Board's staff and running costs that relate to each part of the United Kingdom as its main activities, the negotiation of ecolabelling criteria within the European Community and the promotion of the scheme nationally, relate to the United Kingdom as a whole.

Environment Council

Mr. Bill Michie: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the outcome of the Environment Council on 23 March. [36939]

Mr. Meacher: I chaired the first Environment Council of the UK Presidency on 23 March 1998. The Parliamentary Under-Secretary of State for the Environment, Transport and the Regions, my hon. Friend the Member for Wallasey (Angela Eagle), represented the UK.

I am happy to report a very satisfactory outcome with the Council reaching four common positions, agreeing four sets of Conclusions and making good progress on a number of other issues.

The Council agreed common positions on three directives: on landfill, emissions from light vans (part of the Commission's Auto-oil programme) and emissions of volatile organic compounds from certain industrial processes. These had been discussed and significant progress made under preceding Presidencies, but the Council had been unable to agree a common position in the absence of the European Parliament's opinion.

As part of a heavy climate change agenda, the Council reached common position on a revised mechanism for member states to monitor their CO_2 and other greenhouse gas emissions. The Council agreed conclusions on the Community's Strategy on climate change, which assess the outcome of the Kyoto Conference last December and set out the main priorities for work to be done on emissions trading and other matters before the next Conference of Parties in Buenos Aires in November. The Council also agreed conclusions authorising the Community to sign the Kyoto Protocol on Climate Change. On reducing CO_2 emissions from passenger cars, the Council concluded that the recent ACEA offer could form the basis for further negotiation and called on the Commission to take this forward and report to the Council in June.

In discussion on the Recommendation on zoos, there was substantial support for the UK Presidency's compromise proposal for a legally binding directive. We shall now consider the best way forward in light of Member States' views.

Conclusions were agreed on the Community's positions in preparation for the Fourth Meeting of the Conference of Parties to the Convention on Biological Diversity and for the Sixth session of the Commission of Sustainable Development.

There was also a useful discussion of the Air Quality Daughter Directive which will improve ambient air quality standards for four main pollutants, NO_x, SO_2 lead and particulates. I gave progress reports on the Water Framework Directive and a proposal for a directive reducing the sulphur content of certain liquid fuels.

Over lunch, when the Deputy Prime Minister joined his colleagues, ministers had an informal discussion of climate change and discussed the environmental implications of Community enlargement.

TRADE AND INDUSTRY

Public Bodies

Mr. Burns: To ask the President of the Board of Trade if she will publish *(a)* the number of places on each of her Department's non-departmental public bodies, *(b)* the number of places that are currently unfilled on each non-departmental public body, *(c)* the total number of members that have resigned since 1 May 1997, *(d)* the total number that have retired since 1 May 1997, *(e)* the total number that have not had their contracts renewed since 1 May 1997, *(f)* the total number that have remained in place since 1 May 1997 and *(g)* the total number that have been appointed since 1 May 1997. [35278]

Mrs. Beckett *[holding answer 19 March 1998]:* The number of places on each of my Department's non-departmental public bodies and the number of places unfilled for public body are shown on the lists.

Since 1 May 1997—61 have resigned; 63 have retired; 47 have not had their appointments renewed; 2,889 have remained in place; and 165 have been appointed.

Department of trade and industry non-departmental public bodies

	(a) Number of board places	*(b) Number of unfilled places*
National Consumer Council	16	0
Scottish Consumer Council	14	0
Welsh Consumer Council	13	0
Gas Consumer Council	11	0
Hearing Aid Council	13	0
English Advisory Committee on Telecommunications	12	0
Post Office Users National Council	13	0
Post Office Users Council for Northern Ireland	11	0
Northern Ireland Advisory Committee on Telecommunications	11	0
Post Office Users Council for Scotland	12	0
Scottish Advisory Committee on Telecommunications	12	0
Post Office Users Council for Wales	11	0
Welsh Advisory Committee on Telecommunications	14	7
Biotechnology & Biological Science Research Council	16	0
Economic & Social Research Council	14	0
Medical Research Council	16	0
Natural Environment Research Council	16	0
Particle Physics & Astronomy Research Council	13	0
Human Genetics Advisory Commission	10	0
Foresight Steering Group	17	0
OST Link Board	16	4
Council for Science and Technology	14	0
Design Council	16	0
Coal Authority	8 (maximum)	2
Renewable Energy Advisory Committee	22	0
Fuel Cell Advisory Panel	12	0
Advisory Committee on Coal Research	14	0
UK Atomic Energy Authority	15 (maximum)	5
Oil, Gas & Petrochemicals Supplies Office (OSO) Board	12	2
Offshore Oil Industry Liaison Committee	21	1
Energy Advisory Panel	14	0
The Simpler Trade Procedures Board	11	0
British Overseas Trade Board	15 (maximum)	0
Overseas project Board	14	2
Monopolies & Mergers Commission	50 (maximum)	10
Advisory, Conciliation and Arbitration Service	12	0
Commissioner for the Rights of Trade Union Members	1	0
Commissioner for Protection against Unlawful Action	1	0
Low Pay Commission	9	0
Certification Office for Trade Unions & Employer's Assoc.	1	0
Central Arbitration Committee	14	0
Industrial Tribunals	2,224	0
Employment Appeal Tribunals	61	0
Copyright Tribunal	11	3
Industrial Development Advisory Board	10	3
Regional Industrial Development Board—Yorkshire, Humberside & East Midlands	12	0
Regional Industrial Development Board—London and South East	14	2
Regional Industrial Development Board—Eastern	13	0
Regional Industrial Development Board—North West	12	2
Regional Industrial Development Board—South West	15	3
Regional Industrial Development Board—North East	13	0
Regional Industrial Development Board—West Midlands	15	0
Standing Advisory Committee on Industrial Property	[1]	—
Aviation Committee	19	1
Measurement Advisory Committee	11	1
British Hallmarking Council	17	0
Persons Hearing Consumer Credit Licensing Appeals	27	0
Persons Hearing Estate Agents Appeals	28	0

[1] 18 member organisations who will send in their nominated expert as required.

Look-alike Products

Mr. Jim Cunningham: To ask the President of the Board of Trade what measures her Department is proposing to take to protect brand manufacturers from look-alike products. [35775]

Mr. Ian McCartney *[holding answer 25 March 1998]:* My hon. Friend the Minister for Competition and Consumer Affairs met representatives of the British Brands Group (BBG) and Anti-Copying in Design (ACID) on 20 January to discuss the concerns they have about look-alike products. We understand the BBG and ACID propose to make further representations to this Department following that meeting. My hon. Friend made it clear at that meeting that we would also need in due course to consider the views of others with an interest in this issue. In particular the Government are concerned to ensure that the interests of the consumer are fully represented and considered.

During the debate on the Competition Bill in another place, Lord Haskel made it clear that the Government believe that the Bill is not an appropriate vehicle to deal with this issue.

Inward Investment

Mr. Dalyell: To ask the President of the Board of Trade, pursuant to her letter of 8 December to the hon. Member for Linlithgow, concerning the concordat on inward investment, what are the principles on which the proposed concordat will be founded. [34774]

Mrs. Beckett *[holding answer 23 March 1998]:* The underlying principle is co-operation between all parts of the United Kingdom to allow effective negotiations to attract large inward investment projects. The proposed concordat on financial assistance will be an agreement between all parties seeking better co-ordination and co-operation, the sharing of best practice, and transparency.

Minimum Wage

Mr. Levitt: To ask the President of the Board of Trade if volunteer workers who receive board and lodging but no other remuneration for their work will continue to be regarded as volunteers and not employees for purposes of the application of the national minimum wage. [29806]

Mr. Ian McCartney *[holding answer 16 February 1998]:* Yes. The Government introduced a new clause to the National Minimum Wage Bill at Report stage to address this point, after consultation with various voluntary organisations and members of the Standing Committee. The clause ensures that volunteer workers who are employed by a charity, voluntary organisation, associated fund-raising body or a statutory body and who receive genuine and reasonable expenses, subsistence and accommodation but no other remuneration or payment in kind will be outside the scope of the national minimum wage.

Multilateral Agreement on Investment

Dr. Starkey: To ask the President of the Board of Trade what assessment she has made of the impact of the Multilateral Agreement on Investment on the ability of devolved executives to establish new discriminatory measures *(a)* to secure desired environmental standards and *(b)* to control foreign land ownership. [35617]

Mrs. Roche: The MAI will prohibit new measures which discriminate against investors on the basis of nationality unless explicitly provided for; and it will apply to all levels of government.

Departmental Energy

Mr. Stunell: To ask the President of the Board of Trade what was the quantity of *(a)* oil, *(b)* gas and *(c)* electricity purchased for the heating, lighting and powering of all accommodation occupied by the Department within the United Kingdom in each year since 1989–90; and what was the total cost in real terms for *(a)* to (c) in each year. [36163]

Mrs. Beckett: The quantities for the last two years are as follows:

	Gas		*Oil*		*Electricity*	
Year	*MWh*	*£000*	*MWh*	*£000*	*MWh*	*£000*
1996–97	25,238	'309	3,578	78	32,460	1,891
1995–96	29,112	357	2,884	46	41,666	2,316

' Estimate

Quantities for previous years could be provided only at disproportionate cost.

Trade Union Recognition

Mr. Syms: To ask the President of the Board of Trade if she will make a statement on Government policy on trade union recognition in the workplace. [34911]

Mr. Ian McCartney: The Government believe that unions should be recognised where a majority of the relevant workforce vote in a ballot for the union to represent them. We will set out our proposals in a White Paper in the first half of this year.

North Yorkshire Electricity Line

Ms Dari Taylor: To ask the President of the Board of Trade when she will announce her decision on the North Yorkshire electricity line. [36992]

Mr. Battle: The Secretary of State for Trade and Industry has today brought to a conclusion the long running saga of the North Yorks line. She has granted consent to install a new 400 kV overhead electric line over much of the route between Lackenby and Shipton via Picton. However, consent has been refused for two short sections at Nunthorpe and near Newby. It will now be for the National Grid Company to consider undergrounding those stretches.

The decision announced today is in line with the recommendations of independent Inspectors appointed to consider the conflicting views and competing concerns raised by this development. In reaching her conclusion, the Secretary of State for Trade and Industry has carefully considered the views expressed by members of the local communities, hon. Members and all the material that has built up on the case. The full reasons for this decision are contained in the letter which has today been sent to NGC confirming the decision, copies of which have been placed in the Library and are also being sent to the local authorities and other interested parties. I cannot here repeat in full the contents of that very long letter but will outline some of the points which will be of particular interest to hon. Members.

In coming to her decision the Secretary of State is satisfied that the technical need for this line has been established. As well as the Inspectors' conclusions, and the opinions of interested parties, she has had regard to

the views of the Director General of Electricity Supply on system planning standards and his concern that the current supply system in the North East of England does not meet the required standard and that a long term solution is required.

In reaching her decision the Secretary of State has considered the environmental impact of the proposed line. She recognises that the environment should have a high level of protection and that sufficient regard should be had to environmental effects in reaching her decision. She notes that NGC has reflected concerns expressed at the first inquiry by proposing diversions to the originally proposed route, that in two sections consent for overgrounding is being refused, and that as a result of the decision an existing line from Lackenby to Norton will be removed to the significant environmental benefit, as the Inspectors indicated, of the large number of people living close to that line, some 4,400 houses being within 200 metres of that existing line.

While a number of possible alternative routes for the line were explored during the course of consideration of this development, the Secretary of State notes that these were not without their own difficulties, and she is satisfied that in announcing consent today she has identified an acceptable way forward to meet the identified technical need.

This decision follows a lengthy history of applications first submitted in 1991, the two public inquiries in 1992 and 1995 into the proposed line and possible diversions along its route, other public inquiries and hearings into aspects of the line proposals, and continued representations since the last Inquiry closed in April 1995. All this has produced a fair amount of material which the new Administration has had to consider since coming into office.

As I have said, the full reasons for the Secretary of State's decision are set out in the letter which is being sent to NGC, copies of which I am placing in the Library of the House, along with copies of the Inspectors' report from the 1995 public inquiry. Copies of the Inspectors' report from the 1992 public inquiry are already available in the Library of the House.

CULTURE, MEDIA AND SPORT

Ministerial Engagements

Mr. Spring: To ask the Secretary of State for Culture, Media and Sport how many *(a)* football, *(b)* cricket, *(c)* rugby league and *(d)* rugby union matches the Minister for Sport has attended in his official capacity since 1 May 1997; and where each took place. [34738]

Mr. Chris Smith: Since my hon. Friend's appointment as Sports Minister on 1 May, he has attended in his official capacity the following:

20 Football matches at Stratford, Wembley, Upton Park, Old Trafford, Leicester, Northampton, Romford, Reading, Stevenage, Stamford Bridge, Sunderland, The New Den, Paris, Italy and Marseilles.

3 Cricket matches at the Oval and Lords.

1 Rugby League match at Wembley.

0 Rugby Union matches.

My hon. Friend has also attended other sporting occasions, at different locations, such as: the World Blind Sailing Championships in Weymouth, Boxing at Wembley Arena, Special Olympic National Summer Games in Portsmouth, Tennis at Wimbledon, Winter Olympics in Nagano, Basketball at the London Arena in Docklands, British Grand Prix at Silverstone, Netball at Crystal Palace Sports Centre, and a Gymnastics display in Gloucester.

Mr. Spring: To ask the Secretary of State for Culture, Media and Sport how many times the Minister for Sport has attended meetings with the *(a)* British Athletic Federation, *(b)* Cricket Council, *(c)* Football Association, *(d)* Rugby Football Union, *(e)* Rugby Football League, *(f)* Central Council for Physical Recreation, *(g)* British Association for Physical Training, *(h)* British Olympic Association, *(i)* National Coaching Foundation, *(j)* National Playing Fields Association and *(k)* Sports Nutrition Foundation since 1 May 1997. [34736]

Mr. Chris Smith: Since 1 May my hon. Friend the Minister for Sport has attended meetings with the following organisations.

Although my hon. Friend has had no meetings with the British Federation, he has recently met the British Athletes whilst he was in Nagano during the Winter Olympics.

British Athletic Federation: 0

Cricket Council: 0

Football Association: 9

Rugby Football Union: 0

Rugby Football League: 2

Central Council for Physical Recreation: 3

British Association for Physical Training: 0

British Olympic Association: 3

National Coaching Foundation: 0

National Playing Fields Association: 1

Sports Nutrition Foundation: 0.

My hon. Friend has also had meetings with other organisations such as: the Sports Council, English Sports Forum, Youth Charter for Sport, British Olympic Association Athletic Commission, Commonwealth Games Federation, British Ski Federation, Sports Aid Foundation, Sportsmatch, Football Licensing Authority, various Angling organisations, Athletics Youth Foundation, the Lawn Tennis Association.

D'Oyly Carte Opera Company

Mr. Simon Hughes: To ask the Secretary of State for Culture, Media and Sport if he will make a statement on his funding proposals for the D'Oyly Carte Opera Company. [36153]

Mr. Fisher: The allocation of funding between art forms, and to individual arts companies, is a matter for the Arts Council of England.

Museums and Galleries Commission

Mr. Swinney: To ask the Secretary of State for Culture, Media and Sport if he will list the *(a)* location of, *(b)* running costs of, *(c)* salary costs of and *(d)* number of staff based at the Head Office of the Museums and Galleries Commission, the percentage of total staff based

(i) at HQ, (ii) in London and (iii) in Scotland and the percentage of salary and running costs incurred in (A) Scotland and (B) London. [36109]

Mr. Fisher *[holding answer 24 March 1998]:* All staff of the Museums and Galleries Commission are based at its headquarters offices at 16 Queen Anne's Gate, London SW1H 9AA. For the financial year 1997–98, running costs were £507,000 and salary costs were £1,054,951 for a total of 43 staff. With all staff being based at the headquarters offices, 100 per cent. of running costs and salary costs are incurred in London.

Broadcasting Complaints Commission

Mr. Swinney: To ask the Secretary of State for Culture, Media and Sport (1) if he will list the *(a)* location of, *(b)* running costs of, *(c)* salary costs of and *(d)* number of staff based at the head office of the Broadcasting Complaints Commission; what percentage of total staff are based (i) at head office, (ii) in London and (iii) in Scotland; and what percentage of salary and running costs are incurred in (1) London and (2) Scotland; [36123]

(2) if he will make a statement on the responsibilities of the Broadcasting Complaints Commission in Scotland. [36122]

Mr. Fisher *[holding answer 25 March 1998]:* The former Broadcasting Standards Council and Broadcasting Complaints Commission were succeeded on 1 April 1997 by the Broadcasting Standards Commission. It has UK-wide jurisdiction to act as a forum for public concern on standards of taste, decency and fairness on television and radio. It considers and reaches findings on complaints received from the public, monitors programmes, commissions research, and draws up and maintains codes of practice on fairness and standards of taste and decency.

It receives grant-in-aid of £1.971m, of which salary costs for the current financial year are expected to total £621,000. All its 25 staff are employed at its London headquarters.

Digital Radio

Mr. Geraint Davies: To ask the Secretary of State for Culture, Media and Sport if the holders of the three national commercial radio licences who were offered guaranteed capacity on digital radio have accepted that offer; and if he will make a statement on the regulatory framework for digital radio broadcasting. [36830]

Mr. Chris Smith: Classic FM plc, Talk Radio UK Ltd. and Virgin Radio Ltd. each informed the Radio Authority by 1 March of their intention to take up the guaranteed capacity on the sole digital national commercial radio multiplex offered to them by the Government.

The radio industry have voiced concerns to me that the current restriction to 10 per cent. of digital capacity for licensed additional services does not permit sufficient advertising on data services to support the investment in and development of digital radio. Having consulted the Radio Authority, I have decided to bring forward, shortly, an order under section 54(3) of the Broadcasting Act 1996 to raise to 20 per cent. the limit of capacity on digital multiplexes that can be used for digital additional services. However, the spectrum which has been allocated to digital radio should be used principally for communicating to the general public. The Government do not want to see a significant amount of the capacity that has been assigned for digital radio additional services used for services addressed to closed-user groups, when such services can be and are delivered by other means. I have therefore asked the Radio Authority to monitor the digital additional services that are broadcast and to report to me on the second anniversary of the start of digital radio services on the use made of additional service capacity. I shall consider in the light of the Authority's report whether the limit needs to be revised.

I welcome the suggestion by the Commercial Radio Companies Association that the Radio Advertising Clearance Centre regulate the content of advertisements carried on digital additional services. I have asked the Radio Authority, when reporting to me on additional services, to include an assessment on the effectiveness of the RACC's regulation.

LORD CHANCELLOR'S DEPARTMENT

Immigration Adjudicators

Mr. Edward Davey: To ask the Parliamentary Secretary, Lord Chancellor's Department how many immigration adjudicators are currently employed by his Department; how many have been employed in each of the last five years; how many cases have been dealt with in each year; and what have been the administrative costs in each year. [36320]

Mr. Hoon: The number of adjudicators (in addition to the Chief Adjudicator and Deputy Adjudicator) is currently:

33 Adjudicators (full-time)

161 Adjudicators (part-time).

Information is not available on a year by year basis and could be obtained only at disproportionate cost.

The overall adjudicator disposals (including asylum and non-asylum appeals) for the past 5 financial years are:

1993/94: 27,580

1994/95: 26,770

1995/96: 21,282

1996/97: 29,182

1997/98: '36,279.

' projected figure.

I am unable to provide administrative costs for the immigration adjudicators alone but can provide the following information for the Immigration Appellate Authority as a whole:

1994/95: £6,965,344

1995/96: £8,404,699

1996/97: £11,388,311

1997/98: '£12,513,282.

' projected figure.

Information for 1993/4 is not available and could be obtained only at disproportionate cost.

Appointments

Mrs. Fyfe: To ask the Parliamentary Secretary, Lord Chancellor's Department what procedures he uses to ensure that appointments made in his Department observe principles of equal opportunity. [36439]

Mr. Hoon: Ministerial responsibility for judicial appointments rests with the Lord Chancellor. It is the Lord Chancellor's policy to appoint to judicial office those who appear to him to be the best qualified regardless of ethnic origin, gender, marital status, sexual orientation, political affiliation, religion or (subject to the physical requirements of the office) disability. Merit is established by an assessment of the candidate against the criteria for appointment. In respect of non-judicial public appointments, the Department has issued guidance on policy and practice and has distributed widely the Commissioner for Public Appointments' guidance. In respect of all other appointments, standard procedures set out in the Civil Service Management Code and the Civil Service Commissioners' Recruitment Code are used to ensure that appointments in the Lord Chancellor's Department observe principles of equal opportunity. Of the staff employed in the Lord Chancellor's Department 9.43% are of ethnic minority origin, 3.33% have declared a disability and 62.7% are women.

Mrs. Fyfe: To ask the Parliamentary Secretary, Lord Chancellor's Department if he will list the salaried appointments he has made which have not been advertised. [36443]

Mr. Hoon: The salaried appointments made by the Lord Chancellor since 1 May 1997, which have not been advertised, are:

- the Chairman of the Advisory Committee on Legal Education and Conduct (on 10 October 1997);
- a Senior Circuit Judge at Preston Combined Court (on 1 December 1997);
- a Permanent Circuit Judge at the Central Criminal Court (on 1 January 1998); and
- the Expert Adviser (on 5 March 1998).

The Lord Chancellor has also provided advice to the Crown on 14 senior judicial appointments since 1 May 1997.

This excludes casual appointments within the Lord Chancellor's Department, records of which are not centrally held, and appointments resulting from the internal redeployment of existing members of staff.

DEFENCE

Public Bodies

Mr. Burns: To ask the Secretary of State for Defence if he will publish *(a)* the number of places on each of his Department's non-departmental public bodies, *(b)* the number of places that are currently unfilled on each non-departmental public body, *(c)* the total number of members that have resigned since 1 May 1997, *(d)* the total number that have retired since 1 May 1997, *(e)* the total number that have not had their contracts renewed since 1 May 1997, *(f)* the total number that have remained in place since 1 May 1997 and *(g)* the total number that have been appointed since 1 May 1997. [35280]

Mr. Spellar *[holding answer 19 March 1998]:* MOD has 17 Non-Departmental Public Bodies; the answers to questions *(a)* and *(b)* are as follows:

	Number of places on each NDPB (a)	*Places currently unfilled (b)*
Executive NDPBs		
Fleet Air Arm Museum	8	1
Royal Naval Museum	11	2
Royal Marines Museum	8	0
Royal Naval Submarine Museum	12	3
National Army Museum	12	1
RAF Museum	11[1] (plus 2 *ex officio*)	—
Oil and Pipelines Agency	2	0
Advisory NDPBs		
Advisory Committee on Conscientious Objectors	5[1]	—
Dartmoor Steering Group and Working Party	1 (plus 13 *ex officio*)	0
Defence Scientific Advisory Council	190[1]	—
Independent Board of Visitors for the Military Corrective Training Centre	10	5
Royal Military College of Science Advisory Council	21	0
National Employer Liaison Committee	14	0
Nuclear Powered Warships Safety Committee	12	0
Nuclear Weapons Safety Committee	12	0
Review Board for Government Contracts	5	0
Royal College of Defence Studies Advisory Board	10	0

[1] There is no fixed number for appointments

Regarding questions *(c)* to *(g)*:

(c) Since 1 May 1997, six members of MOD NDPBs have resigned (this figure excludes the Defence Scientific Advisory Council where details are not held).

(d) Since 1 May 1997 five members have retired.

(e) Since 1 May 1997 there have been no instances of members not having their contracts renewed.

(f) Since 1 May 1997 308 members have remained in place (this figure includes two nominated *ex officio* Trustees).

(g) Since 1 May 1997 96 members have been appointed (this figure includes some reappointments, two *ex officio* appointments and one instance of a committee member being promoted to the position of Chairman).

Eurofighter

Mr. Öpik: To ask the Secretary of State for Defence what measures are being taken to maintain minimum noise output on the Eurofighter aircraft; and if he will make a statement. [35949]

Mr. Spellar: As with military aircraft already in Service, the Ministry of Defence will place appropriate restrictions on the heights, speeds and operating procedures for the Eurofighter during training sorties to ensure that noise levels experienced on the ground are minimised as far as practicable.

SCOTLAND

Teachers

Mr. Gorrie: To ask the Secretary of State for Scotland what measures he is currently assessing relating to the work of secondary teachers in Scotland. [35839]

Mr. Wilson: My first concern is to raise standards in our schools. Teachers have a large part to play in securing that objective. I await with interest the report of the Millennium Review of School Education (which is being conducted by COSLA and the teacher unions) and any proposals it may have to improve teacher effectiveness.

Tuberculosis

Dr. Fox: To ask the Secretary of State for Scotland how many cases of *(a)* TB and *(b)* drug resistant TB have been identified in Scotland in each of the last three years. [36015]

Mr. Galbraith: The table shows the number of notifications of tuberculosis by medical practitioners to Health Boards in Scotland and the numbers of cases where laboratories have confirmed resistance to one or more of the drugs commonly used in treatment.

Year	*Number of [1]Respiratory and Non-Respiratory Cases*	*Number of [2]Drug Resistant Cases*
1995	478	9
1996	509	13
1997	441 (provisional)	Not yet confirmed but less than 10

Note:
Of the cases of drug-resistance, there was in 1995 one case of multi-drug resistant TB, three in 1996 and none in 1997. Multi-drug resistant TB is defined as TB resistant to both isoniazid and rifampicin, and perhaps to other drugs.
Source:
[1] Common Services Agency for the NHS in Scotland
[2] Scottish Centre for Infection and Environmental Health

Dr. Fox: To ask the Secretary of State for Scotland what immunisation rates for TB have been achieved in each of the last three years. [36016]

Mr. Galbraith: BCG vaccination is delivered to schoolchildren in Scotland around the age of 12. However, relatively low numbers were tested and vaccinated in 1995, because some Health Boards had concentrated their resources on the measles and rubella vaccination programme based on schools at that time. The figures for 1996 suggest there was then a degree of "catching-up" in that year. The BCG vaccination rate in those years can therefore only be estimated and between 1995 and 1997 it is estimated that more than 80 per cent. of 12 year old children were vaccinated. A further 4 per cent. of children were found to be positive on tuberculin skin testing—ie not in need of vaccination.

EU Sheep and Goatmeat Regime

Mr. David Marshall: To ask the Secretary of State for Scotland what plans he has to meet the Scottish Cashmere Producers Association to discuss the EU Sheep and Goatmeat Regime; and if he will make a statement. [36033]

Mr. Macdonald: My right hon. Friend has no plans to discuss the EU Sheepmeat and Goatmeat Regime with the Association, the matter having been raised last year at a meeting with my noble Friend Lord Sewel.

Mr. David Marshall: To ask the Secretary of State for Scotland if he will make a statement on progress in implementing the recommendation of the Scottish Affairs Committee in its Third report of Session 1995–96 (HC 629) on allowing individual farmers to choose support for deer or goats as an alternative to sheep under the EU Sheep and Goatmeat Regime. [36031]

Mr. Macdonald: My right hon. Friend has no plans to seek to extend the EU Sheepmeat and Goatmeat regime to deer or cashmere goats.

Sewerage

Mrs. Ray Michie: To ask the Secretary of State for Scotland what plans he has to introduce guidelines for the siting of sewage plants in residential areas; and if he will make a statement. [35944]

Mr. Macdonald: I have no plans to introduce guidelines for the siting of sewage plants in residential areas. It is a matter for planning authorities to consider any planning applications for proposed sewage plants which come before them.

Mr. Sanders: To ask the Secretary of State for Scotland for what reasons his Department sets aside grant relief to domestic customers in respect of sewerage charges. [36041]

Mr. Macdonald: Prior to Scottish local government reorganisation in April 1996, expenditure on domestic sewerage was included in a householder's Council Tax bill. Since then the new water authorities have made a separate charge for the sewerage service. Transitional relief was introduced to give householders time to adjust to the new arrangements. This relief is being phased out.

Drug Addicts

Mr. Sarwar: To ask the Secretary of State for Scotland what measures are being taken to improve treatment for drug addicts in prisons in Scotland. [35899]

Mr. McLeish: All prisons in Scotland have a range of support measures for drug abusing prisoners. These include new drug reduction units at Barlinnie and Shotts Prisons; new relapse prevention programmes to tackle the long term needs of reformed addicts; and clinical prescribing to alleviate the symptoms of opiate withdrawal. The approach is multi-disciplinary and evidence based, and involves collaborative work with external agencies, to ensure so far as possible that the range of support measures inside prison reflects those available in the community and that there is adequate throughcare.

Charity Commission

Mr. Swinney: To ask the Secretary of State for Scotland if he will make a statement on the responsibilities of the Charity Commission in Scotland. [36135]

Mr. McLeish: The Charity Commission for England and Wales has no responsibilities in Scotland. The supervision and regulation of charities in Scotland is governed by the terms of Part I of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 and supporting regulations and is carried out by the Scottish Charities Office under the authority of my noble and learned Friend the Lord Advocate.

ATTORNEY-GENERAL

Appeals

Mr. Dismore: To ask the Attorney-General how many cases in each of the last three years were referred to the Court of Appeal to review apparently lenient sentences; and how many of those reviews resulted in stronger sentences. [35718]

The Attorney-General: The figures for references by the Law Officers of sentence to the Court of Appeal (Criminal Division) under Part IV of the Criminal Justice Act 1998 are as follows:

For England and Wales

Year	*Number of sentences referred*	*Number of sentences increased*	*Number of references withdrawn*	*Number of references waiting to be heard*
1995	77	67	4	1
1996	68	49	2	0
1997	70	41	1	11
1998 (to 24 March 1998)	19	1	0	18

For Northern Ireland

Year	*Number of sentences referred*	*Number of sentences increased*	*Number of references withdrawn*	*Number of references waiting to be heard*
1995	4	3	0	0
1996	2	2	0	0
1997	0	0	0	0
1998 (to 24 March 1998)	0	0	0	0

HOME DEPARTMENT

Probation Service

Mr. Bill Michie: To ask the Secretary of State for the Home Department what external independent body can be approached by a member of the public when a complaint against a probation officer has been investigated at the various levels of the Probation Service, including the area Probation Committee, and the complainant is still not satisfied with the outcome. [34754]

Ms Quin: If a member of the public is not satisfied with the way in which the chief probation officer concerned has dealt with a complaint against a member of the service he may ask the responsible probation committee to look into it. The committee comprises magistrates and other local members who provide, under the present statutory framework, local accountability for the work of the probation service. It is also open to the Home Secretary to ask Her Majesty's Chief Inspector of Probation to inquire into and report on any matter concerning that work; and this power could be used if there were evidence that a probation committee had not dealt with a complaint properly.

Rebound Secure Training Centre

Mr. Allan: To ask the Secretary of State for the Home Department under what statutory authority outreach workers will be employed at the Rebound Secure Training Centre; and if he will make a statement. [35343]

Mr. Michael: Under the terms of its contract with the Home Office, the operator of Medway Secure Training Centre, ECD Ltd, will provide outreach workers, who will be social workers employed at the Secure Training Centre. The workers will be employed under contract rather than statutory authority. The statutory authority for making the contractual arrangements rests with the Home Secretary and in the provisions of the Criminal Justice and Public Order Act 1994. The outreach workers will play a key role in developing the two week induction programme in which each trainee will take part. They will consult the trainee's family or carer for views on their strengths and weaknesses. These views will be taken into account when the Training at the end of the induction period. Along with the supervising officer, the outreach worker will provide the main focus for maintaining links between the trainee and his or her home community during the custodial part of the Order.

Bristol Prison

Mr. Beith: To ask the Secretary of State for the Home Department what plans there are to *(a)* expand permanent parking facilities at HM Prison Bristol and *(b)* return temporary parking places to their former use; and if he will make a statement. [35752]

Ms Quin: There are no plans to expand permanent parking facilities at Her Majesty's Prison Bristol, but the establishment is exploring the possibilities for finding a suitable off-site parking facility. There are no temporary parking places at the prison.

Operation Countryman

Mr. Fitzpatrick: To ask the Secretary of State for the Home Department if he will release the conclusions of the report of the Operation Countryman investigation. [35698]

Mr. Michael: No. Disclosure is a matter for the Commissioner of Police of the Metropolis. Investigating officers' reports are as a class regarded by the courts as subject to public interest immunity. In our response to the Home Affairs Committee Report on Police Disciplinary and Complaints Procedures, we said that we will consult on the scope for greater openness in respect of investigation reports, either generally or individually.

Prisons (Commercial Activities)

Mr. Webb: To ask the Secretary of State for the Home Department what measures he is taking to ensure that

commercial activities undertaken by prisons do not compete unfairly with local enterprises; and if he will make a statement. [35890]

Ms Quin: It is Prison Service policy that commercial activities should not be undertaken by prisons at the expense of private sector businesses or employment in this country. Prisons should seek work which substitutes imports, or which uses their facilities for work which would be uneconomic for outside contractors, for example because it involves short production runs or is labour intensive.

Prison Service goods and services should be offered at a fair market price, which recovers direct manufacturing costs plus a contribution to the recovery of overheads. Prison overheads are much higher than outside because of high fixed costs (such as the cost of supervision, a short working week and low productivity rates).

Rather than competition, the Prison Service is keen to see private sector businesses make use of prison labour and facilities through partnerships.

Child Curfews

Mr. Beith: To ask the Secretary of State for the Home Department what assessment he has made of the compatibility of his proposal for local child curfews with the European Convention on Human Rights; and if he will make a statement. [36047]

Mr. Michael: I am satisfied that the proposals for local child curfew schemes as set out in the Crime and Disorder Bill are compatible with the European Convention on Human Rights. They are designed to protect the interests of children and the wider community.

Asylum Seekers

Mr. Malins: To ask the Secretary of State for the Home Department what existing sources of free competent legal representations are available to destitute asylum appellants ineligible for benefits to pursue appeals against refusal of refugee status. [35904]

Mr. Mike O'Brien: The Immigration Advisory Service and The Refugee Legal Centre provide free legal representation to asylum appellants. It is also open to appellants to seek assistance from other voluntary bodies.

Mr. Malins: To ask the Secretary of State for the Home Department what was the success rate for asylum appellants at appeals hearings before the Immigration Appellate Authority who are (i) legally represented and (ii) unrepresented in the latest period for which figures are available. [35907]

Mr. Mike O'Brien: I regret that the requested breakdown is not available because the figures are not held in a form which would enable us to provide the information accurately.

Mr. Malins: To ask the Secretary of State for the Home Department what provision he has made to ensure that destitute asylum appellants who are ineligible for benefits can afford to pay for legal representation on their appeals against refusal of refugee status. [35905]

Mr. Mike O'Brien: The Home Office makes grants under section 23 of the Immigration Act 1971 to the Refugee Legal Centre and the Immigration Advisory Service which provide free advice and representation to people with rights of appeal under immigration and asylum legislation. In 1997/98, the total grant paid to the two organisations will be just under £5.9m.

Mr. Burstow: To ask the Secretary of State for the Home Department if he will list the criteria used to determine which asylum seekers will be sent to Category A prisons; and on what grounds asylum seekers are currently held in such prisons. [36227]

Mr. Mike O'Brien: About half of those people detained under Immigration Act powers are housed in immigration detention centres, which are run on the lines of secure hostels. Some, however, are held in Prison Service accommodation, generally because their current behaviour or past history indicates that they require a greater level of control or supervision than can be provided in immigration accommodation. Such persons who are placed in prison custody, some of whom will be asylum seekers, are subject to Prison Rules made under section 47(1) of the Prison Act 1952 which empowers the Secretary of State to make rules for, among other things, the classification, discipline and control of prisoners. Rule 3 of the Prison Rules 1995 provides for the classification of prisoners

'in accordance with any directions of the Secretary of State, having regard to their age, temperament and record with a view to maintaining good order'.

In accordance with guidance contained in the Prison Service Manual on Security, prison staff are required, on reception into prison custody, to report to Prison Service Headquarters the cases of those prisoners who, on the information available, may need to be placed in Category A. Category A, the highest security category, is applied to those prisoners whose escape would be highly dangerous to the public or the police or the security of the State, no matter how unlikely that escape might be; and for whom escape must be made impossible.

Mr. Malins: To ask the Secretary of State for the Home Department what plans he has to grant *(a)* an amnesty and *(b)* exceptional leave to remain in the United Kingdom to those whose asylum appeals are still outstanding. [36440]

Mr. Mike O'Brien: We are reviewing all aspects of the asylum system, including how best to deal with the backlogs inherited from the previous administration, but have no plans to grant a general amnesty.

Travel Document Fees

Mr. Coaker: To ask the Secretary of State for the Home Department if he will make a statement on travel document fees. [36749]

Mr. Mike O'Brien: In line with the increase in the fee for a British passport which I announced on 13 February 1998, *Official Report*, column *402*, the fee for a Refugee Passport and for a Stateless Persons Document will be increased from £18 to £21 today.

The cost of a Refugee Passport and of a Stateless Persons Document is directly linked to the cost of a British Passport. A fee of £21 still represents very good value for money.

Drugs

Mr. Flynn: To ask the Secretary of State for the Home Department how many people have died in each of the past 18 years following heroin misuse; and how much was spent in each year to counteract *(a)* heroin misuse and *(b)* all illegal drugs misuse. [36253]

Mr. George Howarth: We understand from the Office for National Statistics (ONS) that the number of deaths from heroin during the period 1979–1992 were published by ONS in Series DH4 "Mortality Statistics": Injury and Poisoning" Numbers 6–18, copies of which are available in the Library. Deaths in the following four years are as follows:

1993: 52

1994: 88

1995: 130

1996: 186.

Data for the period 1993–96 are not directly comparable to those given for earlier years in the DH4 Series. Since 1993, deaths from misuse of drugs have included those certified as due to drug dependence and non-dependent abuse of drugs. Series DH4 included only deaths certified as due to Suicide, Accident and Undetermined injury.

Information on how much was spent in each year to counteract drug misuse, including heroin misuse, is not recorded. It was estimated in 1995 that at least £526 million was spent on tackling drug misuse across the United Kingdom in 1993/94, but that estimate appears not to have taken account of all Government spending connected with drug misuse. A more comprehensive estimate is being developed and will be published shortly.

Police Raids

Mr. Key: To ask the Secretary of State for the Home Department, pursuant to his answer of 28 January 1998, *Official Report*, column *278*, if the Commissioner of Police of the Metropolis has completed his investigation of the leak to a journalist of targets of police raids on 21 November 1997; what were his conclusions; and if he will make a statement. [36046]

Mr. Michael: This is an operational matter for the Commissioner of Police of the Metropolis . However, he tells me that one of the Metropolitan Police's Complaints Units has carried out an investigation. This included questioning a journalist who had knowledge of the source of the leak. The journalist, whilst not revealing the identity of the source, has categorically assured the investigators that the leak did not come from the Metropolitan Police.

The Metropolitan Police's role in the raids was to act as a facilitator in the co-ordination of intelligence in the raids. The Commissioner tells me that there are several prosecutions pending as a result of the police raids.

Charity Commission

Mr. Swinney: To ask the Secretary of State for the Home Department if he will list the *(a)* location, *(b)* running costs and *(c)* salary costs of the head office of the Charity Commission; what percentage of total staff are based in (i) head office, (ii) London and (iii) Scotland; and what percentage of salary and running costs are incurred in (A) London and (B) Scotland. [36136]

Mr. Michael: The Charity Commission does not have a head office, but operates from three sites in London, Liverpool and Taunton. The running costs for the financial year 1996–97 were £20.724 million, of which £12.135 million represented staff pay costs. In 1996–97, it employed an average of 577 staff, of which 199 (34.5 per cent.) were located in London, 197 (34.1 per cent.) in Liverpool and 181 (31.4 per cent.) in Taunton.

INTERNATIONAL DEVELOPMENT

Africa (Privatisation Projects)

Sir Alastair Goodlad: To ask the Secretary of State for International Development what contribution her Department has made to privatisation projects in Africa. [35728]

Clare Short: Our policy is to help African governments create a suitable environment for increased investment, public and private. Privatisation, with appropriate incentives and regulation, can help. We have specifically provided support for the privatisation process in several, including £1,350,100 for Assistance to the Divestiture Implementation Committee in Ghana, £410,000 for the Dairiboard and £115,000 for other Agricultural Parastatals in Zimbabwe and a commitment of £3 million over 3 years for the Presidential Parastatal Sector Reform Commission in Tanzania.

We are also currently looking at providing support for privatisation in other countries, including Uganda.

HOUSE OF COMMONS

Air Conditioning Systems

Ann Clwyd: To ask the Chairman of the Accommodation and Works Committee what representations have been received on the air conditioning systems in the House. [36323]

Sir Sydney Chapman: I have received no representations on this subject, but I understand that the Serjeant at Arms has recently received a letter from the hon. Member on this subject, to which he is replying.

FOREIGN AND COMMONWEALTH AFFAIRS

Turkey

Mr. Cox: To ask the Secretary of State for Foreign and Commonwealth Affairs what assessment he has made of the risk that light weapons or armoured vehicles exported to Turkey could be used for internal repression. [36158]

Mr. Doug Henderson: I refer my hon. Friend to the answer I gave to the hon. Member for Richmond Park (Dr. Tonge) on 24 March 1998, *Official Report*, column *98*.

Mr. Cox: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will urge the Turkish Government at the UN Commission on Human Rights to

facilitate the visits of, and co-operate with, the Working Group on Involuntary and Enforced Disappearances and the Special Rapporteur on Torture in 1998. [36156]

Mr. Doug Henderson: I refer my hon. Friend to the answer I gave to my hon. Friend the Member for Walthamstow (Mr. Gerrard) on 23 March 1998, *Official Report*, column 29.

Nuclear Weapons

Mr. Cohen: To ask the Secretary of State for Foreign and Commonwealth Affairs if the evidence presented in 1996 by Her Majesty's Government to the International Court of Justice on the legality of nuclear weapons remains Government policy. [36154]

Mr. Fatchett: We have considered the International Court of Justice's Advisory Opinion. It does not require a change in our purely defensive policy of nuclear deterrence.

It is not our practice to comment on submissions made by previous Governments in the course of legal proceedings.

Military Training Assistance

Mr. Hoyle: To ask the Secretary of State for Foreign and Commonwealth Affairs if his Department's review of military training assistance has been completed. [36496]

Mr. Tony Lloyd: The review of the FCO's UK Military Training Assistance Scheme (UKMTAS) was launched as part of our Comprehensive Spending Review. My right hon. Friend the Foreign Secretary concluded that for 1998–99, UKMTAS will be replaced by a new programme called Assistance to Support Stability with In-Service Training (ASSIST), and that we will set up a specific Human Rights Project Fund.

The ASSIST programme will be worth £11.15 million in 1998–99. The criteria will be:

1) To promote, within overseas military and police forces, respect for civilian democratic government and practices, the rule of law and international human rights standards. This should be done by training activities which:

- promote human rights both as a distinct discipline and as an element of broader training courses;
- deliver practical skills for peacekeeping, conflict prevention, dispute resolution and disaster management;
- help fight crime, including terrorism;
- enhance the professionalism of the armed forces.

2) To promote effective arms control and non-proliferation measures.

3) To promote English Language training, as preparation for other training, and as a tool to allow contributions to peacekeeping and other activities where English is the common language.

The creation of the new Human Rights Project Fund is the first time the FCO has set aside dedicated funds for human rights.

The new fund will enable our Embassies and High Commissions to give practical help to promote human rights through Governments and non-governmental organisations.

Priority areas will include:

- children's rights, including work to tackle child sexual abuse;
- rule of law cooperation, eg training for judges and lawyers, prison reform;
- support for national human rights institutions and NGOs;
- media, eg training of journalists.

The Fund is made up of £2.25 million from overseas military training budgets (UKMTAS), together with an additional £2.75 million available through savings elsewhere.

Public Bodies

Mr. Swinney: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will list the total financial assistance provided to *(a)* the Commonwealth Institute and *(b)* the Westminster Foundation for Democracy; and if he will list the locations of the (i) head office and (ii) other buildings used by these bodies in the United Kingdom, providing a breakdown of (1) staff numbers, (2) salary costs and (3) running costs for buildings in (A) Scotland and (B) London. [36190]

Mr. Fatchett: During the financial year 1997–98, this Department provided the Commonwealth Institute with a grant-in-aid of £800,000. It also provided an additional £316,000 to pay for redundancies. The Commonwealth Institute has 30 staff. The salary costs for the financial year 1997–98 were £1.25 million. This figure includes National Insurance, pension contributions, seasonal staffing and the chairman's honorarium.

The Commonwealth Institute is in Kensington High Street, London. In the current financial year the running costs of this building were approximately £470,510. This figure was broken down as follows:

Breakdown	*£*
Maintenance and site service charges	171,000
Site security	92,000
Business rates	72,000
Electricity, fuel and gas	72,000
Water charges	40,500
Cleaning	23,000
Rental	10

The Institute also used to have premises in Edinburgh. This building, however, is no longer in use and we are currently seeking the agreement of the Trustees that it may be sold. Although empty, the Edinburgh building still generates running costs, for which this Department is liable. During the financial year 1997–98, the running costs for the building in Edinburgh totalled £8,452.15. This is broken down as follows:

Breakdown	*£*
Council tax/water/sewerage	693.18
Rates	3,404.22
Electricity	37.14
Maintenance work	4,317.61

The grant-in-aid given to the Westminster Foundation for Democracy by the Foreign and Commonwealth Office, during financial year 1997–98, was £2,713,650. No other financial assistance was provided. The Foundation's head office is at Clutha House, 10 Storey's Gate, Westminster. They do not use any other building.

The Foundation has 6 staff. The total salary cost for financial year 1997–98 was £215,892/ This figure includes National Insurance and pension contributions.

The total running costs for Clutha House during financial year 1997–98 came to approximately £56,199. This was broken down as follows

Breakdown	*£*
Rent and rates	31,799
Service charge	14,000
Business rates	8,000
Electricity	1,200
Building insurance	1,200

BBC World Service

Mr. Swinney: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will list the location of BBC World Service buildings in the United Kingdom, providing a breakdown of *(a)* staff numbers, *(b)* salary costs and *(c)* running costs for buildings in (i) London and (ii) Scotland. [36192]

Mr. Fatchett: The BBC World Service directly employs 1,057 equivalent full-time staff with an average basic salary of £25,117.

The World Service does not itself own any premises; all buildings are owned or leased by the BBC as a whole, and the World Service pays a central accommodation charge for the use of these buildings, which are all located in London. At present "running costs" are:

Location	*Running costs (£)*
Bush House (World Service share only)	5,008,000
Beaumont House	112,000
Macklin Street Nursery	65,000

Inward Investment

Mr. Swinney: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will list the inward missions organised for foreign companies to the United Kingdom in 1996–97; which nations were involved in each; and what percentage of the missions included visits to sites in (i) London, (ii) England and (iii) Scotland. [36188]

Mr. Fatchett: The Invest in Britain Bureau (IBB) which is jointly managed by DTI and FCO organises visits by groups of foreign companies interested in the UK as an inward investment location. In 1996 and 1997 IBB organised 11 missions. Members of these missions visited London, England and Scotland as follows:

Country	*London*	*England*	*Scotland*
1996			
Germany		x	
Japan[1]		x	x
Korea[1]		x	x
Taiwan[1]		x	x
Hong Kong[1]		x	x
Malaysia	x	x	x
1997			
Germany		x	
Japan—General Mission[1]		x	x
Japan R and D	x	x	x
Korea[1]		x	x
Taiwan[1]		x	x

[1] Specific site visits in London were not included in these programmes although a general briefing on London was provided.

University and Careers Fairs

Mr. Swinney: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will list the university and careers fairs attended by his Department's officials in 1996–97. [36191]

Mr. Fatchett:

University	*Careers fair/ Careers presentation*
1996	
Bristol	Presentation
Cambridge	Fair
Durham	Presentation
East London	Fair
Hull	Presentation
Leeds	Presentation
Kings College (London)	Presentation
Liverpool	Fair
London	Graduate recruitment fair
London School of Economics	Presentation
Loughborough	Fair
Middlesex	Presentation
Newcastle	Fair
Southbank	Fair
Sheffield	Presentation
School of Oriental and African Studies	Presentation
Warwick	Fair
Aberdeen	Presentation
Glasgow	Scottish graduate recruitment fair
Napier	Fair
Stirling	Fair
St. Andrews	Presentation
Cardiff	Fair
1997	
Durham	Presentation
Leeds	Presentation
Southbank	Fair
Liverpool	Fair
Oxford	Fair for women
Warwick	Fair
Birmingham	Fair
Sussex	Presentation
Hull	Presentation
Lancaster	Fair

University	*Careers fair/ Careers presentation*
University of East London	Fair
Hertfordshire	Fair
Brunel	Fair
School of Oriental and African Studies	Presentation
Surrey	Presentation
Strathclyde	Fair
Glasgow	Scottish graduate recruitment fair
St. Andrews	Presentation
Dundee	Presentation
Belfast	Fair
Swansea	Presentation
London	Graduate recruitment fair
London	National mentoring consortium fair for ethnic minority students

Capital Projects

Mr. Swinney: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will list the capital projects funded by his Department in the United Kingdom for which cumulative costs have exceeded £1 million, indicating the percentage of projects in *(a)* Scotland and *(b)* England. [36193]

Mr. Fatchett: The estimated outturn of the current FCO capital projects in the United Kingdom exceeding £1 million is as follows:

1990–98	*Outturn (£)*
Old public offices refurbishment	74,339,500
Hanslope Park development	38,874,000

100 per cent. of this spend has been incurred in England.

HEALTH

Millennium Compliance

Mr. Maples: To ask the Secretary of State for Health when he last met the Chancellor of the Duchy of Lancaster to discuss the Department's progress regarding millennium compliance. [32308]

Mr. Milburn *[holding answer 3 March 1998]:* I attended the Ministerial sub-group on the millennium date change problem, chaired by my right hon. Friend the Chancellor of the Duchy of Lancaster, on 5 March 1998.

Mr. Maples: To ask the Secretary of State for Health from which budgetary sub-head the costs of millennium computer compliance will be met by his Department. [32309]

Mr. Milburn *[holding answer 3 March 1998]:* Costs for millennium computer compliance are met from the Department's Vote 2 running costs allocation.

Mr. Maples: To ask the Secretary of State for Health how many officials or individuals working within his Department on millennium compliance have *(a)* given notice of their intention to leave, or *(b)* left the Department in the last six months. [32306]

Mr. Milburn *[holding answer 3 March 1998]:* In the last six months one permanent member of staff and one contractor working on the Department's Year 2000 programme have left or given notice of their intention to leave. Both staff have been replaced.

Mr. Maples: To ask the Secretary of State for Health when he last met a Treasury Minister to discuss the costs of millennium computer compliance. [32307]

Mr. Milburn *[holding answer 3 March 1998]:* I attended the Ministerial sub-group on the millennium date change problem (MSG), chaired by my right hon. Friend, the Chancellor of the Duchy of Lancaster, on 5 March. Her Majesty's Treasury was represented at MSG by my hon. Friend the Paymaster General.

Community Hospitals

Mr. Woodward: To ask the Secretary of State for Health (1) how many community hospitals have been *(a)* placed under review and *(b)* closed since 1 May 1997; [34443]

(2) how many community hospitals in the United Kingdom are currently under review. [34436]

Mr. Milburn *[holding answer 13 March 1998]:* It is difficult comprehensively to define what is meant by "community" or "cottage" hospital. They differ from place to place in the scale, range and volume of services they offer. What characterises nearly all is that they provide a local service and admit patients under the care of a general practitioner.

Solvent Abuse

Mr. Flynn: To ask the Secretary of State for Health what were the numbers of deaths from solvent abuse in each of the past 18 years; and how much was spent in each of those years on anti-drug use publicity and education. [36251]

Ms Jowell: Data relating to deaths associated with solvent or volatile substance abuse are collected on the Department's behalf by St. George's Hospital Medical School; copies of the latest annual report "Trends in Deaths Associated with the Abuse of Volatile Substances 1971–1995" are in the Library and can be accessed on the world wide web at *http://www.sghms.ac.uk/phs/index.htm*. Information on expenditure on anti-drugs publicity since 1979 is not readily available, although the Department has held a contract with the Health Education Authority since 1995–96 valued at £5 million per year.

Access Committee for England

Mrs. May: To ask the Secretary of State for Health if he will make a statement on the level of grant provided to the Access Committee for England in the financial years *(a)* 1996–97, *(b)* 1997–98 and *(c)* 1998–99. [36333]

Mr. Milburn: The Department has provided a grant of £85,000 in 1996/97 and £65,000 in 1997/98, towards the central administrative costs of the Access Committee for England (ACE). This is in addition to project funding of £24,000 in each of these two years. This Department will not be providing funding to ACE in 1998/99.

European Specialist Medical Qualifications Order

Mr. Steen: To ask the Secretary of State for Health what representations he has made to the European Commission about the European Specialist Medical Qualifications Order 1995; and if he will make a statement. [35438]

Ms Jowell: The Department consulted officials at the European Commission on both the European Specialist Medical Qualifications Order 1995 (which came into force on 12 January 1996) and the European Specialist Medical Qualifications Amendment Regulations 1997 (which came into force on 31 December 1997).

WALES

Air Quality

Mr. Ieuan Wyn Jones: To ask the Secretary of State for Wales how many air quality monitoring sites there are in Wales; and what plans he has to increase the number. [35521]

Mr. Win Griffiths: At the end of October 1997 there were 44 continuous and 377 non-continuous air quality monitoring sites in Wales. A variety of pollutants are monitored at these sites including nitrogen dioxide, sulphur dioxide, carbon monoxide, ozone, fine particles (PM10) and hydrocarbons.

The Government keep their monitoring network and the need for additional sites under review. In partnership, with local authorities throughout Wales and the University of Wales Institute Cardiff, the Welsh Office has established an air quality forum to share information and to assist in providing an effective air quality monitoring programme.

Council Houses

Mr. Ieuan Wyn Jones: To ask the Secretary of State for Wales how many council houses have been sold by each unitary authority; how many remain under their ownership; what the capital receipts are for each authority; and if he will make a statement on the future role of councils in providing social housing in Wales. [35525]

Mr. Win Griffiths: The available information is set out in the table. Local authorities are required to set aside a proportion of the receipts from Right to Buy sales for credit liabilities in accordance with the provisions of section 59 of the Local Government and Housing Act 1989.

Local authorities have the key role in determining housing needs and priorities. These are set out in their housing strategies and operational plans which now drive the allocation of social housing grant to registered social landlords in their areas. I have no reason to think that local authorities will not continue to be substantial landlords for some years to come.

Sales of Council Dwellings[1]

Council	*Council dwellings sold April 1996 to December 1997*	*Capital receipts*[2] *April 1996 to December 1997 (£000)*	*Estimated number of council dwellings at 30 December 1997*
Blaenau Gwent	193	2,752	8,827
Bridgend	199	2,986	8,075
Caerphilly	244	3,765	13,825
Cardiff	269	5,067	17,323
Carmarthenshire	219	3,605	11,274
Ceredigion	127	2,580	2,733
Conwy	69	1,266	4,477
Denbighshire	62	1,136	4,313
Flintshire	128	2,604	8,885
Gwynedd	202	4,077	7,667
Isle of Anglesey	125	2,004	4,898
Merthyr Tydfil	96	1,321	5,908
Monmouthshire	157	3,475	4,257
Neath Port Talbot	228	3,515	11,535
Newport	240	3,902	12,136
Pembrokeshire	154	2,612	7,214
Powys	253	4,910	6,549
Rhondda Cynon Taff	159	2,174	14,087
Swansea	240	3,581	17,142
Torfaen	446	7,262	10,991
Vale of Glamorgan	118	2,391	5,204
Wrexham	275	4,800	14,574
Wales	4,203	70,648	201,893

[1] Includes houses and flats

[2] Selling price net of discounts

Lapwings

Mr. Llwyd: To ask the Secretary of State for Wales what assessment he has made of the lapwing population at the Rhyd-y-Blew site and of the effect on it of the proposed clearing of grassland. [35541]

Mr. Win Griffiths: This is primarily a matter for Blaenau Gwent County Borough Council. However, they, along with the Countryside Council for Wales, are fully aware of the nature conservation value of this site. An environmental appraisal is being carried out to minimise the effect of development on the lapwing population.

Hospital Closures

Mr. Wigley: To ask the Secretary of State for Wales if he will list those hospitals which have been closed in Wales in the past five years, indicating how many of these have been sold and if the relevant health authorities have been entitled to retain for use within their areas, the money raised by such sales. [35586]

Mr. Win Griffiths: The following list names 21 hospitals which were closed between March 1993 and 31 March 1997. Statistics for 1998 are not yet available.

Fourteen have been sold and conditional offers have been made for four others. Health bodies were allowed to retain all or part of the sale receipts in eight cases.

Hospital	*Health Authority*	*Sold?*	*Money Retained*
Llwyn View	North Wales	no	n/a
Druid	North Wales	no	n/a
Garth Angharad	North Wales	yes	no
Pontypool and District	Gwent	no	n/a
Energlyn	Bro Taf	yes	yes
Coed Du	North Wales	yes	no
St. David's (Brecon)	Dyfed Powys	yes	yes
Mount Pleasant (Swansea)	lechyd Morgannwg	yes	yes
Mount Pleasant (Gwent)	Gwent	yes	yes (part)
Allt-yr-yn	Gwent	yes	no
Parc	Bro Taf	yes	yes
St. Lawrence	Gwent	yes	yes (part)
St. David's (North Wales)	North Wales	no	n/a
Broughton	North Wales	yes	no
Barry Community	Bro Taf	yes	no
Pen-y-Fai	Bro Taf	yes	no
North Wales	North Wales	no	n/a
Valley	North Wales	no	n/a
Pen-y-Fal	Gwent	no	n/a
Brynhyfryd	Dyfed Powys	yes	yes (part)
Llynfi	lechyd Morgannwg	yes	yes

Abortions

Mr. Wigley: To ask the Secretary of State for Wales how many women in Wales had to wait *(a)* less than a week, *(b)* between one and two weeks, *(c)* over two weeks but less than four weeks and *(d)* over four weeks, between the date they first requested an NHS abortion and the date of the abortion in the most recent available period. [35581]

Mr. Win Griffiths: The waiting time from the date that an NHS abortion is first requested to the date the abortion is performed is not collected centrally.

The waiting times from the date the consultant agrees to admit to the date of admission are shown in the following table.

Abortions carried out in Welsh NHS hospitals during the financial year 1996–97

Waiting time	*Number of abortions*
Less than 1 week	2,346
Between 1 and 2 weeks	612
Over 2 weeks but less than 4 weeks	138
4 weeks and over	35
Not known	1,606

Source:
Patient Episode Database for Wales

Uniform Business Rate

Mr. Barry Jones: To ask the Secretary of State for Wales if he will make a statement on the future of the uniform business rate in Wales. [35736]

Mr. Win Griffiths: My right hon. Friend the Secretary of State will consult shortly on his proposals for the operation of non-domestic rates in Wales. No changes to the present arrangements will be made until there has been full consultation with representatives of the business community and with local government.

Farmers' Organisations

Mr. Barry Jones: To ask the Secretary of State for Wales how many meetings he has had since taking office, with leaders of farmers' organisations. [35734]

Mr. Win Griffiths: My right hon. Friend has met leaders of farmers' organisations on 12 occasions since taking office.

Hospital Waiting Lists

Mr. Barry Jones: To ask the Secretary of State for Wales how many (i) men, (ii) women and (iii) children there were on the NHS waiting lists in Wales at the latest available date. [35737]

Mr. Win Griffiths: Waiting list information in Wales is not available separately for men, women and children. Welsh health authorities reported that on 31 January 1998 there were 180,100 Welsh residents waiting for an out-patient appointment, and 70,100 Welsh residents waiting for in-patient or day case treatment.

Sheep Dips

Mr. Levitt: To ask the Secretary of State for Wales if he will estimate the proportion of registered sheep dips in Wales which have a direct drain into watercourses. [36064]

Mr. Win Griffiths: The information requested is not held centrally. I refer my hon. Friend to the reply I gave to the hon. Member for Ross, Skye and Inverness, West (Mr. Kennedy) on 17 February 1998, *Official Report*, column *557*.

Planning Inspectorate

Mr. Edwards: To ask the Secretary of State for Wales what performance targets he has set for the Planning Inspectorate Agency's work in Wales for the financial year 1998–99. [36831]

Mr. Win Griffiths: As in previous years, the main objectives for the Planning Inspectorate are to maintain the impartiality and quality of its work while making the most efficient use of the resources available to it. I have today set the following key targets for the Agency's work in Wales:

Timeliness

(a) Eighty per cent. of all planning appeals decided by written representations to be determined within 17 weeks;

(b) Eighty per cent. of all planning appeals decided by hearings to be determined within 22 weeks;

(c) Eighty per cent. of all planning appeals decided by inquiries to be determined within 30 weeks;

(d) (i) To provide an inspector for local/unitary development plan inquiries in at least 80 per cent. of cases on the date requested by the local planning authority—provided that the objection period has ended and at least 6 months notice is given; and,

(ii) To deliver 90 per cent. of inspector's reports on local /unitary development plan inquiries to local authorities according to the timescales agreed under service agreements;

Financial

(a) Unit costs of planning appeals decided by written representations not to exceed the target set for the Inspectorate by the Department of the Environment, Transport and the Regions;

(b) Recover receipts in accordance with the target set for the Inspectorate by the Department of the Environment, Transport and the Regions;

Efficiency

Contribute to the generation of an efficiency improvement in the Agency's use of running costs compared with 1997–98, in accordance with the target set for the Inspectorate by the Department of the Environment, Transport and the Regions;

Quality

To satisfy the Advisory Panel on Standards, and thus the Secretary of State, annually and following rigorous monitoring, that the quality of the Inspectorate's work is being maintained at a high standard with 99 per cent. of its casework free from justified error;

Welsh Language

To respond in Welsh to all inquiries, written or oral, received in Welsh within the same time-scales as allowed for responding to inquiries generally.

DUCHY OF LANCASTER

Citizens Charter

Mr. Gordon Prentice: To ask the Chancellor of the Duchy of Lancaster what assessment he has made of the effectiveness of the Citizen's Charter in raising standards in the public services. [35743]

Dr. David Clark: We recently carried out an extensive consultation to find out people's views on the Citizen's Charter Programme. The majority of respondents believed that the programme had made a significant contribution to the improvement in public services over recent years. We have also carried out a thorough evaluation of The Charter Mark Award Scheme which was also broadly positive.

But both the consultation and evaluation showed scope for improvement. Notably the Programme had not always tackled issues that really mattered to users. I intend to put this right when the new Charter programme is launched later in the spring, as part of the wider Better Government initiative.

Better Government (Older People)

Mr. Ivan Lewis: To ask the Chancellor of the Duchy of Lancaster if he will make a statement on the Better Government for Older People Programme. [36622]

Mr. Kilfoyle: Better Government for Older People is a new, national Government-led programme to improve public services for older people and give them more say in how those services are run. It is part of a series of Government-wide initiatives to test new ways of improving the delivery of services and programmes.

Its aim is to work with older people to provide them with:

Clearer and more accessible information on their rights;

More say in the type of services they can get;

Simplified access to services;

Improved linkages between different agencies; and

Better opportunities to contribute to their local community.

As a first step, the Cabinet Office (OPS) is producing "Passport 50+: Your Practical Guide to the Law"—a document covering older people's rights in relevant areas including healthcare, pensions, and benefits, housing, safety/crime, travel and leisure. This is being developed in partnership with the Citizenship Foundation and Age Concern, with commercial sponsorship from SAGA and Guardian Insurance. The "Passport 50+: Your Practical Guide to the Law" will be published in June. Copies will be available in bookshops and circulated by Age Concern, SAGA and the Anchor Trust on their own networks.

Secondly, the Cabinet Office (OPS) is leading a consortium including the Warwick University Local Authorities Research Consortium, Age Concern, the Anchor Trust and the Carnegie Third Age Programme to develop, test and evaluate how we can take better account of older peoples' wishes in the delivery of public services—to make those services more user-friendly, and to help older people remain independent for longer.

This will be based on 28 local pilot projects across the UK. Each pilot will be led by a local authority, but all will include a wide-ranging partnership with other agencies such as health trusts, the police and voluntary groups, as well as older people themselves. They will show how by working across sectors, services can be delivered in a seamless and more-cost effective way. The pilots will employ a range of different strategies including: greater use of information technology; new one-stop shops; improved information; new user groups of older people; and looking at ways of giving older people a greater say in decision making processes.

The pilot authorities are:

England

Bolton Metro
Bury Metro
City of Coventry
Devon County Council
Hartlepool Borough Council
Royal Borough of Kensington and Chelsea
London Borough of Hackney
London Borough of Hammersmith and Fulham
London Borough of Harrow
London Borough of Lambeth
Middlesbrough Council
City of Newcastle upon Tyne
North Yorkshire County Council
Nottinghamshire County Council
Oxfordshire County Council
Sheffield City Council
Solihull Metropolitan Borough Council
Warwick District Council
Watford Council
Waverley Borough Council
Wolverhampton Metropolitan Borough Council
City of York

Scotland

Scottish Borders Council
South Lanarkshire Council
Stirling Council

Wales

Isle of Anglesey County Council
Rhondda Cynon Taff County Borough Council

Northern Ireland

North Down Inter-Agency Partnership.

The pilots, which will be launched at a conference in London on 5 June, will initially run for two years.

Departmental Employees (Scotland)

Mr. Donohoe: To ask the Chancellor of the Duchy of Lancaster how many staff are employed in Scotland by his Department, or executive agencies responsible to his Department; and where those staff are located. [36213]

Dr. David Clark: My answer covers the Cabinet Office, the Office of Public Service and its executive agencies and the Central Office of Information, which is a Department in its own right and which reports directly to me.

23 members of staff are employed in Scotland; 21 in Edinburgh and two in Glasgow.

CABINET OFFICE

Newspaper Conference Annual Luncheon

Mr. Baker: To ask the Minister without Portfolio if he will place in the Library a copy of his speech to the 1998 Newspaper Conference Annual Luncheon on 23 March. [36369]

Mr. Mandelson: I have done so today.

MINISTER WITHOUT PORTFOLIO

Millennium Dome

Mr. Hoyle: To ask the Minister without Portfolio if he will discuss the contents of the smaller Dome with the North West region Showmen's Guild and theme park owners. [31967]

Mr. Mandelson: The New Millennium Experience Company welcome all constructive discussions with organisations from the leisure industry on issues concerning the Millennium Experience, including the use of the smaller Dome.

Mr. Hoyle: To ask the Minister without Portfolio how many companies from (i) the North West Region and (ii) Chorley have received contracts in respect of work for the Millennium Dome. [32051]

Mr. Mandelson: As at the end of February 1998, the New Millennium Experience company had awarded three contracts to a company in the North West. These are to Watson Steel of Bolton for the provision of masts, cables and core steelworks; for tunnel vents, shafts and cladding; and for exterior plantroom cladding.

Mr. Baker: To ask the Minister without Portfolio what representations he has received and what advice he sought from the Deputy Prime Minister before deciding to use HFCs to power the air-conditioning system within the Millennium Dome. [35939]

Mr. Mandelson *[holding answer 24 March 1998]:* The decision was taken by the New Millennium Experience Company (NMEC). I was informed in the last week of February, and took immediate advice from DETR officials. I informed my right hon. Friend the Deputy Prime Minister of the Company's decision the following week.

Mr. Baker: To ask the Minister without Portfolio if he will list the contracts so far awarded in respect of the Millennium Dome, and in each case *(a)* the value, *(b)* the successful tenderer and *(c)* whether the successful tenderer is British-based. [35971]

Mr. Mandelson *[holding answer 24 March 1998]:* As at the end of February 1998 the following main trade contracts had been awarded by the New Millennium Experience Company in respect of the Dome.

£ million

Work	*Contractor*	*Approximate value*
Piling	Keller Ground Engineering (Coventry)	1.7
Steel mast/cables/core steelworks	Watson Steel (Bolton)	12.7
Fabric roof	Birdair (New York, USA)	14.0
Mast fans	Drake and Skul (Bury St. Edmunds)	0.6
Ground works Stage 1	John Doyle (Welwyn Garden City)	4.0
Lighting protection	RC Cutting (London)	0.031
Electrics (masts)	EMS (London)	0.119
Central roof vents	BACO Contracts (Buckingham hire)	1.7
Foundations Stage 2	O'Rourke Civil Engineering (Essex)	3.9
Transformers	Seaboard Trading Co. (Kent)	0.55
AH units	Euro Air (Birmingham)	0.47
Lifts	Schindler Ltd. (Middlesex)	1.79
Tunnel vents shafts cladding	Watson Steel (Bolton)	0.68
Bowstring structure	Westbury (West Yorkshire)	1.02
Ext plantroom cladding	Watson Steel	2.1
Primary mechanics	Crown House (Croydon)	7.6
Electrical mains installation	London Electricity (London)	0.2
Perimeter road	J. Doyle Construction Ltd. (Welwyn Garden City)	1.35
Active fire	Wormald (Bristol)	0.85
Perimeter cladding	Xtralite (Northumberland)	2.4
Access walkways	Lionweld Kennedy (Middlesbrough)	0.85
Commissioning	Commtech Ltd. (Surrey)	0.27

Mr. Simon Hughes: To ask the Minister without Portfolio if he will publish quarterly full details of his proposals for the contents of the Millennium Experience exhibition and the dome, for public consultation and response. [36174]

Mr. Mandelson *[holding answer 25 March 1998]:* The New Millennium Experience Company unveiled details of around half the Dome's contents on 24 February. I shall ensure that the Company keeps the public informed of significant new developments over the coming year.

Mr. Mitchell: To ask the Minister without Portfolio what is the total floor space of the Millennium Experience Dome; and what proportion is presently *(a)* allocated to zones or themes already determined and *(b)* unallocated. [36315]

Mr. Mandelson: The total floor space is 80,000 square metres. All this space is allocated—to exhibits, services, and visitor circulation routes.

Mr. Levitt: To ask the Minister without Portfolio what plans he has to ensure that the Millennium Dome exhibition will employ *(a)* induction loops, *(b)* video subtitles, *(c)* sign language and *(d)* textphone. [34342]

Mr. Mandelson: The New Millennium Experience Company will aim to ensure that the needs and interests of all who visit the Experience are taken into account, including through the use of appropriate communication methods.

Millennium Projects

Mr. Hoyle: To ask the Minister without Portfolio what responsibilities he has for millennium projects outside London. [31970]

Mr. Mandelson: I am shareholder of the New Millennium Experience Company (NMEC), which has responsibility for the Millennium Experience at Greenwich and the associated Challenge programme of events and activities which will engage people and communities all over the country.

The NMEC is also contributing £20 million to a new £100 million Millennium Festival Fund for the year 2000 which will include national, regional and local sporting and artistic events and heritage projects. Applications for larger projects can be made from May this year.

New Millennium Experience Company

Mr. Baker: To ask the Minister without Portfolio if he will publish a list of persons employed *(a)* directly and *(b)* on a freelance basis by the New Millennium Experience Company, giving their function and rate of salary. [35929]

Mr. Mandelson *[holding answer 24 March 1998]:* The New Millennium Experience Company (NMEC) will be publishing the remuneration, including benefit in kind, if any, paid to its Board members; the remuneration of the Chief Executive; and the remuneration of senior employees starting from £40,000, shown in bands of £10,000 in its Annual Report and Accounts for the financial year 1997/98, which it will publish by the end of September this year.

NORTHERN IRELAND

Hospital Waiting Lists

Mr. Moss: To ask the Secretary of State for Northern Ireland how many patients in each health board area were waiting for treatment under the NHS at January in each year since 1994 for *(a)* six months and under, *(b)* six to 12 months, *(c)* 12 to 18 months and *(d)* over 18 months. [35700]

Mr. Worthington: The tables show the number of patients waiting and the length of time waiting at hospitals located in each Health and Social Services Board area for Ordinary Admission and Day Case treatment at the end of March 1994, March 1995, March 1996, March 1997 and December 1997, which is the latest information available centrally.

Ordinary admission waiting list by time waiting (months) at end March 1994

	0–5	*6–11*	*12–17*	*18+*	*Total*
Eastern Health and Social Services Board area	9,339	3,552	1,215	1,055	15,161
Northern Health and Social Services Board area	1,886	490	343	16	2,735
Southern Health and Social Services Board area	1,742	211	27	4	1,984
Western Health and Social Services Board area	2,885	910	395	130	4,320

Day case waiting list by time waiting (months) at end March 1994

	0–5	*6–11*	*12–17*	*18+*	*Total*
Eastern Health and Social Services Board area	4,185	1,214	598	501	6,498
Northern Health and Social Services Board area	1,352	63	17	2	1,434
Southern Health and Social Services Board area	1,012	60	4	0	1,076
Western Health and Social Services Board area	1,060	148	101	3	1,312

Ordinary admission waiting list by time waiting (months) at end March 1995

	0–5	*6–11*	*12–17*	*18+*	*Total*
Eastern Health and Social Services Board area	10,045	2,902	670	395	14,012
Northern Health and Social Services Board area	1,935	380	48	15	2,378
Southern Health and Social Services Board area	1,549	129	31	6	1,715
Western Health and Social Services Board area	2,219	578	179	51	3,027

Day case waiting list by time waiting (months) at end March 1995

	0–5	*6–11*	*12–17*	*18+*	*Total*
Eastern Health and Social Services Board area	7,021	1,269	400	269	8,959
Northern Health and Social Services Board area	2,381	114	2	2	2,499
Southern Health and Social Services Board area	1,243	58	0	0	1,301
Western Health and Social Services Board area	882	185	52	5	1,124

Ordinary admission waiting list by time waiting (months) at end March 1996

	0–5	*6–11*	*12–17*	*18+*	*Total*
Eastern Health and Social Services Board area	9,473	3,303	834	387	13,997
Northern Health and Social Services Board area	1,773	345	78	3	2,199
Southern Health and Social Services Board area	1,406	141	17	15	1,579
Western Health and Social Services Board area	1,938	385	210	57	2,590

Day case waiting list by time waiting (months) at end March 1996

	0–5	6–11	12–17	18+	Total
Eastern Health and Social Services Board area	7,564	1,867	419	143	9,993
Northern Health and Social Services Board area	2,610	265	27	0	2,902
Southern Health and Social Services Board area	1,417	54	5	0	1,476
Western Health and Social Services Board area	1,250	218	145	28	1,641

Ordinary admission waiting list by time waiting (months) at end March 1997

	0–5	6–11	12–17	18+	Total
Eastern Health and Social Services Board area	8,688	3,860	2,066	1,588	16,202
Northern Health and Social Services Board area	1,975	532	219	34	2,760
Southern Health and Social Services Board area	1,721	663	314	109	2,807
Western Health and Social Services Board area	1,780	578	309	246	2,913

Day case waiting list by time waiting (months) at end March 1997

	0–5	6–11	12–17	18+	Total
Eastern Health and Social Services Board area	7,749	2,435	1,329	847	12,360
Northern Health and Social Services Board area	2,865	470	145	46	3,526
Southern Health and Social Services Board area	1,954	470	156	8	2,588
Western Health and Social Services Board area	1,752	435	262	164	2,613

Ordinary admission waiting list by time waiting (months) at end December 1997

	0–5	6–11	12–17	18+	Total
Eastern Health and Social Services Board area	7,560	3,764	2,096	3,282	16,702
Northern Health and Social Services Board area	2,044	799	180	97	3,120
Southern Health and Social Services Board area	1,695	830	422	468	3,415
Western Health and Social Services Board area	2,177	711	260	253	3,401

Day case waiting list by time waiting (months) at end December 1997

	0–5	6–11	12–17	18+	Total
Eastern Health and Social Services Board area	6,883	2,652	1,307	1,981	12,823
Northern Health and Social Services Board area	3,012	455	102	60	3,629
Southern Health and Social Services Board area	1,884	585	241	162	2,872
Western Health and Social Services Board area	1,820	499	241	218	2,778

Mr. Moss: To ask the Secretary of State for Northern Ireland how many patients in each health board area were waiting for treatment under the NHS at January in each year since 1994 broken down by medical specialty. [35701]

Mr. Worthington: The tables show, by speciality, the total number of patients awaiting Ordinary Admission and Day Case treatment at hospitals within each Health and Social Services Board area at the end of March 1994, March 1995, March 1996, March 1997 and December 1997, which is the latest information available centrally.

Ordinary waiters at 31 March 1994 by board of treatment and specialty

	Area				
Specialty	EHSSB	NHSSB	SHSSB	WHSSB	NI total
General surgery	2,378	1,049	690	898	5,015
Urology	549	6	247	0	802
T&O	2,146	0	0	353	2,499
ENT	1,529	1,220	653	1,291	4,693
Ophthalmology	3,608	0	0	1,041	4,649
Oral surgery	184	0	0	203	387
Rheumatology	17	0	10	0	27
Clinical oncology	0	0	0	0	0
Paediatric dentistry	5	0	0	0	5
Neurosurgery	235	0	0	0	235
Plastic surgery	1,658	0	0	0	1,658
Cardiac surgery	480	0	0	0	480
Paediatric surgery	60	0	0	0	60
Thoracic surgery	63	0	0	0	63
Anaesthetics	428	0	0	0	428
General medicine	20	9	8	6	43
Geriatric medicine	0	1	0	0	1
Gastroenterology	26	0	0	0	26
Endocrinology	0	0	0	0	0
Cardiology	584	0	0	0	584
Dermatology	18	4	0	0	22
Thoracic medicine	0	0	0	0	0
Nephrology	9	0	0	0	9
Neurology	93	0	0	0	93
Paediatrics	0	0	0	0	0
Paediatric neurology	0	0	0	0	0
Gynaecology	989	446	376	528	2,339
Radiotherapy	82	0	0	0	82
Total	15,161	2,735	1,984	4,320	24,200

Day case waiters at 31 March 1994 by board of treatment and specialty

	Area				
Specialty	EHSSB	NHSSB	SHSSB	WHSSB	NI total
General surgery	1,633	820	444	689	3,586
Urology	1,085	21	133	36	1,275
T&O	483	0	0	70	553
ENT	177	213	95	73	558
Ophthalmology	19	0	0	136	155
Oral surgery	184	49	64	215	512
A&E	0	0	0	0	0
Rheumatology	0	0	15	0	15
Paediatric dentistry	25	0	0	0	25
Plastic surgery	734	0	0	0	734
Paediatric surgery	1,562	0	0	0	1,562
Thoracic surgery	1	0	0	0	1
Anaesthetics	67	0	0	0	67
General medicine	69	134	20	17	240
Haematology clinical	0	0	0	0	0
Gastroenterology	53	0	39	0	92
Endocrinology	0	0	0	0	0
Cardiology	23	0	54	0	77
Dermatology	57	0	36	0	93
Thoracic medicine	0	0	0	0	0
Paediatrics	0	0	0	0	0
Paediatric neurology	0	0	0	0	0
Gynaecology	326	197	176	76	775
Total	6,498	1,434	1,076	1,312	10,320

Ordinary waiters at 31 March 1995 by board of treatment and specialty

Specialty	Area EHSSB	NHSSB	SHSSB	WHSSB	NI total
General surgery	2,157	781	500	815	4,253
Urology	690	15	267	0	972
T&O	1,973	0	0	257	2,230
ENT	1,846	1,055	638	624	4,163
Ophthalmology	2,283	0	0	987	3,270
Oral surgery	298	0	0	83	381
Rheumatology	39	3	23	0	65
Clinical oncology	62	0	0	0	62
Paediatric dentistry	3	0	0	0	3
Neurosurgery	231	0	0	0	231
Plastic surgery	1,593	0	0	0	1,593
Cardiac surgery	398	0	0	0	398
Paediatric surgery	142	3	0	0	145
Thoracic surgery	131	0	0	0	131
Anaesthetics	191	4	0	0	195
General medicine	50	7	3	6	66
Geriatric medicine	8	28	0	0	36
Gastroenterology	25	0	2	0	27
Endocrinology	17	0	0	0	17
Cardiology	647	0	0	0	647
Dermatology	51	3	20	0	74
Thoracic medicine	13	0	0	0	13
Nephrology	7	0	0	0	7
Neurology	80	0	0	0	80
Paediatrics	19	0	10	0	29
Paediatric neurology	2	0	0	0	2
Gynaecology	1,056	479	252	255	2,042
Total	14,012	2,378	1,715	3,027	21,132

Ordinary waiters at 31 March 1996 by board of treatment and specialty

Specialty	Area EHSSB	NHSSB	SHSSB	WHSSB	NI total
General surgery	2,181	644	563	780	4,168
Urology	847	22	292	2	1,163
T&O	2,531	0	0	206	2,737
ENT	2,045	965	506	654	4,170
Ophthalmology	1,538	0	0	589	2,127
Oral surgery	252	0	0	124	376
Rheumatology	65	5	14	0	84
Clinical oncology	65	0	0	0	65
Paediatric dentistry	8	0	0	0	8
Neurosurgery	296	0	0	0	296
Plastic surgery	1,437	0	0	0	1,437
Cardiac surgery	495	0	0	0	495
Paediatric surgery	129	0	0	0	129
Thoracic surgery	139	0	0	0	139
Anaesthetics	79	1	0	0	80
General medicine	14	7	5	1	27
Geriatric medicine	0	26	0	0	26
Gastroenterology	41	0	1	0	42
Endocrinology	24	0	0	0	24
Cardiology	731	0	0	0	731
Dermatology	28	0	4	0	32
Thoracic medicine	6	0	0	0	6
Nephrology	3	0	0	0	3
Neurology	112	0	0	0	112
Paediatrics	18	0	0	0	18
Paediatric neurology	4	0	0	0	4
Gynaecology	908	529	194	234	1,865
Haematology clinical	1	0	0	0	1
Total	13,997	2,199	1,579	2,590	20,365

Day case waiters at 31 March 1995 by board of treatment and specialty

Specialty	Area EHSSB	NHSSB	SHSSB	WHSSB	NI total
General surgery	1,664	1,444	418	663	4,189
Urology	1,284	57	196	0	1,537
T&O	448	0	0	75	523
ENT	514	244	146	50	954
Ophthalmology	993	0	0	77	1,070
Oral surgery	192	43	85	131	451
A&E	0	0	7	0	7
Rheumatology	54	26	14	0	94
Paediatric dentistry	98	0	0	0	98
Plastic surgery	1,065	0	0	0	1,065
Paediatric surgery	1,362	27	0	0	1,389
Thoracic surgery	24	0	0	0	24
Anaesthetics	151	23	0	0	174
General medicine	101	246	37	6	390
Haematology clinical	1	0	0	0	1
Gastroenterology	228	0	58	0	286
Endocrinology	2	0	0	0	2
Cardiology	17	0	21	0	38
Dermatology	257	12	27	0	296
Thoracic medicine	15	1	0	0	16
Paediatrics	2	0	0	0	2
Paediatric neurology	4	0	0	0	4
Gynaecology	483	376	292	122	1,273
Total	8,959	2,499	1,301	1,124	13,883

Day case waiters at 31 March 1996 by board of treatment and specialty

Specialty	Area EHSSB	NHSSB	SHSSB	WHSSB	NI total
General surgery	1,600	1,607	522	801	4,530
Urology	1,196	55	244	10	1,505
T&O	710	0	0	123	833
ENT	714	409	139	129	1,391
Ophthalmology	1,575	0	0	105	1,680
Oral surgery	267	41	74	126	508
A&E	0	0	9	0	9
Rheumatology	65	124	20	0	209
Paediatric dentistry	62	0	0	0	62
Plastic surgery	1,026	0	0	0	1,026
Paediatric surgery	1,102	0	0	0	1,102
Thoracic surgery	14	0	0	0	14
Anaesthetics	349	27	0	0	376
General medicine	104	236	45	137	522
Haematology clinical	0	4	0	0	4
Gastroenterology	252	0	24	0	276
Endocrinology	4	0	0	0	4
Cardiology	19	0	31	0	50
Dermatology	166	8	62	0	236
Thoracic medicine	24	0	0	0	24
Paediatrics	1	0	3	0	4
Paediatric neurology	1	0	0	0	1
Gynaecology	742	391	303	210	1,646
Total	9,993	2,902	1,476	1,641	16,012

Ordinary waiters at 31 March 1997 by board of treatment and specialty

Specialty	Area EHSSB	NHSSB	SHSSB	WHSSB	NI total
General surgery	2,910	1,014	1,240	1,006	6,170
Urology	875	44	490	48	1,457
T&O	3,298	0	0	444	3,742
ENT	2,148	1,074	674	754	4,650
Ophthalmology	1,543	0	0	214	1,757
Oral surgery	188	0	0	129	317
Rheumatology	22	5	0	0	27
Clinical oncology	58	0	0	0	58
Paediatric dentistry	5	0	0	0	5
Neurosurgery	406	0	0	0	406
Plastic surgery	1,550	0	0	0	1,550
Cardiac surgery	550	0	0	0	550
Paediatric surgery	132	0	0	0	132
Thoracic surgery	201	0	0	0	201
Anaesthetics	34	0	0	0	34
General medicine	17	4	5	2	28
Geriatric medicine	5	9	1	0	15
Gastroenterology	56	0	1	0	57
Endocrinology	11	0	0	0	11
Cardiology	887	0	0	0	887
Dermatology	32	1	18	0	51
Thoracic medicine	3	0	0	0	3
Nephrology	3	0	0	0	3
Neurology	203	0	0	0	203
Paediatrics	9	0	0	0	9
Paediatric neurology	3	0	0	0	3
Gynaecology	1,052	609	378	316	2,355
Haematology clinical	1	0	0	0	1
Total	16,202	2,760	2,807	2,913	24,682

Ordinary waiters at 31 December 1997 by board of treatment and specialty

Specialty	Area EHSSB	NHSSB	SHSSB	WHSSB	NI total
General surgery	3,523	1,229	1,602	1,062	7,416
Urology	878	64	572	73	1,587
T&O	3,456	0	0	495	3,951
ENT	1,780	1,139	822	1,081	4,822
Ophthalmology	1,438	0	0	264	1,702
Oral surgery	108	0	0	76	184
Rheumatology	0	2	0	0	2
Clinical oncology	66	0	0	0	66
Paediatric dentistry	11	0	0	0	11
Neurosurgery	403	0	0	0	403
Plastic surgery	1,696	0	0	0	1,696
Cardiac surgery	529	0	0	0	529
Paediatric surgery	135	0	0	0	135
Thoracic surgery	178	0	0	0	178
Anaesthetics	31	0	0	0	31
General medicine	25	7	4	4	40
Geriatric medicine	4	11	0	5	20
Gastroenterology	71	0	1	0	72
Endocrinology	19	0	0	0	19
Cardiology	937	0	0	2	939
Dermatology	47	0	11	0	58
Thoracic medicine	3	0	0	0	3
Nephrology	39	0	0	0	39
Neurology	233	0	0	0	233
Paediatrics	2	0	0	0	2
Paediatric neurology	1	0	0	0	1
Gynaecology	1,083	668	403	339	2,493
Haematology clinical	1	0	0	0	1
Histopathology	5	0	0	0	5
Total	16,702	3,120	3,415	3,401	26,638

Day case waiters at 31 March 1997 by board of treatment and specialty

Specialty	Area EHSSB	NHSSB	SHSSB	WHSSB	NI total
General surgery	1,858	2,223	1,221	1,077	6,379
Urology	1,496	51	419	143	2,109
T&O	1,011	0	0	199	1,210
ENT	822	289	239	154	1,504
Ophthalmology	1,970	0	0	580	2,550
Oral surgery	314	0	96	74	484
A&E	0	0	7	0	7
Rheumatology	161	107	24	0	292
Paediatric dentistry	91	0	0	0	91
Plastic surgery	1,037	0	0	0	1,037
Paediatric surgery	1,298	0	0	0	1,298
Thoracic surgery	27	0	0	0	27
Anaesthetics	496	27	0	0	523
General medicine	245	349	28	188	810
Haematology clinical	0	0	0	0	0
Gastroenterology	336	0	53	0	389
Endocrinology	12	0	0	0	12
Cardiology	34	0	26	0	60
Dermatology	162	4	60	0	226
Thoracic medicine	13	0	0	0	13
Paediatrics	0	0	6	0	6
Paediatric neurology	0	0	0	0	0
Gynaecology	977	476	409	198	2,060
Total	12,360	3,526	2,588	2,613	21,087

Day case waiters at 31 December 1997 by board of treatment and specialty

Specialty	Area EHSSB	NHSSB	SHSSB	WHSSB	NI total
General surgery	1,828	2,107	1,458	1,124	6,517
Urology	1,503	52	298	106	1,959
T&O	1,086	0	0	296	1,382
ENT	623	251	251	191	1,316
Ophthalmology	2,307	0	0	571	2,878
Oral surgery	87	0	84	113	284
A&E	0	0	2	0	2
Rheumatology	103	118	79	0	300
Paediatric dentistry	94	0	0	0	94
Plastic surgery	1,270	0	0	0	1,270
Paediatric surgery	1,490	0	0	0	1,490
Thoracic surgery	19	0	0	0	19
Anaesthetics	530	83	0	0	613
General medicine	308	414	29	149	900
Haematology clinical	0	0	0	0	0
Haematology	1	0	0	0	1
Gastroenterology	373	0	49	0	422
Endocrinology	12	0	0	0	12
Cardiology	70	0	3	0	73
Neurology	2	0	0	0	2
Nephrology	45	0	0	0	45
Dermatology	172	0	68	0	240
Thoracic medicine	7	0	0	0	7
Paediatrics	5	0	4	0	9
Paediatric neurology	0	0	0	0	0
Gynaecology	886	604	547	228	2,265
Dental medical	2	0	0	0	2
Total	12,823	3,629	2,872	2,778	22,102

NHS Drugs Budget

Mr. Moss: To ask the Secretary of State for Northern Ireland what was the expenditure in the primary care prescribed drugs budget broken down by *(a)* health board, *(b)* head of population, *(c)* practice category, (i) fundholding and (ii) non-fundholding, and *(d)* patient of (i) fundholding practices and (ii) non-fundholding practices. [35702]

Mr. Worthington: The information requested is as follows:

(a) Drugs budget by health board

	(£)
Eastern Board	83,014,327
Northern Board	44,963,749
Southern Board	38,196,539
Western Board	31,231,426

(b) Drugs budget by head of population £112.93.

(c) Drugs budget by practice category

	Fundholding (£)	*Non fundholding (£)*
Eastern Board	46,156,200	36,858,127
Northern Board	16,388,098	28,575,651
Southern Board	7,737,096	30,459,443
Western Board	7,751,955	23,479,471

(d) Drugs budget by patient

	Fundholding (£)	*Non fundholding (£)*
Eastern Board	108.89	125.92
Northern Board	98.07	118.20
Southern Board	104.00	120.87
Western Board	108.18	104.57

EDUCATION AND EMPLOYMENT

New Deal (Young Unemployed)

16. **Siobhain McDonagh:** To ask the Secretary of State for Education and Employment what indications he has had from the pathfinder areas of the extent to which the new deal is helping young unemployed people into work or training. [34909]

Mr. Blunkett: It is, of course, early days for this ambitious undertaking, but I am encouraged by the impressive start to New Deal Pathfinders. Across the country we have already seen over 15,000 young people enter the Gateway, seen over 2,600 employer agreements signed and seen over 8,600 clients referred to unsubsidised jobs and over 4,900 referrals to the four New Deal options.

31. **Mr. Miller:** To ask the Secretary of State for Education and Employment what assessment he has made of the effectiveness of the new deal in helping young unemployed people into work or training. [34926]

Mr. Andrew Smith: I am encouraged by the progress recorded in the New Deal Pathfinder areas so far. Across the country we have seen over 13,000 young people enter the Gateway and already there have been successful referrals to unsubsidised jobs and the four New Deal options. The Employment Service has developed, and is now implementing, a comprehensive evaluation strategy for New Deal. I look forward to the national implementation of New Deal from 6 April 1998.

Literacy (Teacher Training)

17. **Mr. Casale:** To ask the Secretary of State for Education and Employment what training and support will be given to teachers in respect of raising literacy standards among pupils. [34910]

Ms Estelle Morris: As part of the National Literacy Strategy, all primary teachers will receive training in the most effective methods of teaching literacy. All schools should now have received copies of the strategy's "Framework for Teaching" and, after Easter, they will be sent distance learning materials to use during their training days. We are also funding more than 200 LEA literacy consultants who will give direct support to classroom teachers.

From this September all primary trainees, on all courses of Initial Teacher Training, must follow our new national training curriculum in English. The curriculum specifies the essential knowledge, understanding and skills which all trainees must be taught and be able to use in relation to teaching literacy and language skills effectively in the classroom. The Teacher Training Agency is currently consulting on a parallel teachers national training curriculum for secondary teachers.

Pupil Behaviour

18. **Liz Blackman:** To ask the Secretary of State for Education and Employment what advice he has given to schools on improving pupil behaviour in the classroom. [34912]

Ms Estelle Morris: We shall shortly be issuing for consultation draft guidance on pupil behaviour and discipline and on exclusions.

New Deal (Disabled People)

19. **Miss Geraldine Smith:** To ask the Secretary of State for Education and Employment if he will make a statement on the new deal for disabled people and those with long-standing illnesses. [34913]

38. **Mr. Dawson:** To ask the Secretary of State for Education and Employment if he will make a statement on the New Deal for disabled people and those with long-standing illnesses. [34933]

Mr. Alan Howarth: The programme is based on our belief that many people on sickness and disability benefits would work given the right support. The Department and the Department of Social Security are working together to develop new approaches to helping disabled people move into or stay in work, and to pilot initiatives involving Personal Advisers helping disabled people to overcome barriers to work. The first tranche of successful bids to

run innovative schemes will be announced in May and the first of 12 Personal Adviser pilots will start in September or October 1998.

Numeracy Summer Schools

20. **Mr. Ivan Lewis:** To ask the Secretary of State for Education and Employment if he will introduce summer numeracy schools. [34914]

35. **Miss Melanie Johnson:** To ask the Secretary of State for Education and Employment what plans he has to promote pupils' progress in numeracy over the summer holidays. [34930]

Mr. Byers: My right hon. Friend the Secretary of State recently announced funding for a pilot of around 30 summer numeracy schools. The pilot programme will be supported by £300,000 from the Standards Fund.

Grant-maintained Schools

21. **Mr. Clifton-Brown:** To ask the Secretary of State for Education and Employment if it is his policy to fund those extra functions carried out by grant-maintained schools which are not carried out by locally managed schools. [34915]

Mr. Byers: In 1998–99 grant-maintained schools will continue to receive funding for their additional responsibilities over and above those of locally managed schools.

School Inspections

22. **Mr. Todd:** To ask the Secretary of State for Education and Employment what measures are being taken to ensure the quality of inspectors carrying out the inspection of schools. [34916]

Mr. Byers: In addition to provisions in the School Standards and Framework Bill, the Chief Inspector is implementing a programme of changes which are intended to improve the quality of inspectors and inspections. In particular, subject to legislation, the Chief Inspector will have a new duty to maintain a list of inspection team members and will have powers to remove inspectors from that list where they are judged not to be competent to inspect schools.

Higher Education

23. **Mr. Jenkin:** To ask the Secretary of State for Education and Employment what representations he has received concerning the Government's proposals for higher education funding. [34917]

Dr. Howells: We have received a large number of representations. There is considerable support for the principle that the costs of higher education should be shared between those who benefit from it. The Committee of Vice-Chancellors and Principals have given their backing to the broad principles of the proposed new funding arrangements, which have enabled the Government to announce an additional £125 million for universities and colleges for 1998–99 to maintain and improve quality and standards. The National Union of Students have supported the switch from grants to income contingent loans, which will mean a fairer system, with students having access to money to help with their living costs when they need it.

27. **Mr. Boswell:** To ask the Secretary of State for Education and Employment if he will make a statement on the number of student applications to higher education institutions for entry in autumn 1998. [34921]

Dr. Howells: The large increase in new entrants in autumn 1997 meant that fewer prospective students were expected to apply for next year. But latest published figures from the Universities and Colleges Admissions Service show that the fall in applicant numbers by 15 December 1997 compared with the previous year was only some 4 per cent. The position since then has further improved. Home applicant numbers for 1998, while down on comparable numbers for 1997, are currently running at a similar level as for 1996 and 1995.

Disability Rights Commission

25. **Ms Christine Russell:** To ask the Secretary of State for Education and Employment what plans he has to establish a disability rights commission. [34919]

Mr. Alan Howarth: The Disability Rights Task Force has been considering the role and functions of a Disability Rights Commission. It is expected to report its conclusions to the Government by the end of March. The Government will give careful consideration to the Task Force's recommendations.

Mr. Burstow: To ask the Secretary of State for Education and Employment when the disability rights task force will publish its report on the establishment of a commission. [34918]

Mr. Alan Howarth: The Disability Rights Task Force is expected to report its conclusions to the Government by the end of March. Its report will be made available via the Internet and copies will be placed in the Libraries.

Mr. Oaten: To ask the Secretary of State for Education and Employment when the Disability Rights Task Force will report. [36412]

Mr. Alan Howarth: The Disability Rights Task Force is expected to make recommendations on the role and functions of a Disability Rights Commission by the end of March 1998 and provide a full report of its recommendations on wider civil rights issues no later than July 1999.

School Buildings

26. **Mr. Simon Hughes:** To ask the Secretary of State for Education and Employment what is his present estimate of the monetary value of the backlog of school buildings, repair and maintenance. [34920]

Mr. Byers: Under the previous government no such estimate was made. We shall require every LEA to prepare an asset management plan. This will identify the backlog of work to be carried out.

Groundwork Dearne Valley (Apprenticeship Scheme)

28. **Mr. Ennis:** To ask the Secretary of State for Education and Employment if he will assess the effectiveness of the apprenticeship scheme being operated by Groundwork Dearne Valley. [34923]

Dr. Howells: It is too early to form a full assessment of the Groundwork Dearne Valley Apprenticeship Scheme which has been running since October 1997. However the project is subject to regular reviews which have revealed many positive aspects. There will be a formal interim review after eighteen months of the life span of the project which will enable partners to identify and disseminate areas of best practice.

Chief Inspector of Schools

29. **Mr. Swayne:** To ask the Secretary of State for Education and Employment what is the length of contract of the chief inspector of schools. [34924]

Mr. Byers: Chris Woodhead was appointed to the post of Her Majesty's Chief Inspector of Schools in England on a five-year contract commencing on 1 September 1994.

Literacy Summer Schools

30. **Mr. Coaker:** To ask the Secretary of State for Education and Employment what plans he has to increase the number of literacy summer schools. [34925]

Mr. Byers: My right hon. Friend the Secretary of State recently announced at the Secondary Heads Association conference that we will expand the Summer Literacy Schools scheme. It will grow from 50 schools last summer to 562 this summer with 503 being LEA-maintained, 57 grant-maintained and 2 independent schools.

Child Care

32. **Mrs. Anne Campbell:** To ask the Secretary of State for Education and Employment what plans he has to increase the availability of child care information. [34927]

Mr. Alan Howarth: Improving information on child care for parents, employers and providers will be an integral element of the national child care strategy on which we plan to launch a Green Paper after Easter. Working in partnership, our objective will be to ensure that a comprehensive information service is available in every area and local help is available to potential providers of child care.

New Deal (Long-term Unemployed)

33. **Miss McIntosh:** To ask the Secretary of State for Education and Employment what representations he has received from employers in the private sector relating to the New Deal and the long-term unemployed. [34928]

Mr. Andrew Smith: We have received many representations from employers about the New Deal and have been greatly encouraged by the level of commitment that these have shown. Over 2,300 employers have now signed the employers agreement.

Mr. Stephen Twigg: To ask the Secretary of State for Education and Employment what plans he has to help unemployed people over the age of 25 years from benefits into work. [34922]

Mr. Andrew Smith: The New Deal for adults who have been unemployed for two years or more will start in June this year and will offer the opportunity to take up a subsidised job or to study towards a work-related qualification whilst remaining on benefit. In addition, we are making available an extra £100 million to pilot an extension to the type of approach used in the New Deal for the young unemployed; up to 70,000 unemployed people of 25 and over from November this year will be eligible. These pilots will provide individually tailored help and support for adults in the pilot areas who have been unemployed for 18 months or more and in some areas, for 12 months or more.

Lifelong Learning

34. **Mr. Caplin:** To ask the Secretary of State for Education and Employment if he will make a statement on the Government's policies for lifelong learning. [34929]

Dr. Howells: My right hon. Friend the Secretary of State set out his proposals for life-long learning in the Green Paper, The Learning Age, published on 25 February.

Job Security

36. **Mr. Mullin:** To ask the Secretary of State for Education and Employment what plans he has to introduce greater job security; and if he will make a statement. [34931]

Mr. Andrew Smith: The best form of job security is knowing one can get another job if one has to. That is why we aim to deliver a successful economy with high and sustainable levels of employment and skilled and employable workers.

New Deal (Objectives)

37. **Mr. Brady:** To ask the Secretary of State for Education and Employment if he will make a statement on the objectives of the New Deal. [34932]

Mr. Andrew Smith: The overall objectives of the New Deal, which have been drawn up with the benefit of advice from the New Deal Task Force, are as follows: to help into jobs young and long term unemployed people and lone parents and disabled people who wish to work and to improve their prospect of staying in and progressing in employment, and to increase the long term employability of young and long term unemployed people, and of lone parents and disabled people who wish to work.

The New Deal will be evaluated fully. We intend to build a composite picture of how the New Deal is working, using a wide range of methodologies that together will help assess how far the objectives have been met.

Access Committee for England

Mrs. May: To ask the Secretary of State for Education and Employment if he will make a statement on the level of grant provided to the Access Committee for England in the financial years *(a)* 1996–97, *(b)* 1997–98 and *(c)* 1998–99. [36331]

Mr. Alan Howarth: There were no grants made in the 1996–97 financial year. In 1997–98, the Department commissioned research into the settlement of disputes between disabled people and service providers and payment of £22,950 has been made. A further £2,501 will be payable, in 1998–99, upon completion of the project.

Drugs

Mr. Flynn: To ask the Secretary of State for Education and Employment (1) what education programmes in the past 18 years aiming to discourage smoking have resulted in a reduction in the use of tobacco; [36250]

(2) if he will list each anti-drug education programme in the past 18 years which he assesses to have resulted in measured reductions in drug use. [36254]

Ms Estelle Morris: It is for individual schools to decide on the content and organisation of their programmes and which approach to the subject best suits their needs and circumstances. There is, therefore, a wide range of approaches that school may choose to adopt.

One recent example of an education programme indicating some success was Project Charlie, where a recent evaluation paper suggests strongly that substantial and well delivered primary school drug education programmes can have a delaying effect on the onset of drug use.

The DfEE has supported a number of innovative drug education projects, set up and run by local education authorities under the GEST programme, in both 1995–96 and 1996–97. My Department plans to issue further guidance later this year, to support and underpin the new Government anti-drugs strategy, taking into account the lessons learned from the innovative projects and information from the reports published by the Office for Standards in Education (Ofsted).

Ofsted have issued two reports last year on Drug Education in Schools and the Contribution of the Youth Service to Drug Education, following their specific study of drug education during 1995–96. The reports highlight examples of effective practice.

National Insurance Contributions

Mr. Dorrell: To ask the Secretary of State for Education and Employment if he will estimate the extra cost to *(a)* primary and *(b)* secondary schools of the changes to employers' national insurance contributions announced in the Budget. [36084]

Mr. Byers: The overall effect on schools of the changes to employers' national insurance contributions announced in the Budget should be broadly neutral. Within that, we estimate a decrease in costs for primary schools of about £5 million and an increase in costs for secondary schools of about £5 million.

Degree Students

Mr. Simon Hughes: To ask the Secretary of State for Education and Employment what assessment he has made of the principal reasons cited by students for failing to complete degree courses. [36179]

Dr. Howells: Research commissioned by the Higher Education Funding Council for England has found that students often have several reasons for failing to complete their degree courses, including: wrong choice of field of study; dissatisfaction with the institution's provision of facilities; personal problems; problems associated with finance; and failure in examination.

Training and Enterprise Councils

Mr. Simon Hughes: To ask the Secretary of State for Education and Employment if he will make a statement on the future funding provisions for training and enterprise councils in England and Wales. [36178]

Mr. Andrew Smith: Funding for Training and Enterprise Councils is currently being reviewed as part of the Comprehensive Spending Review. My right hon. Friend the Chancellor of the Exchequer said last week that an announcement about the Review would take place in the summer.

AGRICULTURE, FISHERIES AND FOOD

Covent Garden

Mr. Jack: To ask the Minister of Agriculture, Fisheries and Food what redundancy packages he has evaluated with reference to the disposal of the New Covent Garden Market; and if he will make a statement. [34984]

Dr. John Cunningham: None. There are no Ministry of Agriculture, Fisheries and Food employees attached to the Covent Garden Market Authority.

Mr. Jack: To ask the Minister of Agriculture, Fisheries and Food if he will publish the letters of appointment given to the New Covent Garden Market's immediate past chairman and his successor. [34983]

Dr. John Cunningham: The initial appointment of Mr. William (Bill) Bowman, the retiring Chairman of the Covent Garden Market Authority, was announced in a MAFF News Release on 31 December 1987 (402/87). I do not have access to the letters of appointment which were the responsibility of the previous Administration. The appointment of Mr. Lief Mills as Chairman of the Authority, with effect from 1 April 1998, was announced in a MAFF News Release on 5 February 1998 (50/89). Copies of these News Releases and the letters of appointment of Mr. Mills have been placed in the Library.

Executive Agencies

Mr. Swinney: To ask the Minister of Agriculture, Fisheries and Food if he will list for *(a)* the Centre for Environment, Fisheries and Aquaculture Science, *(b)* the Veterinary Laboratories Agency, *(c)* the Pesticides Safety Directorate, *(d)* the Veterinary Medicines Directorate, *(e)* the Farming and Rural Conservation Agency and *(f)* the Meat Hygiene Service (i) the location of the headquarters and (ii) other buildings used by it; what are the number of staff and its wage costs of the staff employed by each organisation at each site; and what are the estimated total receipts from MAFF for each organisation in the current financial year. [34782]

Mr. Morley *[holding answer 18 March 1998]:* The Information on the Executive Agencies requested by the hon. Member are the responsibility of their Chief Executives. I have asked them to reply to the hon. Gentleman direct.

Letter from T. W. A. Little to Mr. John Swinney, dated 26 March 1998:

The Minister has asked me to reply to your question on the number and wage cost of staff at the Veterinary Laboratories Agency (VLA), together with the estimated total receipts from MAFF in the current year.

VLA headquarters is located at the Central Veterinary Laboratory (CVL) in Addlestone. Smaller laboratories are located throughout England, Wales and Scotland. The attached table provides the individual locations of these laboratories together with details of the staff numbers and wage costs.

The total receipts from MAFF in 1997/98 is estimated at £38.97 million, this includes payments from other MAFF agencies.

The Number of Staff and Wage Costs for Staff at the VLA

VLA Sites	*[1]No. Staff*	*Wage Costs 1997/98 Forecast outturn (£000)*
CVL, Addlestone	671	14,758
Aberystwyth	9	209
Bury St. Edmunds[2]	29	715
Carmarthen	20	507
Langford[3]	23	628
Lasswade	26	573
Luddington	36	664
Newcastle	24	496
Penrith	20	500
Preston	24	533
Shrewsbury	27	585
Starcross	24	574
Sutton Bonington	34	844
Thirsk	26	585
Truro	8	169
Winchester	30	660
Total	1,031	23,000

Notes to the table:

[1] Numbers as at 1 September 1997 which indicates the average number in post for the current year

[2] Includes two staff at Cambridge Regional Office

[3] Includes two staff at Bristol Regional Office

Letter from P. W. Greig-Smith to Mr. John Swinney, dated 26 March 1998:

As Agency Chief Executive, I am responding to your question to the Minister of Agriculture, Fisheries & Food in relation to the Centre for Environment, Fisheries & Aquaculture Science (CEFAS).

The CEFAS estate comprises four main Laboratory sites, with three additional small units. The addresses of these are shown in the table below, together with the number of staff employed at each site, and the wage costs relating to each site.

Site	*Type*	*Number of staff employed on 13 March 1998[1]*	*Wage costs Forecast outturn 1997/98 (£000)*
CEFAS Laboratory Pakefield Road Lowestoft Suffolk NR33 0HT	Headquarters and Laboratory	310	7677
CEFAS Laboratory Remembrance Ave Burnham-on-Crouch Essex CM0 8HA	Laboratory	64	1211
CEFAS Laboratory The Nothe Barrack Road Weymouth Dorset DT4 8UB	Laboratory	65	1314
CEFAS Laboratory Benarth Road Conwy Conwy LL32 8UB	Laboratory	23	394
CEFAS Laboratory West Strand Whitehaven Cumbria CA28 7LY	Laboratory	3	56
CEFAS-Stores Unit 19–29 Pinbush Road Pakefield Lowestoft Suffolk NR33 7NL	Net store and storage	3	36
CEFAS-Quay Store Commercial Road Lowestoft, Suffolk	Ships quay and storage	0	0

[1] Includes marine staff

With regard to the second part of your question, the estimated total receipts from MAFF for the current financial year amount to £21.9 million.

Letter from J. M. Rutter to Mr. John Swinney, dated 26 March 1998:

The Minister has asked me to reply to your question about the location of the headquarters and other buildings, the number and cost of staff employed and the estimated receipts from MAFF for the Veterinary Medicines Directorate (VMD).

The VMD's headquarters is located at New Haw, Addlestone, Surrey, and there are no other sites. The current number of staff employed is 112, and the forecast of pay costs, including superannuation for the current financial year is £3,079,000. The estimated receipts from MAFF in the current financial year is £2,688,000.

Letter from Michael Finnigan to Mr. John Swinney, dated 26 March 1998:

The Minister has asked me to reply on behalf of the Farming and Rural Conservation Agency to your question about the location of this Agency's headquarters and other buildings, our staff numbers, and annual salary bill.

The Headquarters of the Farming and Rural Conservation Agency is Nobel House, 17 Smith Square, London. The annual salary bill of the 24 FRCA staff located in this building is £691,000.

The location of other buildings used by the Agency, with staff numbers and annual salary bill, is:

		£
Aberystwyth	54	877,424
Bristol	65	1,182,783
Bury St. Edmunds	12	310,141
Caernarfon	6	66,894
Cambridge	68	1,319,770
Cardiff	13	264,604
Carmarthen	8	111,768
Crewe	20	356,952
Guildford	9	178,123

		£
Kings Lynn	1	22,531
Leeds	84	1,369,326
Lincoln	15	336,012
Newcastle	12	241,998
Northallerton	13	250,022
Norwich	1	12,500
Nottingham	8	151,716
Oxford	20	416,945
Penrith	16	317,684
Preston	3	69,919
Reading	25	446,671
Ruthin	6	114,701
Starcross	31	615,865
Taunton	31	626,428
Truro	1	11,500
Winchester	1	22,499
Wolverhampton	46	867,939
Worcester	24	446,014
Wye	8	175,827

The estimated total receipts from MAFF for the current financial year are £18.1 million.

Letter from G. K. Bruce to Mr. John Swinney, dated 26 March 1998:

The Minister of Agriculture, Fisheries and Food has asked me to reply to your question concerning the location, number of staff and wage costs of the Pesticides Safety Directorate (PSD).

PSD is located on a single site at the address below. No other buildings are occupied.

Mallard House
Kings Pool
3 Peasholme Green
York
YO1 2PX

PSD employs 200 staff, with a wage cost of £4.9 million. The estimated total receipts from MAFF for policy work undertaken in 1997/98 will be £4.95 million.

Letter from Johnston McNeill to Mr. John Swinney, dated 26 March 1998:

As Chief Executive of the Meat Hygiene Service (MHS), your question to the Minister of Agriculture, Fisheries and Food enquiring about the location of the headquarters and other buildings of the MHS; the number of staff and wage costs of the staff employed at each site and the estimated total receipts from MAFF for the MHS in the current financial year.

All of the offices of the MHS are based in government buildings. The MHS "rents" its accommodation space from the government department concerned. The headquarters of the MHS are in York where the Chief Executive of the MHS and the supporting functions of Operations, Finance, Human Resources and Information Technology are based. MHS services are managed by six Regional Offices located in Edinburgh, York, Wolverhampton, Cambridge, Cardiff and Taunton.

The estimated number of staff and the estimated gross pay costs for the year as at 31 March 1998 for MHS Headquarters and each Regional Office are as follows:

£000

	HQ	*North*	*Central*	*S&E*	*S&W*	*Wales*	*Scotland*
Staff	68	360	267	260	223	197	183
Pay Costs	1,357	7,832	5,574	6,066	4,972	4,489	4,292

The MHS is responsible for enforcing meat hygiene, inspection and animal welfare at slaughter legislation in licensed fresh meat premises in Great Britain. The majority of MHS Regional staff are Official Veterinary Surgeons and Meat Hygiene Inspectors who are based at licensed premises. A small team of managerial and administrative staff manage operations from each Regional Office.

The MHS is required to cover the full costs of providing its inspection service from its customers. The Agency's major customers are industry, core-MAFF and the Intervention Board. The MHS charges plant operators for the cost of providing its meat hygiene and inspection and animal welfare service. However, the MHS also carries out various controls in premises on behalf of MAFF and the Intervention Board. For MAFF, these concern mainly the enforcement of Specified Risk Material controls in licensed premises, the costs of which are currently met by government. The MHS's estimated receipts from MAFF for 1997/98 are approximately £20 million.

Pigs

Ms Shipley: To ask the Minister of Agriculture, Fisheries and Food what steps he plans to take to enforce paragraph 20 of Part 1 of Schedule 3 to the Welfare of Livestock Regulations 1994 in respect of indoor-housed pigs; and if he will make a statement. [35542]

Mr. Morley: The State Veterinary Service carries out welfare inspections to monitor compliance with all aspects of the Welfare of Livestock Regulations 1994, including paragraph 20 of Part 1 of Schedule 3 relating to the welfare of pigs.

Ms Shipley: To ask the Minister of Agriculture, Fisheries and Food what plans he has to implement the recommendations of the European Commission's Scientific Veterinary Committee in its 1997 report relating to the tail-docking of pigs; and if he will make a statememt. [35848]

Mr. Morley: The EU Scientific Veterinary Committee report is the first stage of the review of Directive 91/630 on the welfare of pigs. We are now awaiting the Commission's proposals, based on the Committee's advice, on how the Directive should be revised. All the Committee's recommendations, and the Commission proposals, will need careful study and discussion with other Member States, before decisions are taken. We are already taking steps to remind the pig sector of the current legal requirement that tail docking should not be carried out routinely.

Farm Incomes

Mr. Campbell-Savours: To ask the Minister of Agriculture, Fisheries and Food if he will state his projections for the average level of net income per farm holding for *(a)* hill farmers, *(b)* dairy farmers and *(c)* cereal farmers at 1996 prices over the next three years. [35380]

Mr. Rooker: The Government have made no such projections and believe it is not possible to do so without making a series of other assumptions.

Dry Stone Walls

Mr. Levitt: To ask the Minister of Agriculture, Fisheries and Food what measures he plans to take to promote the use of dry stone walls on farms. [36058]

Mr. Morley: Dry stone walls in good condition are an effective means of managing livestock as well as an attractive feature of the landscape. The Department pays grant aid through our agri-environment schemes to encourage the restoration of dry stone walls and thus promote their use.

Goats

Mr. David Marshall: To ask the Minister of Agriculture, Fisheries and Food what recent discussions he has had with his European counterparts about amending the Sheep and Goatmeat Regime to enable farmers in the UK to claim support for the raising of cashmere goats; and if he will make a statement. [36036]

Mr. Rooker: The Government have held no such discussions, nor have they any intention to do so. The purpose of the CAP regime for sheepmeat and goatmeat is to support the incomes of farmers producing those meats. In the United Kingdom, cashmere goats are kept primarily not for their meat but for their wool, which the European Union classifies as an industrial, rather than an agricultural product, and is therefore ineligible for support under the CAP.

Mr. David Marshall: To ask the Minister of Agriculture, Fisheries and Food what quantity of goatmeat was imported from New Zealand in the last year for which figures are available; and if he will make a statement. [36034]

Mr. Rooker: A total of 707 kg of New Zealand goatmeat was imported into the United Kingdom during 1997.

Mr. David Marshall: To ask the Minister of Agriculture, Fisheries and Food what estimate he has made of the demand for goatmeat in the UK; and if he will make a statement. [36035]

Mr. Rooker: Because no financial support is provided to UK producers of goatmeat, the Government do not attempt to forecast or monitor the development of this market.

Fisheries

Mr. Townend: To ask the Minister of Agriculture, Fisheries and Food if the European Court of Justice has overruled paragraph 26 of case C-246/89 Commission *v* United Kingdom. [35916]

Mr. Morley: Paragraph 26 of the judgment of the European Court of Justice in case C-246/89 quotes Article 52 of the Treaty. The question of the Court overruling Article 52 of the Treaty does not arise.

Pesticides

Mr. Baker: To ask the Minister of Agriculture, Fisheries and Food if he will make it his policy to secure a reduction in the use of pesticide by *(a)* bulk, *(b)* concentration and *(c)* acreage covered; and if he will make a statement. [36364]

Mr. Rooker: The Government aim to minimise the impact of pesticides on the environment. In isolation, the bulk, concentration or acreage sprayed are not precise measures of the impact of pesticides, particularly as they do not take account of the relative toxicity of the many different chemicals used as agricultural pesticides. Instead we are developing a range of environmental indicators, including pesticide indicators which aim to provide a more realistic measure of the impact of pesticides. I plan to issue initial proposals for consultation shortly.

Quarantine Establishments

Mr. Paice: To ask the Minister of Agriculture, Fisheries and Food how many establishments are licensed for quarantine purposes for each species of animal; how many individual places they hold; and what was the throughput of each establishment in the last year for which information is held. [36392]

Mr. Rooker: The number of authorised quarantine premises in England together with the number of individual units they hold and the throughput of each premises in 1997 are set out in the table.

Name of Premises	*Cat units*	*Dog units*	*Other mammal units*	*Throughput 1997*
Alkhamhurst	20	none	6	35 cats 4 rabbits 4 ferrets
Animal Inn	23	26	4	36 cats 45 dogs
Arden Grange	30	71	none	37 cats 69 dogs
Barn Owl	45	15	4	44 cats 32 dogs 1 guinea pig 5 rabbits 1 rat
Bayton Lodge	none	18	none	39 dogs
Calagran	30	28	none	76 cats 59 dogs
Cayla	13	14	none	24 cats 32 dogs
Cherry Trees	31	none	none	93 cats
Chingford	70	76	2	103 cats 99 dogs 2 ferrets 1 rabbit
Court Park	23	none	none	66 cats
Devon International	19	20	none	44 cats 39 dogs
Dover and Fokestone	19	38	11	10 cats 32 dogs 1 ferret
Eyersdown	19	13	none	42 cats 27 dogs
Fairfield	23	25	13 cages	46 cats 64 dogs 3 rabbits
Fosscott	20	44	none	45 cats 90 dogs
Four-in-Hand	40	61	none	54 cats 66 dogs
Galley Hill	18	37	none	41 cats 68 dogs
Gatwick	12	20	none	29 cats 37 dogs

Name of Premises	Cat units	Dog units	Other mammal units	Throughput 1997
Granary	none	35	none	82 dogs
Greenveldt	22	40	2	8 cats 10 dogs
Haxted	0	19	none	30 dogs
Hazel House	38	79	none	103 cats 165 dogs
Hearts	60	none	none	50 cats
Highfield	22	none	none	51 cats
Hill Farm	32	73	none	59 cats 131 dogs
Holmesley International	none	10	none	1 dog
Ingfield Pet	24	24	none	41 cats 36 dogs
International	22	50	none	43 cats 63 dogs
Kat & Kitten	12	none	none	31 cats
Kingstown	0	10	none	16 dogs
Kitcombe	58	106	none	98 cats 100 dogs
Knightwood	26	80	none	69 cats 171 dogs
Kynos	21	40	4	40 cats 83 dogs
Ladyhaye	48	35	none	127 cats 87 dogs
Little Acre	53	98	20 cages	154 cats 157 dogs
Little Creek	36	49	2	82 cats 81 dogs 3 rabbits
Loggerheads	18	20	none	42 cats 32 dogs
London and Essex	38	32	4	94 cats 79 dogs 2 gerbils 4 guinea pigs 5 rabbits
Mayfield	none	68	none	75 dogs
Meadpark	none	30	none	9 dogs
Millview	12	28	none	26 cats 45 dogs
Moonwinds	22	32	1	50 cats 58 dogs 1 rabbit
Notts International	18	16	Small mammal room	65 cats 32 dogs 4 chinchilla 2 ferrets 4 rabbits
Oakenshaw Grange	0	44	none	50 dogs
Overhill	5	23	none	12 cats 52 dogs
Oxted	0	33	none	42 dogs
Par Air	30	53	none	64 cats 113 dogs
Precious Pets	28	50	none	50 cats 86 dogs
Raystede	8	15	none	12 cats 20 dogs
Red Lea	34	48	none	73 cats 84 dogs
Rushwood	27	53	none	89 cats 145 dogs
Rutland	13	20	none	2 dogs
Ryslip	19	64	none	42 cats 108 dogs
Sibthorpe	8	14	none	26 cats 36 dogs
South West UK	0	17	none	42 dogs
Spire Ridge	26	42	none	58 cats 70 dogs
St. Andrews	28	31	none	115 cats 47 dogs
St. Giles	21	34	none	48 cats 62 dogs
Sylvester's	0	21	none	66 cats
The Firs	24	24	none	51 cats 44 dogs
The Hollies	0	20	none	48 dogs
Thimbleby	0	10	none	19 dogs
Thornley Bank	12	42	none	26 cats 51 dogs
Top Hat	15	21	none	32 cats 46 dogs
UK Quarantine	35	60	none	67 cats 97 dogs
Wadacre	30	14	none	67 cats 33 dogs
Westcourt	23	none	none	74 cats
Wey Farm	29	47	3	66 cats 103 dogs 2 ferrets 1 rabbit
Widdial Park	0	11	none	19 dogs
Wild Acres	12	20	none	none
Willowslea	79	102	10	203 cats 185 dogs 2 rabbits

Name of Premises	Cat units	Dog units	Other mammal units	Throughput 1997
Yorkshire International	17	35	none	52 cats 83 dogs
Total: 72	1,548	2,428	86 and 1 room	3,351 cats 4,028 dogs 29 rabbits 11 ferrets 5 guinea pigs 1 rat 2 gerbils 4 chinchilla

In addition there are 114 research premises and 49 zoological premises which import a variety of rabies susceptible mammals. The total throughput in 1997 was 16,119 in research premises and 290 in zoological premises.

Quarantine premises in Scotland and Wales are the responsibility of the respective Secretaries of State.

Departmental Services

Mr. Swinney: To ask the Minister of Agriculture, Fisheries and Food, pursuant to his answer of 18 March 1998, *Official Report*, column 662, what percentage of staff in the (i) Legal Group, (ii) Economics and Statistics Group, (iii) Information Technology Directorate and (iv) Finance Group, are based in central London. [36129]

Mr. Morley: In the Groups requested by the hon Member, the percentage of staff based in Central London are as follows:

Group	Percentage of staff
Legal Group	81
Economics and Statistics Group	37
Information Technology Directorate	5
Finance Group	51

SOCIAL SECURITY

Fraud

Mrs. Lait: To ask the Secretary of State for Social Security (1) how many disability benefits claimants have had their benefits withdrawn following knowledge by the Benefits Agency of their smuggling and bootlegging of tobacco and alcohol activities; and how much money has been saved in each year since January 1993 and in each month in 1997 and 1998; [31518]

(2) how many claimants have had benefits stopped following knowledge by the Benefits Agency of their smuggling and bootlegging of tobacco and alcohol activities; and how much money has been saved in each year since January 1993 and in each month in 1997 and 1998. [31517]

Mr. Denham: Tackling fraud and abuse is a top priority for the Government. Questions on Benefit Agency operational matters are the responsibility of the Chief Executive, Peter Mathison. He will write to the hon. Member.

Letter from David Riggs to Mrs. Jacqui Lait, dated 25 March 1998:

The Secretary of State for Social Security has asked Peter Mathison to reply to your recent Parliamentary Questions about how many disability benefits claimants have had their benefits withdrawn/stopped following knowledge by the Benefits Agency (BA) of their smuggling and bootlegging activities of tobacco and alcohol; and how much money has been saved in each year since January 1993 and in each month in 1997 and 1998. As Mr Mathison is away from the office on leave, I am replying.

The BA Ports Project in conjunction with HM Customs and Excise are becoming increasingly involved in tackling bootleggers at Dover and plan to deploy more staff into this developing area of work.

The information is not available in the format requested. The Agency routinely collates and reports performance across all benefit types. Performance since 1992/3 is shown on the attached table.

It is not possible to identify whether any claimants of any particular benefit have had their benefit or benefits stopped or withdrawn because of bootlegging or smuggling activities.

During 1996/97 you may interested to know, that the BA ports project made weekly benefit savings totalling £704,418.

I hope you find this reply helpful.

Total benefit savings and total number of successful investigations

Year	Total benefit savings	Successful investigations*
1992/93	£558m	219,000
1993/94	£654m	312,000
1994/95	£717m	392,000
1995/96	£1222.3m	over 400,000
1996/97	£1509m	over 525,000

* Following a fraud investigation, one or more of the following conclusions occurs: benefits is reduced or stopped, an overpayment is calculated or a prosecution instigated.

* These figures are provisional and subject to change.

Benefits (Administration)

Mrs. Ann Cryer: To ask the Secretary of State for Social Security (1) what is the average time taken for claimants to receive benefit; [35782]

(2) what is the average time taken for claimants to receive incapacity benefits. [35783]

Mr. Field: The administration of Social Security benefits is a matter for Peter Mathison, the Chief Executive of the Benefits Agency. He will write to the hon. Member.

Letter from Peter Mathison to Mrs. Ann Cryer, dated 25 March 1998:

The Secretary of State for Social Security has asked me to reply to your recent Parliamentary Questions asking what is the average time taken for claimants to receive benefit and receive Incapacity Benefits.

The information is not available in the format requested and could be obtained only at disproportionate cost. Information is available for the average actual clearance time for Social Security benefits which represents the average length of time from receipt of the

application to the date of the decision. Such information as is available is shown in the attached table.

I hope you find this reply helpful.

Average Clearance Time

Benefit	[1]*Average Clearance Time*
Benefits administered locally	
Incapacity Benefit	10.0
Maternity Allowance	11.2
Severe Disablement Allowance	65.2
Retirement Pension	18.8
Widow's Benefit	16.0
Widow's Payment	5.9
Jobseeker's Allowance	7.7
Income Support	7.5
Budgeting Loan	4.6
Crisis Loan	1.2
Community Care Grant	5.0
Maternity Payment	3.7
Funeral Payment	11.1
Benefits administered centrally	
Retirement Pension and Widow's Benefit	
PSD[2]	7.6
LPG[3]	22.4
Child Benefit	12.1
Disability Working Allowance	12.7
Family Credit (other than Faster FamC)	11.5
Invalid Care Allowance	20.4
Disability Living Allowance (DLA)	38.6
DLA (Special Rules)	7.7
Attendance Allowance (AA)	23.3
AA (Special Rules)	5.4

[1] Actual Average Clearance Time in days for 1997/98. Includes data for February 1998
[2] Pensions Services Division
[3] London Pensions Group

Pensions

Mr. Duncan Smith: To ask the Secretary of State for Social Security what steps she *(a)* has taken and *(b)* will take to ensure that changes to national insurance contributions contained in the Budget will not reduce the rebate for contracted out occupational pensions. [36359]

Mr. Denham: The changes to the structure of the National Insurance system announced in the Budget by my right hon. Friend the Chancellor of the Exchequer will ensure that it is simpler, fairer and more employment friendly.

It was recognised that the change to employer contributions could affect the rebates. At present, employers have a rebate on earnings above the lower earnings limit (LEL) up to the upper earnings limit (UEL). We will ensure that employers will still receive a rebate on those earnings even though they will not necessarily pay National Insurance Contributions (NICs) in respect of them.

For those with contracted-out occupational schemes, we will be putting down some minor amendments to the Pension Schemes Act 1993 in the Social Security Bill which is currently before Parliament. This will enable a rebate to be paid on earnings between the LEL and the new level at which employer contributions commence. The provisions will also allow employers to deduct this rebate from their overall NICs bill. This will ensure that, as far as the employer's rebate is concerned, the position remains unchanged.

There will be no change to the current arrangements for appropriate personal pensions. The rebate arrangements do not differentiate between employee and employer contributions. The rebate is paid on earnings between the LEL and the UEL and this will continue to be the case.

My right hon. Friend the Chancellor of the Exchequer made it clear that the benefit position of employees would be maintained and these proposals meet that commitment.

Lone Parents

Mr. Webb: To ask the Secretary of State for Social Security how many lone parents have taken advantage to date of the maintenance bonus scheme on return to work; and how much has been spent on the scheme in each year for which it has been in operation. [36228]

Mr. Field: The receipt of reliable and realistic levels of child maintenance gives lone mothers additional help in moving off Income Support and into work. The Child Maintenance Bonus provides extra cash help towards the costs associated with starting work, thus giving lone mothers and their children direct benefit from the maintenance paid and contributing to the Government's welfare to work programme.

The Child Maintenance Bonus was introduced on the 7 April 1997. As at the end of February 1998, some 4,100 awards of the bonus had been made of which around 3,900 were to lone parents.

In total, around £500,000 was paid through the scheme between April 1997 and the end of February 1998.

Mental Health Act Commission

Mr. Baker: To ask the Secretary of State for Social Security if she will amend Regulation 171f of the Social Security Contributions and Benefits Act 1992 to enable those in receipt of incapacity benefit to serve without penalty on the Mental Health Act Commission. [36366]

Mr. Denham: The Government believe that work is the best form of welfare for people of working age. As part of the New Deal for Disabled People, we intend to test out a range of options to find out what are the most effective ways to help people with disabilities and long-term health problems to move back into full or part-time work. This will enable us to consider what changes are needed to the current system to help sick and disabled people who want to work to make the most of their abilities. We will consult fully on any proposals for national changes.

Disability Living Allowance Advisory Board

Mr. Burstow: To ask the Secretary of State for Social Security (1) how many of the dossiers examined by the Disability Living Allowance Advisory Board since 1992 relate to people with a hearing impairment; [36224]

(2) how many studies commissioned for the Disability Living Allowance Advisory Board related to the needs of severely and profoundly deaf people; and how many recommendations from these reports have been implemented by her Department; [36225]

(3) how many members of the Disability Living Allowance Advisory Board are *(a)* deaf and *(b)* have a professional specialism in deafness. [36226]

Mr. Denham: Since 1992, the Disability Living Allowance Advisory Board has examined over 5,000 cases covering a wide range of disabilities. No statistics are kept detailing the number of cases examined where hearing impairment was a disability.

To date, the Board has not undertaken any studies specifically related to the needs of severely and profoundly deaf people, although it has been commissioned to undertake a study on deafness in children and young adults. Work will start later this year.

A previous member of the Board had expertise in this area; at present, there are no members of the Disability Living Allowance Advisory Board who are deaf and have a professional specialism in deafness. The Board will be running a recruitment exercise later this year to appoint a member with direct experience of deafness.

Child Support Agency

Ms Ryan: To ask the Secretary of State for Social Security when she intends to publish a new framework document for the Child Support Agency. [36829]

Mr. Denham: We expect the Child Support Agency to provide an efficient and effective service to all its clients throughout the child support assessment process. There are signs that the Agency's performance has improved since its early days, but there is still a long way to go. We are, therefore, looking for substantial and sustained operational improvements—in particular in getting more maintenance paid, reducing the backlog and improving customer service.

The Agency's current Framework Document expires at the end of this financial year. However we have been looking closely at all aspects of the Child Support Scheme to see where improvements can be made and we aim to bring forward a consultation paper on our proposals by the Summer. In the meantime, we have decided to roll forward the Agency's current Framework Document until the future direction of the Child Support scheme is clear—a revised version will then be published.

TREASURY

Hospitality

Mr. Bercow: To ask the Chancellor of the Exchequer if he will list planned expenditure on hospitality for April and May, indicating the date, location and purpose of each event. [35118]

Mr. Gordon Brown: The only major planned Ministerial hospitality in April or May is for the G7/8 Finance Ministers meeting which will be funded by the Cabinet Office.

Correspondence

Mr. Townend: To ask the Chancellor of the Exchequer how many letters the Financial Secretary has sent to hon. Members during the last two months; and how many she has personally signed. [34892]

Dawn Primarolo: I have sent a total of 2,450 letters to hon. Members since 1 January. The number of replies I have signed personally is not available and could be provided only at disproportionate cost.

Excess Votes

Mr. Cohen: To ask the Chancellor of the Exchequer if he will list the number of excess votes for each of the last 10 years, indicating the amount and the Department responsible in each case. [36168]

Mr. Darling: The table shows details of excess Votes in each of the last ten years. Further details on the reasons for the excesses can be found in the Statement of Excesses for each year available in the Library of the House.

Year	*Class*	*Vote*	*Title*	*Amount (£)*
1996–97	I		*Ministry of Defence*	
		1	Defence: operational and support costs	1,273,150.43
		2	Defence: logistics services	171,580,207.60
		3	Defence: systems procurement and research	22,480,149.95
Total				195,333,507.98
1995–96	I		*Ministry of Defence*	
		1	Defence: operational and support costs	28,217,019.98
	IV		*Trade and Industry*	
		10	Office of Gas Supply	1,000.00
	VII		*Environment*	
		6	Office of Water Services	212,054.73
	XIII		*Department of Social Security*	
		1	Central government administered social security benefits and other payments	183,043,307.47

Year	Class	Vote	Title	Amount (£)
	XIV		*Scotland*	
		13	Teachers' superannuation (Scotland)	1,000.00
	XVII		*Departments of the Chancellor of the Exchequer*	
		7	Inland Revenue: Valuation Office (Executive Agency): contributions in lieu of rates	3,621,378.72
		13	Government Actuary's Department	1,000.00
Total				215,096,760.90
1994–95	VII		*Home Office*	
		2	Prisons, England and Wales	1,000.00
	XI		*National Heritage*	
		8	Office of the National Lottery	1,000.00
	XII		*Department of Health*	
		4	Family health services (part), England	17,620,461.19
	XIII		*Department of Social Security*	
		1	Central government administered social security benefits and other payments	131,048,331.63
Total				148,670,792.82
1993–94	XIII		*Department ofSocial Security*	
		1	Central government administered social security benefits and other payments	141,339,391.28
	XIV		*Scotland and the Forestry Commission*	
		13	Family health services (part) and NHS Trusts External Financing etc., Scotland	20,660,804.07
	XVII		*Department of the Chancellor of the Exchequer*	
		8	Inland Revenue: Payments in lieu of tax relief	5,222,702.00
Total				167,222,897.35
1992–93	III		*Ministry of Agriculture, Fisheries and Food*	
		3	Agricultural support and animal health	473,435.86
	VIII		*Department of National Heritage*	
		6	Royal Palaces, Historic Royal Palaces Agency, royal parks, historic buildings, ancient monuments and the national heritage	1,397,968.40
	IX		*Home Office and Charity Commission*	
		3	Home Office administration, immigration and police support services, England and Wales	1,000.00
	XIV		*Department of Social Security*	
		1	Central government administered social security benefits and other payments	353,952,075.30
Total				355,824,479.56
1991–92	I		*Ministry of Defence*	
		2	Defence procurement	69,008,773.76
		4	Defence: works services, etc.	52,813,697.09
		5	Defence: ship refitting and repair	4,383,914.66
	III		*Ministry of Agriculture, Fisheries and Food, Intervention Board and Forestry Commission*	
		3	Ministry of Agriculture, Fisheries and Food: agricultural support and animal health	1,214,458.52
	IX		*Home Office (including Charity Commission)*	
		1	Police, Magistrates' Courts, probation and other grants, England and Wales	1,000.00
	X		*Lord Chancellor's and Law Officers' Departments*	
		2	Lord Chancellor's Department: legal aid, etc.	3,719,310.69

Year	Class	Vote	Title	Amount (£)
	XVII		*Northern Ireland*	
		1	Northern Ireland Office administration, law, order, protective and miscellaneous services	1,000.00
Total				131,142,154.72
1990–91	I		*Ministry of Defence*	
		1	Defence: personnel costs, support and other services	157,869,854.68
		4	Defence: works services, etc.	30,152,515.61
		5	Defence: ship refitting and repair	8,093,358.58
	VI		*Department of Employment*	
		5	Sale of Skills Training Agency	4,534,415.54
	VIII		*Environment*	
		13	Property Services Agency of the Department of the Environment: PSA Services	15,148,322.01
	X		*Lord Chancellor's and Law Officer's Department*	
		10	Treasury Solicitor's Department: operational costs	48,759.35
	XIII		*Department of Health and the Office of Population, Censuses and Surveys*	
		3	Department of Health administration, miscellaneous health services and personal social services, England	1,000.00
	XIV		*Department of Social Security*	
		2	Income support	202,715,222.19
Total				418,563,447.96
1989–90	I		*Ministry of Defence*	
		1	Defence: personnel costs, support and other services	40,540,547.05
		2	Defence: procurement	13,750,823.83
		4	Defence: accommodation services, etc.	61,911,791.68
		5	Defence: ship refitting and repair	8,825,566.27
	IV		*Agriculture, Fisheries and Food (including Intervention Board for Agricultural Produce and Forestry Commission)*	
		2	Intervention Board for Agricultural Produce Administration	1,000.00
	V		*Department of Trade and Industry and Export Credits Guarantee Department*	
		6	Export Credits Guarantee Department: export finance assistance	5,993,308.07
	X		*Department of the Environment—Other environmental services*	
		5	Department of the Environment Administration	1,466,683.05
	XI		*Home Office and the Lord Chancellor's Department*	
		6	Lord Chancellor's Department: legal aid, etc.	13,003,850.26
		7	Northern Ireland Court Service: legal aid, etc.	99,660.96
	XVI		*Scotland*	
		1	Agricultural support, Scotland	287,089.84
		7	Local transport, water, sewerage and environmental services, Scotland	1,000.00
		18	Scottish Record Office	1,000.00
	XIX		*Departments of the Chancellor of the Exchequer*	
		18	Central Statistical Office	1,000.00
	XX		*Other Departments*	
		11	Public Record Office	1,000.00
		17	Treasury Solicitor's Department: operational costs	16,800.99
		18	Property Services Agency of the Department of the Environment: civil accommodation services and administration, etc.	1,000.00
Total				145,902,122.00

Year	Class	Vote	Title	Amount (£)
1988–89	I		*Ministry of Defence*	
		4	Defence: Accommodation services, etc.	8,999,754.60
	VII		*Department of Employment*	
		7	Department of Employment: training programmes	1,000.00
	VIII		*Department of Transport*	
		6	Sale of shares in British Airways plc	56,461.98
	XI		*Department of the Environment—Housing*	
		2	Miscellaneous housing administration and grants	1,000.00
	XI		*Home Office and legal departments*	
		5	Lord Chancellor's Department: administration of justice: England and Wales	1,000.00
	XVI		*Scotland*	
		12	Police grant, legal aid and criminal injuries compensation, Scotland	89,611.37
		16	Students awards, Scotland	1,187,137.87
	XX		*Other Departments*	
		19	Property Services Agency of the Department of the Environment: civil accommodation services and administration, etc.	1,000.00
Total				10,336,965.82
1987–88	I		*Ministry of Defence*	
		1	Defence: personnel costs, etc. of the armed forces and civilians, stores, supplies and miscellaneous services	16,125,651.13
		3	Defence: armed forces retired pay, pensions, etc.	28,908,745.71
	V		*Department of Trade and Industry (including Export Credits Guarantee Department)*	
		7	International trade: export credits services and insurance of investment overseas (Trading operations)	1,000.00
		8	Sale of Government shares in Rolls Royce plc	1,000.00
	VIII		*Department of Transport*	
		1	National road, England	1,585,476.10
	XV		*DHSS—Social Security*	
		1	Pensions and disability benefits (non-contributory)	10,381,698.71
	XVI		*Scotland*	
		16	Student awards, Scotland	298,009.29
		19	General Register Office for Scotland	72,995.45
Total				57,374,576.39

Written Answers to Questions

Friday 27 March 1998

NORTHERN IRELAND

Civil Servants

Mr. Rhodri Morgan: To ask the Secretary of State for Northern Ireland what proportion of Civil Service staff of grade 5 and above within her Department *(a)* have spent their entire civil service career within her Department, *(b)* have had secondments to (i) the private sector and (ii) other departments and *(c)* have come from other departments. [26037]

Mr. Paul Murphy *[holding answer 28 January 1998]:* The information for the Northern Ireland Office and the Northern Ireland Departments is as follows:

percentage

	Northern Ireland civil service staff	*Home civil service staff*
(a)	98	6
(b)(i)	1	0
(b)(ii)	0.5	44
(c)	0.5	50

[1] Figures for Northern Ireland civil service staff cover the last five years and could be provided for earlier years only at disproportionate cost.

Departmental Child Care

Mr. Barnes: To ask the Secretary of State for Northern Ireland what provision her Department makes for child care facilities for staff; what subsidy is provided for *(a)* nursery places and *(b)* holiday play schemes; if she will list the organisations used by her Department for child care; and if child care vouchers are made available to staff. [30016]

Mr. Paul Murphy *[holding answer 19 February 1998]:* In the Northern Ireland Civil Service, current policy is that Departments can contribute to staff child care costs where this is justified on value for money grounds. The following subsidies are provided:

(a) The Department of the Environment provides a subsidy of 35% of the weekly fees, up to a maximum of £30 towards the cost of placing a child in a registered nursery of the employee's choice. The Child Support Agency also provide a subsidy of £30 per week for placement in a registered nursery. The Department of Education has been running an emergency child care subsidy scheme for a trial period of one year form May 1997. This provides for the actual cost of emergency child care by a registered provider for a maximum of 2 days on any one occasion, limited to 4 occasions in a year.

(b) The Department of Finance and Personnel provides a subsidy of 50% of accommodation costs and 40% of staff costs for 8 holiday play schemes.

In the Northern Ireland office a child care voucher scheme for London-based staff provides a contribution of £100 per month for pre-school child care costs. A similar scheme is being introduced for Belfast-based staff.

As part of the proposals for the National Child Care Strategy my hon. Friend the Under-Secretary has asked the Inter-Departmental Group on Early Years to consider the child care provision made by Government Departments in Northern Ireland for their staff.

NHS Administrative Practices

Mr. Moss: To ask the Secretary of State for Northern Ireland what has been the total saving accrued since 1 May as a result of changes to administrative practices in the health service in *(a)* primary care, *(b)* secondary care and *(c)* the HSS Executive. [35696]

Mr. Worthington: The information requested is not available.

In accordance with the Government's commitment to reduce bureaucracy and abolish the internal market, guidance was issued by the HSS Executive to all HSS bodies, setting out immediate changes to be made to internal market arrangements to streamline cashflows and redirect resources to patient care. Although there are a number of examples of good practice which have been implemented throughout the HPSS, in compliance with this guidance, it is not possible at this time to quantify the level of savings resulting specifically from these changes.

However, savings of £2 million per annum resulting from a reduction in management costs from 1997–98 will amount to £10 million over the lifetime of this parliament and officials are currently considering further reductions in management cost.

The forthcoming consultation document on the future organisation of the HPSS, which is due to issue shortly, sets out proposals for the abolition of the internal market which will redirect additional resources, saved by abolishing wasteful management structures, towards patient care.

Health and Personal Social Services

Mr. Moss: To ask the Secretary of State for Northern Ireland (1) what has been the *(a)* revenue and *(b)* capital expenditure in each of the last five years in (i) cash and (ii) real terms on social services in Northern Ireland; [35733]

(2) what has been the *(a)* revenue and *(b)* capital expenditure in each of the last five years in (i) cash and (ii) real terms on health services in Northern Ireland. [35732]

Mr. Worthington: As health and personal social services (HPSS) are provided on an integrated basis in Northern Ireland, it is not possible to break HPSS expenditure figures down between spend on health and

personal social services. Accordingly, in terms of total HPSS expenditure (excluding EC Peace Moneys) the information requested is as follows:

£

Year		Cash	Real Terms Cash
1992–93	Revenue	1,206,197	1,332,844
	Capital	49,186	54,350
1993–94	Revenue	1,286,162	1,381,069
	Capital	51,775	55,596
1994–95	Revenue	1,377,703	1,457,409
	Capital	44,834	47,428
1995–96	Revenue	1,479,179	1,522,510
	Capital	41,775	42,999
1996–97	Revenue	1,510,538	1,510,538
	Capital	40,647	40,647

Driver and Vehicle Testing Agency

Mr. Connarty: To ask the Secretary of State for Northern Ireland what targets have been set for the Driver and Vehicle Testing Agency during 1998–99. [37069]

Mr. Paul Murphy: For 1998–99, the following performance targets have been set:

	Target
Vehicle test appointments average waiting time	21 days
Driving test appointments average waiting time	31 days
Productivity (vehicle testing)	18.5 units per man per day
Productivity (driver testing)	7.98 units per man per day
Faulty inspections	Not to exceed 0.01% of tests conducted
Level of complaints about booking arrangements	Less than 0.15% of applications received
Level of complaints about the conduct of tests	Less than 0.15% of applications received
Level of customer satisfaction with booking arrangements	At least 85% plus or minus 2% within the range of sampling error
Level of customer satisfaction with test procedures	At least 92% plus or minus 2% within the range of sampling error
Level of compliance with Theory Test Service Standards	92%

Detainees

Ms Rosie Winterton: To ask the Secretary of State for Northern Ireland when she intends to publish Sir Louis Blom-Cooper's Fifth Annual report as Independent Commissioner for the Holding Centres. [37070]

Marjorie Mowlam: I have today arranged for copies of Sir. Louis Blom-Cooper's Annual Report for 1997 to be placed in the Library.

I am grateful to the Commissioner and his Deputy, Dr. Bill Norris, for their Report. I note that for the fifth successive year they have found no cause for concern about the care and treatment of detainees held in the custody of uniformed officers of the RUC.

I shall study carefully the recommendations which Sir Louis Blom-Cooper has made.

Social Fund

Ms Rosie Winterton: To ask the Secretary of State for Northern Ireland what the Northern Ireland Social Fund discretionary budget will be for 1998–99. [37071]

Mr. Worthington: I am pleased to announce that the Social Fund gross discretionary budget for 1998/99 will be £40.55 million. £9.76 million will be allocated to grants; £30.69 million to loans and £0.1 million will be held as a contingency reserve. The new allocations represent an increase of £0.21 million over the gross budget set at April 1997.

Details of the individual District budget allocations, together with a note explaining the basis on which they have been made, have been placed in the Library today.

ENVIRONMENT, TRANSPORT AND THE REGIONS

Regional Development Agencies Bill

Mr. Matthew Taylor: To ask the Secretary of State for the Environment, Transport and the Regions what environmental assessment his Department has made of the Regional Development Agencies Bill; and if he will place a copy in the Library. [35644]

Mr. Caborn: Chapter 8 of the White Paper "Building Partnerships for Prosperity" sets out the approach we intend regional development agencies to take to environment and sustainable development issues. The Regional Development Agencies Bill gives effect to this by providing the appropriate legislative framework.

English Partnerships

Mr. Harvey: To ask the Secretary of State for the Environment, Transport and the Regions what the English Partnerships funding allocations, broken down by Government office region, have been each year since their inception. [35911]

Mr. Caborn: English Partnerships became fully operational from April 1994. Its total expenditure, in £ million, on its development programme, excluding expenditure on the Greenwich Peninsula, over the 3 years since its inception has been as follows:

£ million

Year	Expenditure
1994–95	225.4
1995–96	236.7
1996–97	235.0

English Partnerships' regional offices are not currently coterminous with those of the Government Offices for the Regions. Spend is therefore not recorded by Government Office Region.

English Partnerships expenditure by region, excluding Greenwich, is however recorded as follows:

£ million

Region	*1994–95*	*1995–96*	*1996–97*
North-East	47.7	34.3	31.8
North-West	52.9	52.0	50.4
Yorks & Humber	43.8	55.0	40.5
Midlands	63.4	58.0	67.8
South-East	10.3	25.6	36.0
South-West	7.3	11.8	8.5
Total	225.4	236.7	235.0

Rural Development Commission

Mr. Harvey: To ask the Secretary of State for the Environment, Transport and the Regions what the Rural Development Commission funding allocations have been for each year since 1988, broken down by Government office region. [35912]

Angela Eagle: Approved grant in aid provision for the Rural Development Commission (RDC) for the years 1988–89 to 1997–98 is set out in the table. The regional allocations made by the RDC cannot be broken down by Government Office region because the RDC's regional structure does not reflect the Government Office regional structure.

£000

Year	*Approved grant in aid provision*
1988–89	30,589
1989–90	31,237
1990–91	27,043
1991–92	16,267
1992–93	11,969
1993–94	21,342
1994–95	31,694
1995–96	38,980
1996–97	39,677
1997–98	40,064

Mr. Michael J. Foster: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the future of the Rural Development Commission. [37148]

Mr. Prescott: The Rural Development Commission and the Countryside Commission are to be merged to form a new body that will play a central role in the Government's policy of developing a sustainable, living, countryside, while recognising the interdependence of urban and rural areas. The new body will pursue an integrated approach to conserving and enhancing the countryside as an essential resource for the benefit of this and future generations and meeting the distinctive needs of rural areas, those who live in, work in or visit them. The Chairman and Board members will be chosen for the contribution they can make to this.

The new organisation represents an initial outcome from the joint DETR/MAFF Comprehensive Spending Review of countryside and rural policy, underway since last summer. Further announcements covering the whole range of issues considered in the review will be made in due course. I am confident that this move towards integration will be welcomed by people and organisations with an interest in rural policy.

The new body will inherit some of its responsibilities from its predecessors, but will also have a fresh mandate. It will:

- give advice to Government, local authorities, the new Regional Development Agencies, and others on all matters relating to conservation and the sustainable development of the countryside for the benefit of all who live or work in it, visit or value it;
- give advice to Government on how to secure a rural dimension to its wider policies; take countrywide initiatives on, and promote the enhancement of, the natural beauty and amenity of the countryside and to encourage people's access to and enjoyment of it;
- take countrywide initiatives on, and promote a living and sustainable countryside to meet the economic and social needs of people living and working there.

The body's national advisory function will continue to be independent, and based on expertise and experience, informed and refined by research, top quality experimentation, local advisory work, programme delivery and pilot schemes. The countrywide initiatives and promotion work will be centred on building local and regional partnerships and delivering real benefits to the countryside and local rural communities, as well as providing for the needs of visitors. The work of the new body will be guided by the principles of sustainable development and the importance of an integrated approach to rural policy, against a background of moves towards an integrated rural policy across the EU.

Both Commissions support the concept of a new, merged organisation and are engaged in some initial analysis of how the particular strengths of each body could be retained and developed following the merger. This provisional work has already identified a number of complementary functions in the two bodies which could be strengthened and streamlined through the merger, including their respective work on: housing and transport in the countryside, farming and dissemination of information.

The new body will work closely with Local Authorities, the rural voluntary sector, the Regional Development Agencies—which are taking over the rural regeneration programmes of the Rural Development Commission—and with Government bodies responsible for historical heritage, agriculture, forestry, nature conservation, recreation, tourism, environmental protection and rural services to produce well thought out, integrated solutions to the problems raised in developing a living countryside. This is important because we recognise that the beauty of the English countryside is only one side of the coin. We must value this great resource and, at the same time, strengthen the rural economy and tackle social exclusion which can be hidden within it.

The able and dedicated staff of both the Countryside Commission and the Rural Development Commission will form the core of the new body, just as those staff transferring to the Regional Development Agencies with

the responsibility for the rural regeneration programme will be a valuable asset to those bodies. The current Commissioners—like their predecessors—have wide ranging expertise and I hope that many of them will be prepared to make this available to the new organisation.

Rural England faces challenges of economic and social change and European developments such as reforms of the Common Agricultural Policy and Structural Funds, against the background of increased public demand for the protection of the countryside and wider access to it. I am confident that the new organisation, integrating both Commissions' existing responsibilities but with a refocused remit, will be an effective champion for rural England and the English Countryside.

Housing

Mr. Kidney: To ask the Secretary of State for the Environment, Transport and the Regions if he will require local authority housing services to include an empty homes strategy in their published housing strategies. [35894]

Mr. Raynsford: Local authorities are expected to produce a housing strategy covering all aspects of housing as they have responsibility towards their tenants and residents to make sure that the best use is made of all housing in their area. This strategy is used as part of the assessment on which the allocation of capital resources is based. Within this strategy local authorities should consider whether empty property in the local area can be brought back into use to meet local needs and set out how this will be achieved.

Mr. Levitt: To ask the Secretary of State for the Environment, Transport and the Regions how he intends to promote the availability of low-cost houses for rent in appropriate numbers in rural areas. [36057]

Mr. Raynsford: Through the Capital Receipts Initiative we are making an extra £800 million available to local authorities in 1997/98 and 1998/99 which they will be investing in improvements to existing housing and the provision of new social lettings in both urban and rural areas in partnership with Registered Social Landlords.

Guidance issued by my Department to local authorities on the preparation of their housing strategies highlights the need to identify and prioritise rural housing needs alongside other housing needs in their areas. It is for local authorities to set priorities which guide the allocation of both the Housing Corporation's and their own funding for new social housing in their areas. However, for 1998/99 we have asked the Housing Corporation to aim for around 3.4% of the new social lettings approved under the Approved Development Programme to be in small rural villages with a population of 3,000 or less.

The rural "exceptions" policy enables local planning authorities to grant consent for sites which would not normally be released for development, to provide low-cost housing for local needs. In addition, our planning and affordable housing policy enables local planning authorities to seek the inclusion of an element of affordable housing in new housing developments. We have recently consulted on changes to the policy which will further assist the supply of affordable housing in rural areas.

The Rural Development Commission also plays a key role in promoting low-cost housing in rural areas. In particular their Rural Enablers scheme aims to bring together local communities, local authorities, housing associations, landowners and developers to facilitate the development of social housing.

Slaughterhouse Waste

Mr. Levitt: To ask the Secretary of State for the Environment, Transport and the Regions what regulations govern the disposal of slaughterhouse waste on agricultural land. [36063]

Angela Eagle: Activities involving the recovery or disposal of waste are subject to control under the amended EC Framework Directive on waste. The waste management licensing system established under Part II of the Environmental Protection Act 1990 and the Waste Management Licensing Regulations 1994 is the main means by which the requirements of the Framework Directive have been transposed into national law. Under this system, anyone who deposits, recovers or disposes of waste must do so in compliance with the conditions of a waste management licence or with the conditions of an exception from waste management licensing.

The speading of waste on land which results in benefit to agriculture or ecological improvement is classified as a waste recovery operation under the Directive and an exemption from licensing for certain types of waste has been provided in Regulation 17 and paragraph 7 of Schedule 3 to the 1994 Regulations. One of the types of waste covered by the exemption is blood and gut contents from abattoirs. We intend to review the exemption in the light of the findings of a research project which is due to be completed at the end of April. I indicated on 13 March 1998, *Official Report*, column *928*, some of the issues I would like to see addressed in the review of the exemption.

The carcases of all BSE suspect cattle are directly incinerated. Commission Regulation No. 716/96 requires that cattle slaughtered under the Over Thirty Months/Scheme are either incinerated or rendered and destroyed. No blood from either group of cattle is being spread on land.

Departmental Employees (Scotland)

Mr. Donohoe: To ask the Secretary of State for the Environment, Transport and the Regions how many staff are employed in Scotland by his Department; and where those staff are located. [36248]

Angela Eagle: At 1 March 1998, my Department employed 650 permanent staff in Scotland. The table gives the numbers of staff in each location.

DETR staff in Scotland by location

Location	*Staff*
Aberdeen	84
Airdrie	6
Ayr	4
Bathgate	5
Bishopbriggs	42
Dumbarton	2
Dumfries	6
Dundee	16

DETR staff in Scotland by location

Location	*Staff*
Dunfermline	1
East Kilbride	19
Edinburgh	122
Elgin	3
Falkirk	2
Galashiels	1
Glasgow	80
Greenock	35
Hamilton	1
Inverness	20
Kilmarnock	16
Kirkcaldy	10
Leith	28
Livingstone	34
Melrose	1
Oban	25
Paisley	4
Pentland	21
Perth	15
Peterhead	1
Saltcoats	2
Shetland	18
Stirling	2
Stornoway	21
Wick	3
Total	650

Green Transport

Mr. Baker: To ask the Secretary of State for the Environment, Transport and the Regions (1) what specific changes to departmental transport arrangements have to date been implemented following the receipt of the Green Transport Plan; [36646]

(2) on what date he plans to introduce a green commuting plan. [36658]

Ms Glenda Jackson: Since the "Guide to Green Transport Plans" was circulated to all Departments in September last year, my Department has been working on a pilot project to prepare Green Transport Plans for three headquarters buildings. The first findings are due to be received shortly.

Mr. Baker: To ask the Secretary of State for the Environment, Transport and the Regions (1) if the meetings of Green Ministers on *(a)* 30 July 1997 and *(b)* 18 December 1997 discussed the Green Transport Plan; and what conclusions were reached; [36633]

(2) what assessment he has made of the success of the Green Transport Plan in respect of the implementation of its recommendations by departments; [36634]

(3) what steps he is taking to secure implementation across Government of the recommendations in the Green Transport Plan; what monitoring of departments he has put in place; and if he will make a statement. [36635]

Ms Glenda Jackson: Green Transport Plans were discussed at the meetings of Green Ministers on 30 July and 18 December. All Departments were given copies of the "Guide to Green Transport Plans" in September last year and asked to prepare green transport plans. Discussions are proceeding on setting appropriate deadlines for producing these plans. Progress in drawing up and implementing plans is being monitored at meetings of Green Ministers.

Royal Ordnance, Chorley

Mr. Hoyle: To ask the Secretary of State for the Environment, Transport and the Regions what assessment he has made of the suitability of the Royal Ordnance Factory site in Chorley as the location for the headquarters of the planned Regional Development Agency for the North West. [36515]

Mr. Caborn: Ministers have made no assessment of potential sites for the headquarters of the Regional Development Agency for the North West. This will be a matter for the RDA Board, when appointed later this year.

New Deal

Mr. Keetch: To ask the Secretary of State for the Environment, Transport and the Regions when information will be published about the location of the pathfinder areas for the New Deal for Communities; and if he will make a statement. [36502]

Angela Eagle: Detailed proposals for the New Deal for Communities are now being developed by the Deputy Prime Minister and the Chancellor of the Exchequer, working closely with other key Ministers and the Social Exclusion Unit. No decisions have yet been taken about the location of the pathfinder areas, or on the timing of any further announcements.

Radioactive Waste

Ms Julie Morgan: To ask the Secretary of State for the Environment, Transport and the Regions what plans the Environment Agency has for the disposal of Amersham's radioactive waste generated at Harwell, following its decision not to transport it to Cardiff; and if he will make a statement. [36510]

Angela Eagle: I understand that on 24 March the Environment Agency granted authorisation for the transfer of intermediate-level radioactive waste from Amersham's Harwell site to the company's site at Cardiff.

Great Western Trains

Mr. Webb: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the performance of Great Western Trains in terms of *(a)* punctuality and *(b)* reliability in relation to its Charter targets in each year since it was awarded its franchise; and how much has been paid by Great Western in penalties, and on what occasions, for failing to meet such standards. [36732]

Ms Glenda Jackson: Great Western's performance details appear in the Franchising Director's quarterly bulletins which are in the Library of the House. Great Western have not paid any financial penalties for poor performance as there is no incentive regime in their Franchise Agreement. Following the offer by FirstGroup PLC to take over the franchise, the Franchising Director has agreed a regime of fixed penalties for Great Western in respect of cancellations and delays over 20 minutes.

Local Government Finance

Helen Jones: To ask the Secretary of State for the Environment, Transport and the Regions when the consultation papers arising from the local government finance review will be published. [37050]

Ms Armstrong: Three consulting papers will be published on Monday 30 March: *Improving local financial accountability, Business Rates,* and *Capital Finance.*

Finance is the third element in the Government's programme to modernise local government. Many of the ideas floated in the finance papers draw on our earlier consultation papers on renewing local democracy and introducing best value. The finance papers include options for giving councils more discretion over local tax and spending decisions by ending crude and universal capping and providing a new power to set a local business rate.

Copies of the consultation papers will be sent to every MP and placed in the Library.

Challenge Fund

Miss Melanie Johnson: To ask the Secretary of State for the Environment, Transport and the Regions when he will make an announcement about the successful bids under Round Four of the Single Regeneration Budget Challenge Fund. [37051]

Mr. Caborn: The detailed list of successful bids under Round 4 of the SRB Challenge Fund will be published on Monday, 30 March. In addition, brief descriptions of the successful bids in their region will be sent to hon. Members. Full copies of the bid documents for successful bids will be held for inspection at Government Offices for the Regions.

I am today placing in the Library of the House summary information about Round 4, which operated under revised guidance issued by the Government in July 1997. Subject to finalising the details of the list of successful bids, to the availability of resources, and to the satisfactory agreement and implementation of Delivery Plans, the Government intend to make available financial support for some 120 successful bids, which include proposals to address key priorities such as social exclusion, education, employment and training, community safety and prevention of drug misuse.

Channel Tunnel Rail Link

Mr. Timms: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 26 February 1998, *Official Report,* column *332,* what further response he has had from London and Continental Railways in respect of revised financing proposals for the Channel Tunnel Rail Link. [37147]

Mr. Prescott: I have received a progress report and further developed proposals from London and Continental Railways in conjunction with other companies, notably Railtrack, invited by the consortium to participate in trying to take forward the Channel Tunnel Rail Link under the existing Development Agreement. The parties' latest report on progress makes material inroads into the £1.2 billion additional subsidy which was sought by LCR in January, and which I rejected as unacceptable. LCR have proposed a transport operator to take responsibility for Eurostar services, and that the construction of the Rail Link be in two phases. These proposals do not yet meet the Government's requirements, a view which is accepted by LCR and by Railtrack. Both companies agree that further significant improvements can be achieved in each of three key areas: reducing the additional cost to the taxpayer; increasing the extent to which risk is retained in the private sector; and establishing an incentive sufficient to ensure the construction of the whole of the Rail Link.

I am satisfied that sufficient progress has been made, and is in prospect, for the cure period available under the CTRL Development Agreement to be extended to 29 May 1998, in order to conclude a satisfactory agreement if one is achievable.

PRIME MINISTER

Children Act 1989

Mr. Donald Anderson: To ask the Prime Minister what arrangements he has made to transfer responsibility for day care policy under the Children Act 1989 from the Department of Health to the Department for Education and Employment. [37149]

The Prime Minister: The Government set out before the election their intention to transfer responsibility for policy and the regulation of day care under Sections 18 and 19 and Part X of the Children Act from the Department of Health to the Department for Education and Employment. I am able to announce today that this transfer will take place on 1 April 1998. We recognise that it is increasingly difficult to make a distinction between day care and education, and we must integrate the two if we are to meet fully the needs of young children and their parents. The Department of Health will retain responsibility for the provision of day care for children in need under Section 18(1) and 18(5) as part of family support services, as well as other social care duties, such as child protection, outside these parts of the Act. This transfer of responsibilities between central Government Departments does not directly affect the way local authorities may organise their functions. The responsibility for services and regulation through the Children Act remains a function of the Social Services Committee under existing statutory requirements but this may change as policy in this area develops.

LORD CHANCELLOR'S DEPARTMENT

Radiotherapy Injuries (Compensation)

Ms Perham: To ask the Parliamentary Secretary, Lord Chancellor's Department what have been the legal aid costs in the last three years arising from the cases of women seeking compensation for injuries caused by radiotherapy treatment after breast cancer. [35708]

Mr. Hoon: Over the last three years, a total of £1,727,812 has been paid in legal aid costs under a contract between the Legal Aid Board and the firm of solicitors representing women seeking compensation for injuries caused by radiotherapy treatment after breast cancer. The final costs will not be known until the cases are finished and the court's decision is known.

Small Claims

Mr. Edward Davey: To ask the Parliamentary Secretary, Lord Chancellor's Department how many cases have been taken to the small claims courts in each of the last five years; how many judgments in favour of the claimants were made in each year as a result of these cases; and in how many cases in each year the orders have been successfully enforced. [36340]

Mr. Hoon: The figures requested are as follows:

Year	*Cases heard*	*Judgment for plaintiff*
1993	105,843	—
1994	87,885	—
1995	88,170	—
1996	94,050	[1]81,720
1997	97,813	[1]80,680

[1] Figures are derived from a three month sample.

Figures on judgments for plaintiffs before 1996 and on successfully enforced cases are not collected centrally and could be provided only at disproportionate cost.

Green Transport

Mr. Baker: To ask the Parliamentary Secretary, Lord Chancellor's Department on what date he plans to introduce a green commuting plan. [36668]

Mr. Hoon: A publication date for the introduction of a green commuter plan has not yet been finalised. Raising staff awareness of the cost of the journey to work, and developing a package of measures to encourage the use of alternatives, forms part of our revised Environment Strategy and Green Transport Plan about which we are currently consulting.

Mr. Baker: To ask the Parliamentary Secretary, Lord Chancellor's Department what specific changes to departmental transport arrangements have to date been implemented following the receipt of the Green Transport Plan. [36639]

Mr. Hoon: No specific changes have been made to our transport arrangements, following receipt of the Guide to Green Transport Plan. The guide has assisted the Department to draft a Green Transport Plan about which we are currently consulting.

Magistrates

Mr. McLoughlin: To ask the Parliamentary Secretary, Lord Chancellor's Department, pursuant to his answer of 2 March 1998, *Official Report*, column *450*, on magistrates courts, when he expects the Justices' Chief Executive for Derbyshire MCC to write to the hon. Member for West Derbyshire. [36733]

Mr. Hoon: I have been told that a letter will be sent today.

Immigration Appeals

Mr. Edward Davey: To ask the Parliamentary Secretary, Lord Chancellor's Department how many cases have been taken to immigration appeals tribunals in each of the last five years; and what has been the administrative cost of the appeal tribunals system in each of the last five years. [36341]

Mr. Hoon: The number of cases[1] which have been taken to the Immigration Appeal Tribunal in each of the last five years is:

	£
1993–94	6,551
1994–95	[2]7,792
1995–96	8,549
1996–97	11,720
1997–98	[3]13,368

It is not possible to separate the administrative costs of the Immigration Appeal Tribunal alone but I can provide the following information for the Immigration Appellate Authority as a whole:

	£
1994–95	6,965,344
1995–96	8,404,699
1996–97	11,388,311
1997–98	[3]12,513,282

[1] These figures relate to initial applications. Only a proportion of this figure will be allowed and will then proceed to full hearing as an 'appeal'.
[2] This is an estimate as accurate historical data are not available for this year.
[3] Projected figure.

Information for 1993–94 is not available and could be obtained only at disproportionate cost.

Conferences

Mr. Malcolm Bruce: To ask the Parliamentary Secretary, Lord Chancellor's Department if he will list the conferences held by his Department since 1 May 1997, giving in each case the *(a)* purpose and *(b)* estimated cost. [27794]

Mr. Hoon: The conferences held by this Department since 1 May, or which we have funded or part funded, or have otherwise helped to organise are shown in the table.

Conference	*Purpose*	*Estimated costs (£)*
Anglo-German Judicial Conference on Family Law 18 to 20 May 1997. The conference was jointly organised by the Cardiff Law School, the President of the Family Division's International Committee, the German Federal Ministry of Justice and the Lord Chancellor's Department.	To improve mutual understanding of the operation of each country's legal system particularly in the area of child abduction and discussion of legal problems of mutual interest. There were 53 participants including judges, lawyers, academics and judges from both Germany and the UK.	2,700 (contribution)

Conference	Purpose	Estimated costs (£)
Fast Track Cost Conference 9 July 1997	To inform Sir Peter Middleton's Review of Civil Justice and Legal Aid Proposals	482
Anglo-German Judicial Exchange 22 to 25 September 1997	This is part of a series of conferences organised for senior judges to obtain an improved understanding and awareness of the laws, procedures and institutions of each country and to discuss the relevance of comparative law and comparative legal procedure to judicial work. Eight judges and three academics from each country participated in the conference. This conference follows one held in Germany in September 1993. Another conference is being organised in Germany for 1999. The host national pays all the conference costs.	14,000
International Conference on Administrative Justice 26–28 November 1997 Organised by the University of Bristol	To provide a forum for the discussion of the broad range of issues relevant to administrative justice	15,000 (contribution)
Minority Lawyers Conference-organised with the Bar and Law Society 29 November 1997	To promote equality of opportunity for ethnic minority lawyers and to discuss issues related to this.	No cost to the Department

HOME DEPARTMENT

Drugs

Mr. Flynn: To ask the Secretary of State for the Home Department what date has been set for the release of the 1996 drug arrest and seizure statistics. [36482]

Mr. George Howarth: It is hoped to publish the Home Office "Statistics of Drug Seizures and Offenders dealt with, United Kingdom, 1996" during the first half of April 1998.

Young Offender Institutions

Mr. Allan: To ask the Secretary of State for the Home Department if he will list *(a)* the total resources allocated for education services to *(b)* the average population in and *(c)* the age range of those held in each young offender institution in each of the last three years; and if he will make a statement. [35344]

Ms Quin: Male Young Offender Institutions hold offenders aged from 15 to 20 years of age. There will be some inmates in such institutions aged 21 who are waiting for transfer to adult establishments or who are nearing release so that transfer to an adult establishment is not worthwhile.

The average populations of each Young Offender Institution, and the total amounts spent through the education contract on the purchase of education services and education materials, in each of the last three years, are given in the table.

The Young Offender Institutions at Guys Marsh, Moorland, Prescoed and Reading are or were run jointly with adult establishments. Education expenditure on young offenders is not available as a separate figure.

Young offender institutions: average population and total education expenditure 1995–96 to 1997–98

	1995–96		1996–97		1997–98 (to date)	
Establishment	Average population	Total spend (£000)	Average population	Total spend (£000)	Average population	Total spend (£000)
Aylesbury	221	358	239	305	312	366
Brinsford	461	280	490	180	521	154
Castington	289	235	294	201	314	207
Deerbolt	399	362	415	364	420	295
Dover	284	174	305	134	305	133
Feltham	811	367	865	399	895	330
Glen Parva	774	487	867	417	875	400
Hatfield	153	192	160	176	150	184
Hindley	291	367	501	678	526	662
Hollesley Bay	327	476	375	409	431	276
Huntercombe	230	341	243	303	261	289
Lancaster Farms	355	327	469	407	507	421
Onley	486	314	515	314	567	414
Portland	437	421	515	450	544	401
Stoke Heath	288	277	315	237	416	254
Swinfen Hall	184	210	195	199	201	191
Thorn Cross	173	264	235	391	224	421
Werrington	112	200	113	152	151	156
Wetherby	132	261	119	216	277	326

Mr. Keetch: To ask the Secretary of State for the Home Department how many convicted 15-year-olds were removed from young offenders' institutions to secure units after being reviewed under Paragraph 20 of the Prison Office Circular 38/92 in each of the last three years. [35607]

Ms Quin: This information is not recorded centrally. It is hoped that a new data system will be instituted to allow the production of this and similar information in the future.

Bristol Prison

Mr. Beith: To ask the Secretary of State for the Home Department if he will make a statement on the use of HM Prison Bristol as a Category A prison; what assessment he has made of the impact of the prison on local residential neighbourhoods; and what consultation was carried out with local residents. [35750]

Ms Quin: On 15 January 1997, it was announced that Bristol prison would continue to have category A remand prisoners and would be one of eight prisons in England and Wales with improved security to be used for this purpose. This decision represented no change in the status of the prison and was not the subject of consultation with local residents. However, related building work was the subject of applications for planning clearance and the governor held an informal meeting with local councillors to explain these proposals before the applications were granted. Subsequently, concerns were raised by local residents and these have been addressed by the Prison Service through the governor by means of a public meeting, visits to the prison by residents, visits to residents in their homes and by consultation with the local residents' group and others. Modifications to the building work have been made as a result of this consultation, which continues.

Mr. Beith: To ask the Secretary of State for the Home Department what special arrangements are made at HM Prison Bristol in relation to its proximity to local schools; and if he will make a statement. [35751]

Ms Quin: There is a primary school which has been situated across the road from Bristol Prison since the turn of the century. An infants and a nursery school, under the same management, are situated a little further away. The prison staff have long maintained very close relations with the schools and senior staff meet regularly with the headmaster to discuss and resolve any problems that might arise. The prison has a "good neighbour" policy towards the schools and co-operates in a number of schemes for the pupils' benefit. At a recent public meeting, the headmaster praised the attitude of the prison towards his schools and emphasised the excellent rapport between them. The police have rescheduled court escort arrangements to avoid, whenever possible, times when schoolchildren might be on the local streets.

Women's Refuges

Mr. Cox: To ask the Secretary of State for the Home Department (1) what financial help has been given by his Department towards the establishment and running of women's refuges in the Greater London area in each of the last three years; [36146]

(2) if he will list the number of women's refuges in each London borough. [36152]

Mr. Michael: Information on the number of refuges is not routinely collected. However, in 1995 the then Department of the Environment commissioned Women's Aid Federation (England) to undertake a census and their information relating to the London Boroughs from this census is in the table.

Refuges are generally funded not from central Government but from rents, charitable sources, local authority housing and social services payments. In London, the London Boroughs Grants Unit may provide financial help and, where London Boroughs identify the development of refuges as a priority, Housing Corporation capital and revenue resources can contribute to building and housing management costs. The Home Office does not hold funds for the support of such refuges and no such grants have been made over the last three years.

Refuge provision in London: 1995

London Borough	*Total*
Barking and Dagenham	1
Barnet	1
Bexley	3
Brent	3
Bromley	4
Camden	4
Croydon	3
Ealing	2
Enfield	4
Greenwich	7
Hackney	6
Hammersmith and Fulham	3
Haringey	6
Harrow	1
Hillingdon	1
Hounslow	5
Islington	3
Kensington and Chelsea	3
Kingston	2
Lambeth	5
Lewisham	6
Merton	7
Newham	4
Redbridge	1
Southwark	4
Sutton	3
Tower Hamlets	3
Waltham Forest	3
Wandsworth	4
Westminster	4
Total	106

Green Transport

Mr. Baker: To ask the Secretary of State for the Home Department (1) what specific changes to departmental transport arrangements have to date been implemented following the receipt of the Green Transport Plan; [36648]

(2) on what date he plans to introduce a green commuting plan. [36665]

Mr. Mike O'Brien: The Department for the Environment, Transport and the Regions circulated to all Departments in September last year a "Guide to Green Transport Plans". The Home Office has started to consider how to respond to its recommendations.

Commission for Racial Equality

Mr. Gerrard: To ask the Secretary of State for the Home Department what representations he has received regarding the funding of complainant aid work by the Commission for Racial Equality. [36604]

Mr. Mike O'Brien: We have received five letters from individuals and one signed by twelve people, arguing that the funding should continue.

Mr. Gerrard: To ask the Secretary of State for the Home Department what discussions he has held recently with the Commission for Racial Equality regarding the funding of complainant aid work. [36605]

Mr. Mike O'Brien: I have held no discussions on this issue, which I understand is currently being looked at by the Commission.

Rape

Mr. Nigel Jones: To ask the Secretary of State for the Home Department what procedures exist for those falsely accused of rape to pursue compensation. [36421]

Mr. Michael: The Government are prepared under certain specified circumstances to pay compensation to those who have been wrongfully convicted of or charged with rape, or any other crime. There is no automatic entitlement to such compensation, but all applications are considered, first under the provisions of section 133 of the Criminal Justice Act 1988, and then, if those requirements are not met, under the ex-gratia arrangements announced by the then Home Secretary in his statement on 29 November 1985, *Official Report*, columns *689–90*. My right hon. Friend announced on 17 June 1997, *Official Report*, column *99*, that he would continue to be bound by those arrangements. In addition. In addition, persons who have grounds for an action for unlawful arrest or malicious prosecution have a remedy in the civil courts against the person or authority responsible.

Freemasonry

Mr. Woolas: To ask the Secretary of State for the Home Department if his proposals require that police officers involved in a police complaints investigation must register membership of the Freemasons. [35926]

Mr. Michael: We will consider such detailed matters, in consultation with the police associations, as part of the work on implementing the policy on declaration and registration of membership of the freemasons by those serving in, or seeking appointment to, the relevant parts of the criminal justice system. My right hon. Friend announced this to the Home Affairs Committee on 17 February 1998.

CULTURE, MEDIA AND SPORT

National Lottery

Mr. Bermingham: To ask the Secretary of State for Culture, Media and Sport (1) if he will instruct the Lottery Regulator to investigate the ergonomic design of lottery ticket machines issuing lottery tickets to customers of Camelot, with particular reference to the absence of a visual display that can be seen by the customer at the point of sale; [36078]

(2) what assessment he has made of the means by which the numbers on lucky dip option tickets are selected; and if he will make a statement; [36080]

(3) if he will request the Lottery Regulator to investigate the method by which Camelot issues lucky dip tickets to customers, with special reference to allowing for verbal commission of tickets. [36079]

Mr. Banks *[holding answer 24 March 1998]:* I have asked the Acting Director-General of the National Lottery to consider the issues my hon. Friend has raised and to write to me. Once I have received his reply I will write to my hon. Friend and place copies of my reply in the Libraries of the House.

Mr. Maude: To ask the Secretary of State for Culture, Media and Sport (1) if he will list the initiatives to be paid for from the New Opportunities Fund and the amounts they will receive during the lifetime of the current National Lottery operating licence; [36065]

(2) how much money from the New Opportunities Fund will be used to fund the national childcare strategy during the lifetime of the current National Lottery licence. [36066]

Mr. Chris Smith: Subject to Parliamentary approval of the National Lottery Bill, the first three initiatives to be supported by the New Opportunities Fund will be information and communications technology training for teachers and librarians, including creation of content, healthy living centres and out of school hours activities, including childcare. As my hon. Friend Lord McIntosh announced on Second Reading of the National Lottery Bill on 18 December 1997, *Official Report, House of Lords,* columns 729–37, funds will be allocated as follows:

£300 million for information and communications technology training for teachers and librarians, including £50 million for creation of content, by 2001;

£200 million for healthy living centres by 2001, with a further £100 million thereafter; and

£300 million for out of school hours activities by 2001, with a further £100 million thereafter. Of this £400 million, £180 million will support out of school hours learning activities and, as part of the national childcare strategy, £200 million will support out of school childcare and £20 million will support integrated childcare and learning schemes.

Great Britain Sports Council

Mr. Swinney: To ask the Secretary of State for Culture, Media and Sport if he will list the *(a)* location of, *(b)* running costs of, *(c)* salary costs of and *(d)* number of staff based at the head office of the Great Britain Sports Council, the percentage of total staff based (i) at head office, (ii) in London and (iii) in Scotland and the percentage of salary and running costs incurred in (1) London and (2) Scotland. [36116]

Mr. Banks *[holding answer 25 March 1998]:* The United Kingdom Sports Council (UKSC) assumed the UK-wide responsibilities of the Great Britain Sports Council on 1 January 1997. The information requested is as follows: *(a)* London; *(b)* £0.991 million in 1997–98

(forecast outturn); *(c)* £1,037 million in 1997–98 (forecast outturn); and, *(d)* 33. All UKSC staff are based at the organisation's office in London.

Mr. Swinney: To ask the Secretary of State for Culture, Media and Sport if he will make a statement on the responsibilities of the Great Britain Sports Council in Scotland. [36115]

Mr. Banks *[holding answer 25 March 1998]:* The responsibilities and functions of the GB Sports Council were transferred to the United Kingdom and the English Sports Councils from 1 January 1997. The United Kingdom Sports Council's (UKSC) responsibilities are under review as part of the Government's Comprehensive Spending Review.

The UKSC is responsible for fostering, supporting and encouraging the development of sport and physical recreation, the achievement of excellence, and the provision of sporting facilities at a UK level. In addition, the UKSC takes a lead among the Sports Councils on issues which require strategic planning, co-ordination and representation where they are for the benefit of the UK as a whole.

The functions of the UKSC in respect of the whole United Kingdom are:

- to identify sporting policies that should have a UK-wide application;
- to identify areas of unnecessary duplication, overlap and waste in the way sport is administered in the UK;
- to consider with the Sports Councils of England, Scotland, Wales and Northern Ireland how grant programmes for sports bodies with a UK or Great Britain remit could best be administered, and to administer those programmes;
- to oversee policy on sports science, sports medicine, drug control, and coaching and other areas where there may be a need for the Home Country Sports Councils to deliver a consistent UK-wide policy;
- to co-ordinate policy for bringing major international sporting events to the UK; and,
- to represent the UK internationally and to increase the influence of the UK at international level.

The Home Country Sports Council are responsible for sports and facilities development, and for supporting our elite athletes in those sports in which we compete internationally on a Home Country basis.

Libraries

Mr. Maude: To ask the Secretary of State for Culture, Media and Sport if he will make a statement on the removal of books from the King's Library in the British Museum and their transfer to the new British Library in St. Pancras. [36385]

Mr. Chris Smith: In 1972, the British Library Act established the national library of the United Kingdom, incorporating the library of the British Museum and including the King's Library. The collections have remained at the British Museum until completion of their new home in the British Library building at St. Pancras. Separation of the King's Library from the rest of the Library's printed archive would be detrimental to the integrity and cohesiveness of the national collections. Plans for its move have been in the public domain for the past thirty years.

In the new building, the King's Library will be housed in the best possible conditions for access, preservation and use. It will stand in a specially designed glass tower at the physical heart of the library, making it more visible and accessible to the public. It will also be more secure and in an improved environment. The glass tower is fully air-conditioned to control temperature, humidity and atmospheric pollutants and the glass is especially constructed to provide fire protection and heat resistance.

Royal Parks

Mr. Swinney: To ask the Secretary of State for Culture, Media and Sport if he will list the number of staff employed at the head office of the Royal Parks Agency; what percentage this represents of total staff; what the salary and running costs are of the head office; and what percentage of total salary and running costs this represents. [36144]

Mr. Tom Clarke *[holding answer 26 March 1998]:* Responsibility for the subject of this question has been delegated to the Royal Parks Agency under its Chief Executive, Mr. David Welch. I have asked him to arrange for a reply to be given.

Letter from David Welch to Mr. John Swinney, dated 27 March 1998:

The Secretary of State for Culture, Media and Sport has asked me to reply to your Parliamentary Question asking about the number and salary costs of the staff employed at the head office of the Royal Parks Agency.

The total number of staff employed at the Agency's head office is 34, which is 14 per cent. of the total staff. The estimated annual salary costs and running costs of the head office staff for 1997/98 are £877,611 and £368,151 respectively. This represents 15.7 per cent. of the Agency's total salary and running costs.

Historic Royal Palaces

Mr. Swinney: To ask the Secretary of State for Culture, Media and Sport how many staff are employed at the head office of the Historic Royal Palaces agency; what percentage this represents of total staff; what percentage of staff are based in the south-east of England; what are running costs of the head office; and what percentage of total salary and running costs this figure represents. [36145]

Mr. Tom Clarke: 100 staff are employed at head office which is 19.8 per cent. of the total staff, all of whom are based in the south-east of England. The running costs of the head office are expected to be £2.62 million in 1997–98 which is 22.9 per cent. of the total running costs. Head office comprises the Chief Executive's office,

Central Finance, and Personnel Services, and the Curatorial and Surveyor of the Fabric's Departments. Running costs comprise pay, recruitment, training, travel and expenses, consultancies and the employment of agency staff.

AGRICULTURE, FISHERIES AND FOOD

Rural Areas

Sir Peter Emery: To ask the Minister of Agriculture, Fisheries and Food when he will publish his Government's policy for rural areas. [36029]

Mr. Morley: The Government have made very clear their commitment to opportunity, fairness and prosperity for all, whether they live in country or city. Our policies are working to that end and will continue to do so. Our manifesto pledged to recognise the special needs of rural areas and we will continue to ensure that our policies take account of the rural dimension, where appropriate.

Animal Feed

Mr. Gill: To ask the Minister of Agriculture, Fisheries and Food in which year each member state of the EU banned the feeding of animal protein to *(a)* ruminants and *(b)* other meat animals. [36690]

Mr. Rooker: An EU-wide ban of the feeding of mammalian protein to ruminants was introduced by Commission Decision 94/381/EC on 27 June 1994. Some Member States introduced national provisions before the Commission Decision came into force. Those which we know about are as follows:

Member state	*Date*	*Effect of legislation*
Austria	December 1990	Feeding to ruminants of MBM, meat, bone, blood, liver and similar meals banned
Denmark	1990	Ban on ruminant derived feed being fed to ruminants
Finland	1990	Feeding of imported animal protein banned
France	1990	MBM banned from bovine feed
Italy	November 1989	Ban on import of ruminant MBM from UK and Republic of Ireland
Netherlands	August 1989	Ban on feeding ruminant MBM, meat meal, bonemeal and blood to ruminants
	1994	Ban extended to cover mammalian MBM fed to ruminants
Republic of Ireland	August 1990	Ban on feeding ruminants with protein derived from ruminants
Sweden	December 1990	Meat and bone products from ruminants banned from ruminant feed
	December 1993	Ban extended to all products from ruminants except fats, milk and milk products

We believe that Belgium, Germany, Greece, Luxembourg, Portugal and Spain had no national measures in places prior to the introduction of EU-wide measures.

We are not aware of any rules prohibiting the feeding of mammalian protein to non-ruminant livestock except for those in place in the UK.

Mr. Gill: To ask the Minister of Agriculture, Fisheries and Food what tonnage of meat and bone meal was used in animal rations in each of the five years preceding its prohibition. [36691]

Mr. Rooker: The tonnages of meat and bone meal used by the Great Britain animal feed compound industry in the years preceding its prohibition were:

Year	*Thousand tonnes*
1991	Not readily available
1992	212
1993	211
1994	212
1995	209

Figures for usage by the Northern Ireland compound feed industry are available only from 1993 onwards and are as follows:

Year	*Thousand tonnes*
1993	23
1994	24
1995	26

These figures do not take account of any meat and bone meal which may be used directly by farmers for animal feed.

Cattle Tagging

Mr. Green: To ask the Minister of Agriculture, Fisheries and Food when he expects the double ear tagging systems for cattle to be fully operational; and if he will make a statement. [36602]

Mr. Rooker: Double ear tagging of cattle became a requirement from 1 January 1998 as part of the measures included within Council Regulation (EC) No. 820/97. Insofar as ear tag supplies have allowed, it has been fully operational from that date.

Flood Defences

Sir Peter Emery: To ask the Minister of Agriculture, Fisheries and Food what action he will take to ensure that the grant given to the Environment Agency for vital flood defence work will be made available for that purpose. [35942]

Mr. Morley: Grant payments to the Environment Agency by this Department for flood defence capital works are made in respect of specific approved schemes so can be used only for that purpose. For approval for grant aid schemes must meet technical, economic and environmental criteria, and achieve an appropriate priority score based on Ministerial priorities, urgency and benefit:cost ratio.

Beef Bones

Mr. Gill: To ask the Minister of Agriculture, Fisheries and Food what tonnage of beef bones are currently being imported into the United Kingdom; and from which countries. [36688]

Mr. Rooker: Beef bones are not separately identified in the Combined Nomenclature. Imports of greaves, flours and meals, of meat or meat offal (including tankage), unfit for human consumption, are shown in the table. The tonnages from each country for the last ten years of these exports are taken from the Official Overseas Trade Statistics.

The data will be subject to a degree of statistical error. The overall level of errors will be low, but these errors will have a much greater proportional effect on countries with small values or volumes of trade. Therefore great care is needed when interpreting the data in the table as the data will inevitably include a number of errors.

UK imports of flours, meals and pellets, of meat or meat offal (inc.tankage) unfit for human consumption: greave

Unit: tonnes

	1988	*1989*	*1990*	*1991*	*1992*	*1993*	*1994*	*1995*	*1996*	*1997*
EC										
Belgium-Luxembourg	172	337	312	275	447	—	5	138	891	2,191
Denmark	2,177	2,139	1,164	654	1,456	1,014	987	6,558	419	105
France	325	320	371	—	299	274	1	32	365	1,630
Germany	203	31	1,362	2,514	2,813	2,200	2,812	3,351	2,466	2,078
Greece	—	—	—	—	—	—	—	631	—	—
Irish Republic	28,189	13,058	17,594	15,219	21,989	13,885	17,745	15,329	9,863	4,088
Italy	120	60	16	—	—	—	—	0	—	2,155
Netherlands	4,358	4,743	3,143	2,806	2,890	1,871	1,414	3,854	1,344	3,250
Spain	—	—	—	—	—	—	—	727	0	1,470
EC total	35,544	20,689	23,962	21,468	29,895	19,244	22,964	30,621	15,349	16,968
Non-EC										
Sweden	2,894	4,310	1,575	—	19	—	—	—	—	—
New Zealand	176	139	68	63	66	194	563	725	1,001	1,029
Iceland	—	—	450	—	—	—	—	884	—	—
USA	164	—	1	215	195	60	57	88	107	79
Canary Islands	—	—	—	—	—	502	—	—	—	—
Switzerland	—	—	—	—	—	—	0	2	86	141
Canada	—	—	—	—	—	—	—	—	3	219
Indonesia	21	—	—	—	—	—	—	—	129	—
Australia	18	—	—	—	—	—	40	—	—	—
Israel	—	—	—	—	—	—	—	—	43	—
Brazil	—	—	—	—	—	—	23	—	—	—
Taiwan	—	—	3	15	—	—	—	—	—	—
Poland	—	—	—	—	—	6	4	7	—	—
South Africa	—	—	—	—	—	—	0	—	—	—
Chile	—	—	—	—	—	—	—	0	—	—
Non-EC total	3,272	4,449	2,097	293	279	763	687	1,706	1,368	1,467
Grand total	38,816	25,138	26,059	21,761	30,174	20,007	23,651	32,326	16,717	18,435

Notes:
0 = small values which round down to zero.
1996 and 1997 data are provisional and subject to amendment.

FOREIGN AND COMMONWEALTH AFFAIRS

Export Licences

Mr. Faber: To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant to his answer of 11 March 1998, *Official Report*, column *257*, on export licences, how many applications in each of the stated four week periods his Department recommended for refusal. [36738]

Mr. Fatchett: Licences to export strategic goods are issued by the Secretary of State for Trade and Industry, and the Export Control Organisation of the DTI is the licensing authority. All relevant individual licence applications are circulated by DTI to other Government departments with a policy interest. These include the Foreign and Commonwealth Office, the Ministry of Defence and the Department for International Development. The advice that is given by these

departments to DTI falls into the category of internal discussion and advice, the disclosure of which would harm the frankness and candour of internal discussion and which is being withheld under exemption number 2 of the Code of Practice on Access to Government Information.

Departmental Employees (Scotland)

Mr. Donohoe: To ask the Secretary of State for Foreign and Commonwealth Affairs how many staff are employed in Scotland by his Department, or executive agencies responsible to his Department; and where those staff are located. [36211]

Mr. Fatchett: There are no staff in this Department, or in executive agencies responsible to this Department, employed in Scotland.

EU Common Foreign and Security Policy

Mr. Menzies Campbell: To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant to his answer of 17 March 1998, *Official Report*, column *555*, on EU Common Foreign and Security Policy if he will make it his policy to place in the Library the minutes of the working groups' meetings. [36085]

Mr. Doug Henderson: We are committed to ensuring more effective parliamentary scrutiny of, and greater openness in EU business, including Common Foreign and Security Policy. We have made proposals accordingly both in the EU and at a national level.

We do not, however, have discretion unilaterally to disclose documents that reveal the negotiating position of individual Member States or which could damage the conduct of our national relations. We do not therefore propose to place records of Common Foreign and Security Policy working group meetings in the Library.

Mr. Menzies Campbell: To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant to his answer of 17 March 1998, *Official Report*, columns *555–57*, on EU Common Foreign and Security Policy, when the working groups on *(a)* armaments policy, *(b)* conventional arms exports, *(c)* human rights, *(d)* the Middle East/Gulf, *(e)* Middle East Peace Process and *(f)* nuclear non-proliferation, last met and what subjects were discussed. [36086]

Mr. Doug Henderson: The Working Group on Armaments Policy last met on 9 March; the Conventional Arms Exports one on 26 March; the Human Rights one on 2 March; the Middle East/Gulf one on 12 March; the Middle East Peace Process one on 12 March; and the Nuclear Non-Proliferation one on 19 March.

On the matter of what was discussed at the meetings I refer the hon. and learned Member to my answer to his previous question (36085).

Israel

Mr. Faber: To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant to his answer of 23 March 1998, *Official Report*, column *31*, what was the purpose of the meeting of the Parliamentary Under-Secretary of State, Baroness Symons, with the Ambassador of Israel on 18 March; and if he will make a statement on the meeting. [36734]

Mr. Fatchett: The meeting between my noble Friend Baroness Symons and Ambassador Zeigerman was a long-standing engagement. They discussed the Middle East Peace Process and bilateral relations.

Croatia

Mr. Faber: To ask the Secretary of State for Foreign and Commonwealth Affairs what representations he made to the foreign secretary of Croatia concerning recent speeches by President Tudjman. [36735]

Mr. Fatchett: We have made clear to the Croatian Government, bilaterally and in our capacity as Presidency of the European Union, that we deplore the tone and content of President Tudjman's recent speech to the HDZ National Congress. My right hon. Friend the Foreign Secretary has written to President Tudjman to say that Croatia will not move closer to the European Union without demonstrating a clear, long-term commitment to the Dayton and Erdut peace Agreements, a two-way refugee return process, ethnic reconciliation and democratic reform.

ATTORNEY-GENERAL

Appeals

Mr. Dismore: To ask the Attorney-General how many appeals against *(a)* sentence and *(b)* conviction were made to the Court of Appeal in each of the last three years; and how many of those were successful. [35717]

Mr. Hoon: I have been asked to reply.

The figures requested are as follows:

Year	*Appeals against sentence made*	*Appeals against sentence allowed*	*Appeals against conviction made*	*Appeals against conviction allowed*
1995	5,794	1,222	2,393	253
1996	6,436	1,379	2,288	250
1997	6,357	1,331	2,318	186

DEFENCE

Gulf War Syndrome

Mr. Livingstone: To ask the Secretary of State for Defence which scientific establishments are carrying out the research programme announced in July 1997 into the possible health effects of the combination of vaccines and NAPS tablets given to troops in the Gulf War to protect them against chemical and biological attack; when this work is expected to finish; when the results of this research are expected to be made public; and who has been appointed to the independent panel of experts to review the research. [33794]

Dr. Reid: Preliminary work on the programme of research to investigate the possible health effects of the combination of vaccines and NAPS tablets given to troops in the Gulf War has commenced at CBD Porton Down. However, only some elements of the overall programme will be carried out at CBD. The National Institute for Biological Standards and Control have also been invited

to participate and it is intended that a number of other scientific and academic bodies will contribute to the research in due course.

It was originally estimated that the programme would take some two and a half years to complete. However, this was always subject to the advice of the Independent Panel which has been appointed to oversee the research. On the advice of the Independent Panel, additional work will now be carried out at the start of the programme to determine appropriate vaccine doses for use in animals in the subsequent studies. As a result, the programme as a whole is now expected to take some three and a half years to complete, although interim results will become available at various stages within this period. We expect that, subject to a number of factors, including Home Office approval for the necessary animal tests, it should be possible to publish results from the first phase of work at the end of 1998 or in early 1999.

The Independent Panel is chaired by Professor Harrison C. Spencer, Dean of The London School of Hygiene and Tropical Medicine. The other members of the Panel are: Professor J. E. Banatvala, St. Thomas's Hospital, London; Professor P. Beverley, The Edward Jenner Institute for Vaccine Research; Dr. J. Bird, Burden Neurological Hospital; Dr. A. Boylston, Molecular Medicine Unit, St. James's Hospital, Leeds; Dr. P. Fawcett, Department of Clinical Neurophysiology, Newcastle General Hospital; Professor A. Grossman, Department of Endocrinology, St. Bartholomew's Hospital; Professor M. Hooper, University of Sunderland; Dr. N. Jones, Royal British Legion, London; Professor S. Lightman, Department of Medicine, Bristol Royal Infirmary; Dr. C. Martyn, MRC Environmental Epidemiology Unit, Southampton; Dr. E. Miller, Communicable Diseases Surveillance Centre, Colindale; Dr. D. Ray, Centre for Mechanisms of Human Toxicity, University of Leicester; Professor Sedgwick, Wessex Neurological Centre, Southampton; Professor A. Silman, ARC Epidemiology Research Unit, Manchester University Medical School. Professor Hooper and Dr. Jones were nominated to the panel by Gulf veterans themselves acting through the Royal British Legion.

Dr. Geoffrey Schild, the Director of NIBSC, has also been invited to join the Panel, in view of his expertise in relation to vaccines. In order to avoid a conflict of interest, he will not be present at any discussions regarding NIBSC participation in the programme.

Green Transport

Mr. Baker: To ask the Secretary of State for Defence what specific changes to departmental transport arrangements have to date been implemented following the receipt of the green transport plan. [36650]

Mr. Spellar: I refer the hon. Member to the answer which I gave to him on Friday on 20 March 1998, *Official Report*, column *745*. Guidance has been promulgated but Green Transport Plans have still to be formulated and introduced by my Department.

Green Commuting

Mr. Baker: To ask the Secretary of State for Defence on what date he plans to introduce a green commuting plan. [36666]

Mr. Spellar: I refer the hon. Member to the answer which I gave him on Thursday 19 March 1998, *Official Report*, columns *722–23*, and Friday 20 March 1998, *Official Report*, column *745*. Transport plans have not yet been completed.

Infantry

Mr. Brazier: To ask the Secretary of State for Defence what are the latest manning figures for the infantry, listed by regiment and regional divisions. [36636]

Dr. Reid: The total trained officer and soldier Infantry strengths, broken down by regional Divisions, as at 1 February 1998, is detailed in the table:

	Strength
Regional Division	
Household	3,522
Scottish	3,674
Queens	3,953
Kings	4,047
Prince of Wales	4,681
Light	2,676
Parachute	1,999
Royal Irish	691
Brigade of Gurkhas	2,510
Total	27,753

The soldier strengths broken down by Divisions and down to Infantry unit levels are detailed in the following table. The figures show only those soldiers serving at Regimental Duty with their Battalions.

	Strength
Household Division	
1st Battalion, Grenadier Guards	427
N Company, Grenadier Guards	99
1st Battalion, Coldstream Guards	570
7 Company, Coldstream Guards	104
1st Battalion Scots Guards	427
F Company, Scots Guards	90
1st Battalion, Irish Guards	471
1st Battalion, Welsh Guards	500
Total	2,688
Scottish Division	
1st Battalion, Royal Scots	'429
1st Battalion, Royal Highland Fusiliers	524
1st Battalion, King's Own Scottish Borderers	486
1st Battalion, Black Watch	465
1st Battalion, Highlanders	490
1st Battalion, Argyll and Sutherland Highlanders	516
Total	2,910
Queens Division	
1st Battalion, The Princess of Wales's Royal Regiment	'408
2nd Battalion, The Princess of Wales's Royal Regiment	494
1st Battalion, The Royal Regiment of Fusiliers	535
2nd Battalion, The Royal Regiment of Fusiliers	600
1st Battalion, The Royal Anglian	485
2nd Battalion, The Royal Anglian	577
Total	3,099

	Strength
Kings Division	
1st Battalion, The King's Own Royal Border Regiment	578
1st Battalion, The King's Regiment	498
1st Battalion, The Prince of Wale's Own Regiment	504
1st Battalion, The Green Howards	574
1st Battalion, The Queen's Lancashire Regiment	506
1st Battalion, The Duke of Wellington's Regiment	524
Total	3,184
Prince of Wales Division	
1st Battalion, The Devonshire and Dorset Regiment	553
1st Battalion, The Cheshire Regiment	501
1st Battalion, The Royal Welch Fusiliers	507
1st Battalion, The Royal Regiment of Wales	477
1st Battalion, The Royal Gloucester, Berkshire and Wiltshire Regiment	527
Gloucester, Berkshire and Wiltshire Regiment	634
1st Battalion, The Worcestershire and Sherwood Foresters Regiment	
1st Battalion Staffordshire Regiment	500
Total	3,699
Light Division	
1st Battalion, The Light Infantry	495
2nd Battalion, The Light Infantry	531
1st Battalion, The Royal Green Jackets	464
2nd Battalion, The Royal Green Jackets	570
Total	2,060
The Parachute Regiment	
1st Battalion, The Parachute Regiment	482
2nd Battalion, The Parachute Regiment	[1]432
3rd Battalion, The Parachute Regiment	463
Total	1,377
Royal Irish Regiment	
1st Battalion, The Royal Irish Regiment	433
Total	433
The Gurkhas	
1st Royal Gurkha Rifles	667
2nd Royal Gurkha Rifles	770
Total	1,437

[1] The Battalions marked thus also have a Gurkha Reinforcement Company, comprising 100 Gurkhas, on their strength.

A similar breakdown for the 2,791 Infantry officers could not be provided without disproportionate cost as this information is not held centrally.

Plutonium Stocks

Mr. Letwin: To ask the Secretary of State for Defence what plans he has for the management of UK plutonium stocks. [36637]

Dr. Reid: I refer the hon. Member to the answer I gave to him on Friday 13 March 1998, *Official Report*, columns *431–32*.

Export Licences

Mr. Faber: To ask the Secretary of State for Defence, pursuant to his answer of 11 March 1998, *Official Report*, column *195*, on export licences, how many applications in each of the stated four week periods his Department recommended for refusal. [36737]

Mr. Spellar: Licences to export strategic goods are issued by the Secretary of State for Trade and Industry, and the Export Control Organisation of the DTI is the licensing authority. All relevant individual licence applications are circulated by DTI to other Government departments with an interest, as determined by them in line with their policy responsibilities. These include the Foreign and Commonwealth Office, the Ministry of Defence and the Department for International Development. The advice given by these departments to the DTI falls into the category of internal discussion and advice, the disclosure of which would harm the frankness and candour of internal discussion and which is being withheld under Exemption number 2 of the Code of Practice on Access to Government Information.

SOCIAL SECURITY

Council Tax Benefit

Mr. Hanson: To ask the Secretary of State for Social Security what are her plans for the implementation of the council tax benefit changes for people in properties in bands F, G and H from April 1998. [37186]

Mr. Keith Bradley: We gave a firm commitment to work in partnership with Local Government to monitor the implementation of the changes to Council Tax Benefit to be introduced from 1 April. During consultation with Local Government representatives we listened carefully to their concerns. In light of this we have decided that as an integral part of implementation existing Council Tax Benefit recipients should be protected so that there are no losers at the point of change.

Our proposals are that existing recipients of Council Tax Benefit will not be affected by the restriction and will continue to be unaffected as long as they remain in the same property and do not have a break in Council Tax Benefit entitlement of more than twelve weeks.

The proposals mean that some 65,000 recipients would not be subject to a reduction in benefit at the point of change.

We are consulting the Local Authority Associations urgently on proposals to achieve this. We plan to lay regulations very shortly.

Social Fund

Mr. Miller: To ask the Secretary of State for Social Security what gross budget will be set for the Discretionary Social Fund in 1998–99. [37190]

Mr. Denham: I am pleased to announce that the Social Fund gross discretionary budget for 1998–99 will be £501.2 million. £98 million will be allocated to Community Care Grants, £402.7 million to loans and £0.5 million will be set aside as a contingency reserve. The new allocation represents an increase of £33.7 million over the total gross budget for 1997–98.

On 3 March 1998, *Official Report*, column *609*, I announced changes to the directions covering the payment of community care grants. As part of this allocation an additional £1 million has been included in the provision for community care grants to extend the help available nationally to homeless people setting up home as part of a planned programme of resettlement. This additional funding will help more of those leaving hostel accommodation to obtain grants from the Social Fund and prevent their return to an unsettled way of life.

The Social Security Bill 1998 contains proposed changes to budgeting loan decision making. Moving to a fact based budgeting loan system will be fairer for applicants, easier for them to understand and more cost effective to administer. It is an important step towards our goal of an Active Modern Service. We also aim to further improve the fairness of the scheme by allocating the loans budget increase to achieve greater consistency of outcomes for applicants across areas. The £32.7 million increase which I am announcing today represents a first step towards this aim by enabling more loan applicants to receive an award.

Details of individual District budget allocations will be placed in the Library on 27 March.

Incapacity Benefit

Mr. Wills: To ask the Secretary of State for Social Security if she will list the numbers of incapacity benefit claimants within each three digit code diagnosis group of the International Classification of Diseases for the latest available period. [36180]

Mr. Denham: The information is set out in the table titled "Incapacity Benefit Claimants by International Classification of Diseases Code at 31 August 1997" copies of which have been placed in the Library.

Green Transport

Mr. Baker: To ask the Secretary of State for Social Security (1) on what date she plans to introduce a green commuting plan; [36662]

(2) what specific changes to departmental transport arrangements have to date been implemented following the receipt of the Green Transport Plan. [36641]

Mr. Denham: The Department of the Environment, Transport and the Regions circulated to all Department's in September last year a "Guide to Green Transport Plans". The Department has started to consider how to respond to its recommendations.

State Pension (Equalisation of Ages)

Sir Peter Emery: To ask the Secretary of State for Social Security what action she is taking concerning the present difference in the age that a man and a woman can claim a state pension. [35943]

Mr. Denham: Although currently the State pension age for men is 65 and for women is 60, from 2010 the State pension age for women will be gradually increased so that by 2020 the age is equalised at 65.

Pensioner Incomes

Mr. Burns: To ask the Secretary of State for Social Security how many pensioners in the UK have annual incomes in excess of *(a)* £25,000, *(b)* £30,000 and *(c)* £40,000. [36512]

Mr. Denham: The information is set out in the table.

Annual incomes of UK pensioners in 1997–98

Annual total income	*Pensioners*
Over £25,000	292,000
Over £30,000	186,000
Over £40,000	82,300

Notes:
1. This estimate has been provided by Inland Revenue, based on the 1995/96 Survey of Personal Incomes projected forward to 1997/98 levels of earnings and prices.
2. Annual total income is defined as the sum of all income sources that are subject to tax. It excludes certain incomes that are paid gross such as some National Savings products.
3. Figures rounded to the nearest hundred.

Women

Ms Hewitt: To ask the Secretary of State for Social Security if she will make a statement about her plans to involve women in the development of Government policies and programmes. [34084]

Ms Ruddock: As Ministers for Women, we are taking forward several initiatives to ensure that women's voices are heard by Government.

We are pleased to announce that we have commissioned a feasibility study for an electronic interactive network to build links between Government and women's organisations.

We have also commissioned a new survey of women on the subject of family friendly employment and childcare.

We have commissioned two pilot women's juries; both juries will be asked the question "what should be done to improve the quality of life for working mothers?"

The results of these initiatives will feed into the policy making process, putting women's voices at the heart of Government. They will run alongside and will complement our ongoing discussions with women's organisations. We are reviewing our existing links with women's organisations in order to strengthen and enhance that dialogue.

We are revising guidance on policy appraisal to ensure that policy makers throughout Whitehall take women's interests into account at all stages of the policy making process.

We aim to ensure that all policy documents, all programmes, all action plans, and all legislative changes include an assessment of their impact on women.

INTERNATIONAL DEVELOPMENT

Export Licences

Mr. Faber: To ask the Secretary of State for International Development, pursuant to her answer of 9 March 1998, *Official Report*, columns *23–24*, on export

licences, how many applications in each of the stated four week periods, her Department recommended for refusal. [36736]

Clare Short: Licences to export strategic goods are issued by the Secretary of State for Trade and Industry, and the Export Control Organisation of the DTI is the licensing authority. All relevant individual licence applications are circulated by DTI to other Government departments with an interest, as determined by them in line with their policy responsibilities. These include the Foreign and Commonwealth Office, the Ministry of Defence and the Department for International Development.

The advice that is given by these departments to DTI falls into the category of internal discussion and advice, the disclosure of which would harm the frankness and candour of internal discussion and which is being withheld under exemption number 2 of the Code of Practice on Access to Government Information.

Green Commuting

Mr. Baker: To ask the Secretary of State for International Development on what date she plans to introduce a green commuting plan. [36657]

Mr. Foulkes: We have not at this stage fixed any firm target date for the introduction of such a plan. Changes in departmental practices aimed at discouraging the use of cars for commuting will have only a very limited impact. The Department for International Development maintains only 52 parking spaces in Central London.

Green Transport

Mr. Baker: To ask the Secretary of State for International Development what specific changes to departmental transport arrangements have to date been implemented following the receipt of the Green Transport Plan. [36652]

Mr. Foulkes: The Department of the Environment, Transport and the Regions circulated to all Departments in September last year a "Guide to Green Transport Plans". However, this Department has no vehicle fleet management responsibilities. Nor does it make significant use of private vehicles for official purposes.

TRADE AND INDUSTRY

Hospitality

Mr. Bercow: To ask the President of the Board of Trade if she will list planned expenditure on hospitality for April and May, indicating the date, location and purpose of each event. [35116]

Mrs. Beckett: There are a variety of events planned for April and May, involving DTI Ministerial hospitality. These include a number of receptions and dinners associated with the promotion of the Powerhouse UK exhibition and ASEM II, as well as events covering differing industrial sectors and policy areas. It is not, however, possible to provide a comprehensive estimate for the total expenditure on Ministerial hospitality as the majority of events and meeting will not be finalised until nearer the time.

Foreign Investors

Dr. Starkey: To ask the President of the Board of Trade in what instances it is *(a)* permissible and *(b)* her policy for (i) the Government and (ii) local authorities to discriminate against a foreign investor. [35618]

Mrs. Roche: The UK has an open and liberal economy and welcomes foreign investment. However we reserve the right to discriminate on the grounds of the nationality of an investor in the limited circumstances where permitted by law and our treaty commitments, including in sectors such as defence, broadcasting, fishing, marine and air transport, and financial services. Discrimination on the grounds of the nationality of investors is not a factor in local authority decision-making.

EU Structural Funds

Mr. Jim Cunningham: To ask the President of the Board of Trade what estimate she has made of the cost to the United Kingdom of the present proposals for reforming EU structural funds. [35327]

Mrs. Roche *[holding answer 24 March 1998]:* Draft regulations for reform of the EU Structural Funds were published by the Commission on 18 March. It is not possible at this early state to make detailed estimates of the financial consequences of the Commission's proposals for UK receipts from the Structural Funds, as the Commission has not yet published its plans for per capita receipts in difference regions and Member States under the various Objectives and the other measures it is proposing.

Severn Barrage

Mr. Prior: To ask the President of the Board of Trade what assessment her Department has made of the feasibility of the Severn Barrage scheme; and in what ways her Department plans to support its development. [36600]

Mr. Battle: Overall assessments summarising work across all technologies, including the prospects for tidal power technology and for the Severn Barrage, were last published in 1994 as Energy Technology Support Unit (ETSU) report R-82, "An Assessment of Renewable Energy for the UK" and Energy Paper 62, entitled "New and Renewable Energy Technology: Future Prospects for the UK", copies of which are in the Library of the House.

This Government propose to undertake a new and strong drive to develop renewable energy sources. DTI Ministers are engaged in reviewing policy, including considerations of what would be necessary and practicable to achieve 10% of UK electricity needs from renewables by the year 2010 and how renewables can make an effective contribution to meeting requirements for future greenhouse gas reduction commitments. Tidal power technology is being considered in that review, the outcome of which will be announced later this year. It is expected that a new overall assessment of the technologies will be published later this year.

Office of Manpower Economics

Mr. Swinney: To ask the President of the Board of Trade what percentage of Office of Manpower Economics staff are based in London; what are the total *(a)* running and *(b)* salary costs of this body; and what is the total Government financial assistance provided. [36233]

Mrs. Beckett: The Office of Manpower Economics (OME), which provides the secretariat for the independent Pay Review Bodies, has 37.9 whole-time equivalent staff, all of whom are based in London. The running costs budget for the OME in 1997–98 is £1.581 million, which includes salary costs of £1.357 million. Total government funding for OME in 1997–98 is £2.85 million, including £1.27 million for research commissioned by the Pay Review Bodies.

MINISTER WITHOUT PORTFOLIO

Millennium Dome

Mr. Hoyle: To ask the Minister without Portfolio how many jobs the construction of the Millennium Dome has created to date; and how many jobs it will create when open. [31971]

Mr. Mandelson: As at the beginning of March 1998, 1,073 people have been employed on the construction of the Millennium Dome.

When the Millennium Experience is open and fully operational the New Millennium Experience Company forecast that it will create about 2,000 new full and part time jobs.

An independent report commissioned by the London Borough of Greenwich has estimated that a further 3,000 jobs relating to the Dome will be generated.

Mr. Paterson: To ask the Minister without Portfolio when he plans to answer the question tabled by the hon. Member for North Shropshire on 25 February 1998 relating to the number of contracts signed for the Millennium Dome. [36607]

Mr. Mandelson: The question has been answered today.

Mr. Paterson: To ask the Minister without Portfolio how many contracts have been signed relating to the building of the Millennium Dome. [32029]

Mr. Mandelson *[holding answer 2 March 1998]:* I refer the hon. Member to the reply I gave to the hon. Member for Lewes (Mr. Baker) on 26 March 1998, *Official Report*, column *248*.

EDUCATION AND EMPLOYMENT

Sixth Form Colleges

Dr. Whitehead: To ask the Secretary of State for Education and Employment if he will list those education authorities which provide sixth form education primarily through sixth form colleges. [33997]

Dr. Howells: The following list shows those local education authority areas where, in 1995/96, there were more full-time students in their first two years of post-compulsory education in sixth form colleges than in either state schools or other further education:

Croydon
Manchester
Salford
Solihull
Stockport
Tameside
Waltham Forest.

In addition, there were almost as many such students in sixth-form colleges (46 per cent.) in the former area of Hampshire LEA. Within that authority in 1995/96, it is estimated that over 60 per cent. of such students in the area of what is now the City of Southampton Council were in sixth-form colleges, while about 30 per cent. were in other further education.

Greenwich Judgment

Mrs. Lait: To ask the Secretary of State for Education and Employment what plans he has to legislate to reverse the Greenwich judgment. [34120]

Mr. Byers: We have no plans to legislate to reverse the Greenwich Judgment. The judgment opened up greater opportunities for parents by ensuring that the exercise of choice should not be artificially constrained by the fact of residing on one or other side of a LEA boundary. Under the new admission framework, set out in the School Standards and Framework Bill, we envisage admission authorities working closely with those in neighbouring LEA areas in the interest of all parents.

Free School Meals

Mr. Pearson: To ask the Secretary of State for Education and Employment if he will list the secondary schools with up to 5 per cent. eligible for free school meals at *(a)* Key Stage 3 and *(b)* Key Stage 4. [34166]

Mr. Byers: Information on school meals for individual schools is not published centrally.

Ofsted

Dr. Gibson: To ask the Secretary of State for Education and Employment what proposals he has to review the work of Ofsted. [35059]

Mr. Byers: We are working with Her Majesty's Chief Inspector of Schools to improve the quality, consistency and value for money of the school inspection system. Independent inspection has a crucial role to play in raising standards and we shall continue to discuss with OFSTED the vital part it plays.

Student Transport

Mr. Hurst: To ask the Secretary of State for Education and Employment what was *(a)* the total cost of home to college transport to local authorities in England and Wales for 16 years plus students in the year 1995–96 and *(b)* the cost of home to college transport to Essex County Council for 16 years plus students in the year 1995–96. [35242]

Mr. Byers: LEA expenditure in England on home to college transport was £36.9 million in 1995–96. The corresponding figure for Essex Local Education Authority was £3.1 million. These figures do not take account of parental contributions of £2.8 million and zero for England and for Essex respectively. The funding of home to college transport in Wales is the responsibility of my right hon. Friend the Secretary of State for Wales.

Bengali

Mr. Don Foster: To ask the Secretary of State for Education and Employment what plans he has to ensure the continuation of A level examinations in Bengali; and if he will make a statement. [35350]

Mr. Vaz: To ask the Secretary of State for Education and Employment what steps he is taking to preserve Bengali as a GCE A Level subject. [35924]

Dr. Howells: The Qualifications and Curriculum Authority (QCA) and the GCE Awarding Bodies agreed new cost-effective arrangements for safeguarding the provision of a range of small entry subjects at A level, including Bengali, on 23 March. I understand that these arrangements will ensure that qualifications presently available will continue to be offered without interruption.

Standard Assessment Tests

Mr. Don Foster: To ask the Secretary of State for Education and Employment (1) what percentage of 11 year old *(a)* male, *(b)* female and *(c)* male and female pupils in maintained schools in each local education authority attained (i) Level 3 or better, (ii) Level 4 or better and (iii) Level 5 or better, in the 1997 Key Stage 2 tests in the (1) writing, (2) reading and (3) combined test for English; and what was the average level per pupil; [35353]

(2) for each local education authority what percentage of 11-year-old pupils in maintained schools were entered for the 1997 Key Stage 2 SAT tests in *(a)* writing, *(b)* reading and *(c)* both for English but were absent. [35354]

Ms Estelle Morris: The information requested is shown in the tables.

1997 Key Stage 2 Reading Assessment Test Results

percentage of eligible pupils

	Boys				
	Level 3 and above	*Level 4 and above*	*Level 5 and above*	*Absent*	*Average level*
LEA					
City of London	88	75	31	0	3.7
Camden	85	60	19	2	3.4
Greenwich	80	50	10	3	3.0
Hackney	78	49	10	3	2.9
Hammersmith and Fulham	83	58	16	2	3.2
Islington	80	56	15	3	3.1
Kensington and Chelsea	87	67	17	1	3.4
Lambeth	81	54	11	2	3.1
Lewisham	81	54	14	3	3.1
Southwark	79	49	9	2	2.9
Tower Hamlets	81	47	10	1	3.0
Wandsworth	83	57	15	3	3.2
City of Westminster	84	61	18	2	3.3
Barking and Dagenham	83	52	10	3	3.1
Barnet	89	68	22	1	3.6
Bexley	91	65	16	3	3.5
Brent	85	58	14	1	3.3
Bromley	93	75	26	1	3.8
Croydon	86	62	15	2	3.4
Ealing	86	59	15	1	3.3
Enfield	85	60	15	3	3.3
Haringey	80	52	12	2	3.0
Harrow	91	70	20	2	3.6
Havering	90	70	17	1	3.6
Hillingdon	88	65	16	3	3.4
Hounslow	83	57	14	1	3.2
Kingston upon Thames	89	72	24	1	3.6
Merton	82	58	16	2	3.2
Newham	78	46	10	2	2.9
Redbridge	87	63	16	2	3.4
Richmond upon Thames	93	76	29	2	3.8
Sutton	91	71	20	2	3.6
Waltham Forest	81	54	13	2	3.1
Birmingham	82	55	13	3	3.1
Coventry	83	59	12	2	3.2
Dudley	85	58	12	2	3.2
Sandwell	82	50	8	3	3.0
Solihull	91	69	21	1	3.6
Walsall	82	55	12	2	3.2
Wolverhampton	84	58	12	3	3.2
Knowsley	84	56	10	2	3.2
Liverpool	83	56	13	3	3.2

1997 Key Stage 2 Reading Assessment Test Results

percentage of eligible pupils

	Boys				
	Level 3 and above	*Level 4 and above*	*Level 5 and above*	*Absent*	*Average level*
St. Helens	88	65	15	2	3.4
Sefton	91	72	22	2	3.7
Wirral	87	65	18	3	3.5
Bolton	88	62	17	2	3.4
Bury	91	71	18	1	3.6
Manchester	80	53	11	4	3.0
Oldham	83	54	12	2	3.2
Rochdale	83	60	12	2	3.2
Salford	86	60	15	3	3.3
Stockport	89	69	19	2	3.5
Tameside	84	56	11	3	3.2
Trafford	88	66	2	3	3.5
Wigan	88	64	16	2	3.4
Barnsley	81	53	11	5	3.1
Doncaster	84	58	14	2	3.2
Rotherham	82	54	10	3	3.1
Sheffield	81	54	14	3	3.1
Bradford	79	53	12	3	3.0
Calderdale	82	58	14	3	3.2
Kirklees	85	57	12	3	3.2
Leeds	85	63	16	3	3.3
Wakefield	84	57	14	3	3.2
Gateshead	83	58	13	3	3.2
Newcastle upon Tyne	81	52	11	4	3.1
North Tyneside	88	63	16	3	3.4
South Tyneside	87	59	13	2	3.3
Sunderland	85	58	13	2	3.2
Isles of Scilly	94	65	18	0	3.6
Bath and North East Somerset	88	70	24	2	3.6
City of Bristol	81	54	13	3	3.1
North Somerset	90	70	20	3	3.6
South Gloucestershire	87	65	17	3	3.4
Hartlepool	83	59	15	2	3.2
Middlesbrough	83	56	14	3	3.2
Redcar and Cleveland	87	62	16	3	3.4
Stockton on Tees	83	61	15	3	3.3
City of Kingston-upon-Hull	77	48	9	3	2.9
East Riding of Yorkshire	89	66	17	2	3.5
North East Lincolnshire	83	56	11	3	3.1
North Lincolnshire	84	60	14	2	3.3
North Yorkshire	91	71	21	3	3.6
City of York	89	69	17	2	3.5
Bedfordshire	87	66	16	2	3.4
Luton	85	57	13	2	3.2
Buckinghamshire	90	73	28	2	3.7
Milton Keynes	82	59	15	4	3.2
Derbyshire	88	64	17	2	3.4
Derby City	85	58	13	2	3.3
Dorset	89	69	19	2	3.6
Poole	88	66	16	3	3.5
Bournemouth	89	66	20	4	3.5
Durham	86	62	16	2	3.4
Darlington	84	65	15	3	3.3
East Sussex	86	64	17	3	3.4
Brighton and Hove	84	55	12	3	3.2
Hampshire	90	69	21	2	3.6
Portsmouth	84	58	14	3	3.2
Southampton	83	53	12	3	3.2
Leicestershire	88	65	16	2	3.5
Leicester City	80	53	10	2	3.0
Rutland	92	79	22	1	3.8
Staffordshire	87	66	17	2	3.4
Stoke-on-Trent	84	56	11	2	3.2
Wiltshire	90	66	19	1	3.5
Swindon	86	63	17	2	3.4
Berkshire	88	66	19	2	3.5
Cambridgeshire	87	65	19	2	3.5
Cheshire	88	67	19	2	3.5
Cornwall	87	67	18	2	3.5

1997 Key Stage 2 Reading Assessment Test Results

percentage of eligible pupils

	Boys				
	Level 3 and above	*Level 4 and above*	*Level 5 and above*	*Absent*	*Average level*
Cumbria	88	66	17	3	3.5
Devon	87	63	15	3	3.4
Essex	86	63	16	3	3.4
Gloucestershire	90	69	19	2	3.6
Hereford and Worcester	87	66	18	2	3.5
Hertfordshire	90	71	22	2	3.6
Isle of Wight	87	61	14	3	3.4
Kent	86	64	17	3	3.4
Lancashire	87	63	16	3	3.4
Lincolnshire	87	67	18	3	3.5
Norfolk	86	63	15	3	3.4
Northamptonshire	89	66	17	2	3.5
Northumberland	86	63	16	4	3.4
Nottinghamshire	82	57	14	4	3.2
Oxfordshire	86	66	21	2	3.5
Shropshire	85	61	15	2	3.3
Somerset	88	66	18	3	3.5
Suffolk	88	66	18	2	3.5
Surrey	92	74	24	1	3.7
Warwickshire	87	66	18	2	3.4
West Sussex	88	65	18	2	3.5
National	89	62	16	2	3.4

1997 Key Stage 2 Reading Assessment Test Results

percentage of eligible pupils

	Girls				
	Level 3 and above	*Level 4 and above*	*Level 5 and above*	*Absent*	*Average level*
LEA					
City of London	100	93	29	0	4.2
Camden	91	68	24	2	3.6
Greenwich	86	60	13	2	3.3
Hackney	83	55	12	2	3.1
Hammersmith and Fulham	91	70	25	2	3.7
Islington	88	66	21	1	3.5
Kensington and Chelsea	94	75	25	1	3.8
Lambeth	84	60	16	3	3.3
Lewisham	89	65	18	2	3.5
Southwark	89	62	15	1	3.4
Tower Hamlets	85	54	12	2	3.2
Wandsworth	88	68	21	2	3.5
City of Westminster	92	73	24	1	3.7
Barking and Dagenham	89	61	15	2	3.4
Barnet	93	76	24	2	3.8
Bexley	94	75	22	3	3.8
Brent	89	68	21	1	3.6
Bromley	94	79	32	2	3.9
Croydon	92	71	22	1	3.7
Ealing	91	68	20	1	3.6
Enfield	89	67	18	3	3.5
Haringey	86	62	17	3	3.4
Harrow	92	75	25	2	3.8
Havering	95	77	24	1	3.8
Hillingdon	92	74	23	2	3.7
Hounslow	91	67	18	1	3.6
Kingston upon Thames	93	79	30	2	3.9
Merton	90	67	20	2	3.6
Newham	84	55	12	2	3.2
Redbridge	91	72	22	2	3.7
Richmond upon Thames	96	80	37	1	4.0
Sutton	94	77	27	3	3.8
Waltham Forest	88	66	19	1	3.5
Birmingham	86	62	17	3	3.4
Coventry	91	68	18	2	3.6
Dudley	90	70	21	2	3.6
Sandwell	87	60	13	2	3.3
Solihull	93	78	28	2	3.9
Walsall	88	65	18	2	3.5

1997 Key Stage 2 Reading Assessment Test Results

percentage of eligible pupils

	Girls				
	Level 3 and above	*Level 4 and above*	*Level 5 and above*	*Absent*	*Average level*
Wolverhampton	90	66	17	2	3.5
Knowsley	89	63	13	2	3.5
Liverpool	88	64	18	3	3.5
St. Helens	92	72	20	3	3.7
Sefton	95	79	27	2	3.9
Wirral	92	71	24	3	3.7
Bolton	93	71	20	2	3.7
Bury	93	78	27	1	3.9
Manchester	87	60	15	3	3.4
Oldham	90	65	16	2	3.5
Rochdale	88	65	18	2	3.5
Salford	92	70	19	3	3.6
Stockport	93	76	25	1	3.8
Tameside	89	65	15	3	3.5
Trafford	92	74	27	3	3.8
Wigan	92	72	19	2	3.7
Barnsley	87	63	15	4	3.4
Doncaster	88	66	18	3	3.5
Rotherham	88	66	15	4	3.4
Sheffield	86	63	17	3	3.4
Bradford	86	62	17	2	3.4
Calderdale	90	70	20	2	3.6
Kirklees	90	66	18	2	3.5
Leeds	91	72	22	2	3.7
Wakefield	90	68	17	3	3.6
Gateshead	90	69	20	2	3.6
Newcastle upon Tyne	85	61	14	3	3.3
North Tyneside	91	69	21	3	3.6
South Tyneside	92	72	19	2	3.7
Sunderland	90	68	20	2	3.6
Isles of Scilly	100	91	55	0	4.5
Bath and North East Somerset	94	78	29	2	3.9
City of Bristol	87	63	17	3	3.4
North Somerset	94	79	29	2	3.9
South Gloucestershire	94	78	26	2	3.9
Hartlepool	92	70	17	2	3.6
Middlesbrough	87	63	19	3	3.4
Redcar and Cleveland	90	71	22	2	3.6
Stockton on Tees	90	69	20	2	3.6
City of Kingston-upon-Hull	85	59	13	2	3.3
East Riding of Yorkshire	93	76	23	2	3.8
North East Lincolnshire	89	65	16	3	3.5
North Lincolnshire	91	72	20	2	3.6
North Yorkshire	94	80	29	2	3.9
City of York	94	75	26	1	3.8
Bedfordshire	91	73	23	2	3.7
Luton	90	63	16	2	3.5
Buckinghamshire	94	80	37	2	4.0
Milton Keynes	89	67	21	3	3.5
Derbyshire	92	72	23	3	3.7
Derby City	90	70	21	3	3.6
Dorset	93	78	27	3	3.8
Poole	91	73	23	3	3.7
Bournemouth	92	77	24	4	3.8
Durham	91	71	21	2	3.6
Darlington	90	72	25	3	3.7
East Sussex	92	73	23	3	3.7
Brighton and Hove	87	65	17	3	3.4
Hampshire	94	78	28	1	3.9
Portsmouth	89	65	17	2	3.5
Southampton	89	62	15	3	3.4
Leicestershire	93	75	24	2	3.8
Leicester City	85	60	14	2	3.3
Rutland	95	81	35	1	4.0
Staffordshire	92	74	23	2	3.7
Stoke-on-Trent	89	64	17	2	3.5
Wiltshire	93	78	27	2	3.9
Swindon	91	71	23	2	3.7
Berkshire	92	76	27	2	3.8

1997 Key Stage 2 Reading Assessment Test Results

percentage of eligible pupils

	Girls				
	Level 3 and above	*Level 4 and above*	*Level 5 and above*	*Absent*	*Average level*
Cambridgeshire	92	73	25	2	3.7
Cheshire	93	75	24	2	3.8
Cornwall	93	77	26	2	3.8
Cumbria	93	74	25	2	3.8
Devon	91	72	22	3	3.6
Essex	92	72	23	2	3.7
Gloucestershire	93	76	26	2	3.8
Hereford and Worcester	91	73	25	3	3.7
Hertfordshire	93	78	29	1	3.9
Isle of Wight	93	73	20	1	3.7
Kent	91	72	21	3	3.7
Lancashire	92	72	23	2	3.7
Lincolnshire	91	74	24	4	3.7
Norfolk	90	71	21	3	3.6
Northamptonshire	93	74	24	2	3.8
Northumberland	92	74	23	3	3.7
Nottinghamshire	87	66	19	4	3.5
Oxfordshire	92	75	28	2	3.8
Shropshire	90	71	21	3	3.6
Somerset	93	76	26	2	3.8
Suffolk	92	73	24	2	3.7
Surrey	94	79	31	1	3.9
Warwickshire	91	73	23	2	3.7
West Sussex	93	75	25	2	3.8
National	89	71	22	2	3.7

1997 Key Stage 2 Reading Assessment Test Results

percentage of eligible pupils

	Pupils				
	Level 3 and above	*Level 4 and above*	*Level 5 and above*	*Absent*	*Average level*
LEA					
City of London	93	83	30	0	3.9
Camden	88	64	22	2	3.5
Greenwich	83	55	12	2	3.2
Hackney	80	52	11	2	3.0
Hammersmith and Fulham	87	64	20	2	3.5
Islington	84	61	18	2	3.3
Kensington and Chelsea	90	71	21	1	3.6
Lambeth	83	57	14	3	3.2
Lewisham	85	60	16	2	3.3
Southwark	84	56	12	1	3.2
Tower Hamlets	82	51	11	2	3.1
Wandsworth	86	62	18	2	3.4
City of Westminster	88	67	21	2	3.5
Barking and Dagenham	86	56	12	3	3.3
Barnet	91	72	23	1	3.7
Bexley	93	70	19	3	3.7
Brent	87	63	17	1	3.4
Bromley	94	77	29	2	3.9
Croydon	89	66	18	2	3.5
Ealing	88	63	17	1	3.4
Enfield	87	64	17	3	3.4
Haringey	83	57	14	2	3.2
Harrow	92	72	22	2	3.7
Havering	92	73	20	1	3.7
Hillingdon	90	69	19	2	3.6
Hounslow	87	62	16	1	3.4
Kingston upon Thames	91	75	27	1	3.7
Merton	86	63	18	2	3.4
Newham	81	50	11	2	3.0
Redbridge	89	67	19	2	3.5
Richmond upon Thames	94	78	33	1	3.9
Sutton	92	74	24	2	3.7
Waltham Forest	85	60	16	2	3.3
Birmingham	84	58	15	3	3.3

1997 Key Stage 2 Reading Assessment Test Results

percentage of eligible pupils

	Pupils				
	Level 3 and above	*Level 4 and above*	*Level 5 and above*	*Absent*	*Average level*
Coventry	87	64	15	2	3.4
Dudley	87	64	16	2	3.4
Sandwell	84	55	11	3	3.2
Solihull	92	73	25	1	3.7
Walsall	85	60	15	2	3.3
Wolverhampton	87	62	15	2	3.4
Knowsley	86	60	12	2	3.3
Liverpool	85	60	15	3	3.3
St. Helens	90	68	17	2	3.5
Sefton	93	75	25	2	3.8
Wirral	90	68	21	3	3.6
Bolton	90	67	18	2	3.6
Bury	92	75	22	1	3.7
Manchester	83	56	13	3	3.2
Oldham	87	60	14	2	3.3
Rochdale	86	63	15	2	3.3
Salford	89	64	17	3	3.5
Stockport	91	72	22	2	3.7
Tameside	86	60	13	3	3.3
Trafford	90	70	24	3	3.6
Wigan	90	68	18	2	3.6
Barnsley	84	58	13	4	3.2
Doncaster	86	62	16	3	3.4
Rotherham	85	60	12	3	3.3
Sheffield	84	58	15	3	3.2
Bradford	83	57	15	3	3.2
Calderdale	86	64	17	3	3.4
Kirklees	87	61	15	2	3.4
Leeds	88	67	19	2	3.5
Wakefield	87	62	15	3	3.4
Gateshead	87	64	16	3	3.4
Newcastle upon Tyne	83	56	13	4	3.2
North Tyneside	90	66	18	3	3.5
South Tyneside	89	65	16	2	3.5
Sunderland	87	63	16	2	3.4
Isles of Scilly	96	75	32	0	4.0
Bath and North East Somerset	91	74	27	2	3.7
City of Bristol	84	58	15	3	3.3
North Somerset	92	74	24	2	3.7
South Gloucestershire	91	72	21	3	3.6
Hartlepool	87	64	16	2	3.4
Middlesbrough	85	59	16	3	3.3
Redcar and Cleveland	89	66	19	2	3.5
Stockton on Tees	87	65	17	2	3.4
City of Kingston-upon-Hull	81	53	11	3	3.1
East Riding of Yorkshire	91	71	20	2	3.6
North East Lincolnshire	86	60	13	3	3.3
North Lincolnshire	87	66	17	2	3.4
North Yorkshire	92	75	25	2	3.8
City of York	92	72	21	2	3.7
Bedfordshire	89	69	19	2	3.6
Luton	87	60	15	2	3.4
Buckinghamshire	92	76	32	2	3.8
Milton Keynes	85	63	18	3	3.4
Derbyshire	90	68	20	2	3.6
Derby City	87	64	17	2	3.4
Dorset	91	74	23	2	3.7
Poole	89	69	19	3	3.6
Bournemouth	90	72	22	4	3.6
Durham	88	66	18	2	3.5
Darlington	87	68	20	3	3.5
East Sussex	89	68	20	3	3.5
Brighton and Hove	86	60	14	3	3.3
Hampshire	92	73	24	2	3.7
Portsmouth	87	61	16	3	3.4
Southampton	86	58	13	3	3.3
Leicestershire	90	70	20	2	3.6
Leicester City	83	57	12	2	3.2
Rutland	94	80	29	1	3.9

1997 Key Stage 2 Reading Assessment Test Results

percentage of eligible pupils

	Pupils				
	Level 3 and above	*Level 4 and above*	*Level 5 and above*	*Absent*	*Average level*
Staffordshire	90	70	20	2	3.6
Stoke-on-Trent	86	60	14	2	3.3
Wiltshire	92	72	23	2	3.7
Swindon	88	67	20	2	3.5
Berkshire	90	71	23	2	3.6
Cambridgeshire	90	69	22	2	3.6
Cheshire	90	71	22	2	3.6
Cornwall	90	72	22	2	3.6
Cumbria	91	70	21	2	3.6
Devon	89	67	18	3	3.5
Essex	89	67	19	2	3.5
Gloucestershire	91	72	23	2	3.7
Hereford and Worcester	89	69	21	3	3.6
Hertfordshire	92	74	25	2	3.7
Isle of Wight	90	67	17	2	3.5
Kent	88	68	19	3	3.5
Lancashire	89	68	19	3	3.5
Lincolnshire	89	70	21	3	3.6
Norfolk	88	67	18	3	3.5
Northamptonshire	91	69	20	2	3.6
Northumberland	89	68	19	3	3.5
Nottinghamshire	85	61	16	4	3.3
Oxfordshire	89	71	24	2	3.6
Shropshire	87	66	18	3	3.5
Somerset	90	71	22	2	3.6
Suffolk	90	70	21	2	3.6
Surrey	93	77	27	1	3.8
Warwickshire	89	69	21	2	3.6
West Sussex	90	70	22	2	3.6
National	89	67	19	2	3.5

School Inspections

Mr. Don Foster: To ask the Secretary of State for Education and Employment how many primary schools with 11 year old pupils were inspected by OFSTED in the school year 1996–97; what percentages of each grade on OFSTED's scale 1 to 7 were awarded by inspectors in each of the 12 curriculum subjects; and what was the average grade awarded (i) for each of the 12 curriculum subjects and (ii) for all subjects together in these schools. [35355]

Mr. Byers: This is a matter for HM Chief Inspector of Schools. I have asked him to write to the hon. Member and to place a copy of his letter in the Library.

Student Fees

Mr. Wigley: To ask the Secretary of State for Education and Employment what estimate he has made of the annual cost of administering his proposed student fees regime. [35574]

Dr. Howells: There will be no extra costs to LEAs in paying the public contribution to tuition fees after income assessment. Our plans for 1998–99 assume that the costs to universities and colleges of collecting private fee contributions (and of any default) will be 5 per cent. of the income collected.

Science Examinations

Dr. Starkey: To ask the Secretary of State for Education and Employment, in each of the five years before and each year since the introduction of the National Curriculum, how many girls and how many boys have taken at least one science subject at *(a)* GCSE and *(b)* A-level. [35371]

Dr. Howells: The information requested in respect of GCSE and GCE A level science is as follows:

(000s)

	Number of pupils taking GCSE Science			*Number of students taking GCE A Level Science*		
	Boys	*Girls*	*Total*	*Boys*	*Girls*	*Total*
1986	305	276	581	41	24	65
1987	303	277	581	40	24	64
1988	269	249	518	39	23	62
1989	266	258	524	36	24	60
1990	250	247	496	37	26	63
1991	245	240	485	35	24	59
1992	240	235	475	32	23	56
1993	236	229	465	27	19	46
1994	244	238	482	26	19	46
1995	265	258	523	27	20	47
1996	271	266	537	27	20	47
1997	268	264	532	29	23	51

Note:
The National Curriculum was introduced in 1991 for Key Stage 1 and in 1992 for Key Stage 3.

European Social Fund

Mr. Sanders: To ask the Secretary of State for Education and Employment if he will make a statement on the payment priority given to voluntary

sector organisations running European Social Fund projects under *(a)* Objective 1, *(b)* Objective 2 and *(c)* Objective 3. [35393]

Mr. Andrew Smith: New funding arrangements introduced this year will enable this Department to pay European Social Fund (ESF) claims without waiting for funds from the European Commission. This arrangement will apply to ESF claims dating from 1997 to the second payment for 1999 and should lead to speedier payments for all sectors involved. The claims will have to be checked first and must be accurate and have appropriate supportive documentation. Accurate claims submitted by the voluntary sector will be given priority under all ESF programmes and paid first.

Mr. Sanders: To ask the Secretary of State for Education and Employment what measures he proposes in order to speed up European Social Fund payments to voluntary sector organisations running Objective 3 projects. [35395]

Mr. Andrew Smith: Payments for accurate claims dating from 1997 to the second payment in 1999 will be made without waiting for funding to arrive from the European Commission. This arrangement should lead to speedier payments for all sectors. Claims received from the voluntary sector will be checked on a daily basis and once they are accurate will be given priority for processing.

Mr. Sanders: To ask the Secretary of State for Education and Employment if he will list the procedures the promoters of an approved ESF Objective 3 project run by a voluntary sector organisation must undertake before payment can be made by his Department. [35396]

Mr. Andrew Smith: Promoters should submit accurate, completed claim forms including the appropriate supportive documentation. Once the claims have been checked and are correct they can be processed for payment. We will not need to wait for funds to arrive from the European Commission before making payments for accurate claims dated from 1997 to the second payment in 1999.

Mr. Sanders: To ask the Secretary of State for Education and Employment if he will list the final claim payment dates for ESF Objective 3 voluntary sector projects for each year since the start of the current programme. [35397]

Mr. Andrew Smith: The current Objective 3 programme started in January 1997 and will finish in December 1999. The deadline for projects to submit their final claims for the 1997 programme to this Department's European Social Fund Unit was 13 March 1998. The Department's ESF Unit has so far received 1,170 of the expected 1,625 final claims.

The final claims are now being checked on a daily basis. Final claims received from the voluntary sector are given priority for processing. Final claim payments will be paid once they have been checked and are correct and we expect payments to begin sometime in April 1998.

School Admissions (Sheffield)

Mr. Allan: To ask the Secretary of State for Education and Employment what representations he has received on Sheffield City Council's decisions on secondary school admissions for September 1998; and if he will make a statement. [35532]

Ms Estelle Morris: We have received several letters recently from local parents and others about secondary school admission arrangements in Sheffield, and in particular about the implications of the recent High Court judgment on the operation of admissions in Rotherham. The Department is discussing the issues raised by the judgment with Sheffield LEA and with other interested parties. We shall consider in the light of those discussions if the existing legislation gives admission authorities sufficient flexibility to respond to local needs and preferences.

New Deal

Mr. Wigley: To ask the Secretary of State for Education and Employment (1) how many businesses in each parliamentary constituency have signed up to the New Deal; [35577]

(2) what measures he will take to ensure a consistent geographical spread of businesses signed up to the New Deal; [35578]

(3) what steps the Government will take to encourage businesses in areas of high unemployment to sign up for the New Deal. [35587]

Mr. Andrew Smith: Our strategy for marketing New Deal is designed to ensure that every local New Deal partnership, including those in areas of high unemployment, has the job vacancies it requires to meet the needs of its unemployed clients. The measures we are taking to achieve this include requiring local partnerships to cover marketing in their plans, (which have been approved by assessment panels, including private sector members) local marketing guides and toolkits, marketing training and planning support, and local radio and press advertising, as well as the national TV and press campaign. Additional measures for areas of particularly high unemployment include the establishment of employer coalitions by the New Deal Task Force and special workshops on marketing.

We are making encouraging progress in implementing our marketing strategy, with over 2,300 employer agreements signed across the country, with many more to come as marketing efforts are now underway in all local partnerships. 44 of these agreements are with leading national employers, offering jobs in a range of geographical locations. A breakdown of these figures by constituency is not available.

Mr. Cohen: To ask the Secretary of State for Education and Employment what is his estimate of the *(a)* number and *(b)* percentage of persons on the New Deal who will require special attention at the Gateway, the (i) number and (ii) percentage who will require mentoring and the basis on which these estimates are made; from where he expects to recruit the mentors; and what estimate he has made of the amounts individual mentors will be paid and the total cost. [36155]

Mr. Andrew Smith: Every young person who enters the Gateway of the New Deal for 18–24 year olds will receive individually tailored help. In his Budget statement on 17 March 1998, *Official Report*, columns 1097–112,

my right hon. Friend the Chancellor of the Exchequer announced an additional £50 million boost to the help available in the Gateway.

In each unit of delivery a New Deal mentoring service will seek to recruit and train mentors who can offer the kind of independent, individual support some young people will need as they progress through the New Deal programme. We expect that suitable mentors will be drawn from all sections of local communities. Mentors will be unpaid trained volunteers, but will typically receive expenses under arrangements to be determined locally.

Each New Deal mentoring service will aim to provide a mentor for those young people identified as most likely to benefit from this extra support. Our planning assumption is that up to 100,000 young people will benefit over the life of this Parliament. On the basis of overall planning assumptions for New Deal, which are consistent with the Government's current unemployment assumptions, that would mean that about 10 per cent. of all Gateway entrants would benefit from New Deal mentoring. Units of delivery will be contracting for mentoring services over the coming months, and accurate estimates of total costs cannot be made in advance of the contracting process and some operational experience of New Deal mentoring. At this stage, our planning assumption is that mentoring might cost up to £40 million during this Parliament.

Mr. Keetch: To ask the Secretary of State for Education and Employment what assistance those unemployed and aged over 25 years of age who are partners of unemployed people will receive through the New Deal; and if he will make a statement. [36503]

Mr. Andrew Smith: We announced in the Budget that the Government have set aside £60 million from the Windfall Tax Receipts to ensure that partners of the unemployed who are aged over 25 and are themselves out of work will have the option to receive the help they need to get back to work. Details of the New Deal for Partners and the type of assistance which partners over 25 might receive through this New Deal will be set out in due course.

Mr. Keetch: To ask the Secretary of State for Education and Employment what is the timescale for expenditure of the extra £50 million allocated to the Gateway period of the New Deal for the young unemployed in the Budget; and if he will make a statement. [36504]

Mr. Andrew Smith: Like all other allocations from the windfall tax to the New Deal for 18–24 year olds, the extra £50 million for the Gateway will help young people over the life of this Parliament.

The extra £50 million will fund a New Deal mentoring service, offering the support of trained volunteer mentors to up to 100,000 young people over the life of this Parliament. The extra money will also fund a significant enhancement of Gateway help to some of the more disadvantaged young people. There will be short basic skills courses available to every young person who could benefit; and we will also increase access to help from specialist agencies during the Gateway, to tackle such problems as homelessness, drug or alcohol dependency, or debt, at the same time as the young people are working to improve their employment prospects.

Mr. Keetch: To ask the Secretary of State for Education and Employment by what criteria an unemployed individual aged over 25 years who is a partner of an unemployed person and is not in receipt of jobseeker's allowance will qualify for the New Deal; and if he will make a statement. [36506]

Mr. Andrew Smith: We announced in the Budget that the Government have set aside £60 million from the Windfall Tax Receipts to ensure that partners of the unemployed who are aged over 25 and are themselves out of work will have the option to receive the help they need to get back to work. Details of the New Deal for Partners and the criteria by which partners will be eligible for help will be set out in due course.

Mr. Keetch: To ask the Secretary of State for Education and Employment how many individuals have given a commitment to provide mentoring support to young people through the New Deal to date; and if he will make a statement. [36507]

Mr. Andrew Smith: We have asked local New Deal partnerships to develop their mentoring services during 1998 and to make sure they are fully operational by December at the latest. Some partnerships have already made significant progress in planning and contracting for mentoring and should have provision in place shortly after the New Deal's national launch on 6 April. The first task for providers will be to recruit and train suitable volunteer mentors from all sections of the local community to offer independent, individual support to those young people entering the New Deal Gateway who are most likely to benefit from this extra help. Information about the numbers of New Deal mentors will start to be collected once mentoring services are in place.

Mr. Keetch: To ask the Secretary of State for Education and Employment what assistance towards the needs of those aged over 50 years will be available through the New Deal; and if he will make a statement. [36508]

Mr. Andrew Smith: Two extensions of the New Deal over the coming year will include people aged 50 and over. From June, we will introduce the New Deal for all people aged 25 or over who have been unemployed for over 2 years. This will honour our manifesto pledge to introduce a £75 employer subsidy for employers who recruit people from this group. We will also provide new opportunities to train or study full time on JSA. Participants will also be eligible for help from existing provision, which includes training, help towards self-employment, and trial periods with employers. All participants will receive advisory help, to enable them to identify the best route into sustained employment.

Second, we will introduce, in November, pilots providing up to 70,000 places which will help those unemployed for at least 18 months, and, in some areas, those unemployed for 12 months. We will be consulting on the design of those pilots and, in particular, on the way in which they can best help those aged 50 and over. Our initial thinking is that they should contain key features of the New Deal approach: a gateway period to identify barriers to work; individually tailored provision which

takes into account the special circumstances of each participant; and follow through support to help people stay in work.

Mr. Keetch: To ask the Secretary of State for Education and Employment where the pilot schemes for the extension of the New Deal for those over 25 years of age will be located; and if he will make a statement. [36509]

Mr. Andrew Smith: The locations for the pilots that were announced in the Budget are yet to be decided. We will select areas which provide the best basis for reliable evaluation of the approach.

Grammar School Students

Mr. Wyatt: To ask the Secretary of State for Education and Employment what is the cost of administration of the 11 plus in *(a)* Kent and *(b)* the constituency of Sittingbourne and Sheppey. [35609]

Ms Estelle Morris: This information is not collected by the Department.

Mr. Wyatt: To ask the Secretary of State for Education and Employment (1) how much money is currently spent on *(a)* coaches and *(b)* taxis in transporting (i) 11 to 16 and (ii) 16 to 18 year-olds from Sheppey to grammar schools off the island; [35610]

(2) how much money is currently spent on *(a)* coaches and *(b)* taxis to enable students in Sittingbourne and Faversham to attend the local grammar schools; [35611]

(3) if he will list grammar schools in England in order of places gained at Oxford and Cambridge for each year from 1987 to 1997; [35614]

(4) how many students at each grammar school in Sittingbourne left aged 16 years in each year since 1987. [35615]

Mr. Byers: This information is not collected centrally.

GCSE Results

Mr. Wyatt: To ask the Secretary of State for Education and Employment what is the GCSE pass rate average for *(a)* all comprehensive schools and *(b)* all grammar schools; and if he will make a statement. [35612]

Dr. Howells: The information requested in respect of GCSEs is *(a)* 93.5 per cent. and *(b)* 99.6 per cent.

Teachers

Maria Eagle: To ask the Secretary of State for Education and Employment (1) what is the projected average age of secondary school teachers in 10 years' time; and what assessment he has made of trends in the average age over the next 10 years; [35629]

(2) what is the average age of secondary school teachers in England and Wales. [35630]

Ms Estelle Morris: The average age of full and part-time secondary teachers in 1996 was 42 and it is expected to stay around this age for the next 10 years. We estimate that, following a slight decrease in 1997 and 1998 due to the increase in the numbers of premature retirements, there will be a gradual increase in the average age of secondary teachers over the next 10 years from just below 42 years to just above.

Mrs. Ann Winterton: To ask the Secretary of State for Education and Employment how many teachers in the Congleton constituency *(a)* applied for and *(b)* were granted early retirement owing to ill health during 1997. [35633]

Ms Estelle Morris: During the calendar year 1997, three teachers, whose last known employment was in a maintained school in the Congleton constituency, were granted early retirement on ill-health grounds. The number of applications for retirement on the grounds of ill-health by constituency cannot be identified centrally.

Mrs. Ann Winterton: To ask the Secretary of State for Education and Employment how many teachers voluntarily left the teaching profession before retirement age in the constituency of Congleton during 1997. [35634]

Ms Estelle Morris: The latest year for which information is available is 1995–96. Provisional data show that, of those recorded as in-service, whether full or part-time, in a maintained school in the Congleton constituency as at 31 March 1995, 24 were out of service one year later, excluding those who retired (on grounds of ill health, age, redundancy or efficiency), died or were barred.

Undergraduate Studies

Dr. Lynne Jones: To ask the Secretary of State for Education and Employment if he will list the participation in full-time and sandwich undergraduate study by *(a)* constituency and *(b)* socio-economic groups A and E in (i) 1985, (ii) 1990 and (iii) 1995. [35723]

Dr. Howells: Data on participation in higher education by parliamentary constituency are not available centrally. The Higher Education Statistics Agency (HESA) collects the home postcode of higher education students, which would enable individual constituencies to be identified, but at present no such analysis has been carried out.

The available data on participation by socio-economic group are given in the table:

Participation in higher education [1] by socio-economic group: young full-time undergraduates

percentage

Socio-economic group	*Academic year beginning 1985*	*1990*	*1995*
A Professional	n/a	n/a	79.4
B Intermediate	n/a	n/a	45.4
C1 Skilled Non-Manual	n/a	n/a	31.2
A to C1	35.2	36.7	46.6
C2 Skilled Manual	n/a	n/a	18.3
D Partly Skilled	n/a	n/a	17.2
E Unskilled	n/a	n/a	12.5
C2 to E	8.3	10.3	17.4

[1] Estimates of the numbers of young home initial entrants to full-time and sandwich undergraduate courses in Great Britain, expressed as a proportion of the averaged 18 to 19 year old population.

Note:
n/a = not available

Environmental Task Force

Mr. Derek Foster: To ask the Secretary of State for Education and Employment what plans there are to increase the participation of the over-25 age group in the Environmental Task Force option of the New Deal. [35909]

Mr. Andrew Smith: As we announced in the Budget, 17 March 1998, *Official Report*, columns 1097–112, £100m will be made available from the Windfall Tax to offer up to 70,000 places on pilots which extend the New Deal approach to adults who have been unemployed for 18 months or, in some cases, a year. These pilots will include the opportunity for participants to work on projects of environmental benefit or in the voluntary sector, as well as job-related training, and employment, where appropriate with a £75 a week subsidy for six months, and opportunities for training towards self-employment.

Greystones School, Sheffield

Mr. Allan: To ask the Secretary of State for Education and Employment what representations he has received concerning class sizes at Greystones primary school, Sheffield; and if he will make a statement. [36505]

Mr. Byers: None. We have provided Sheffield local education authority with a specific grant of £525,000 to reduce infant class sizes from September 1998. This will benefit an estimated 2,400 pupils.

School Closures (Kent)

Mr. Green: To ask the Secretary of State for Education and Employment what plans he has in respect of the closure of schools in Kent; and if he will make a statement. [36601]

Mr. Byers: None. The planning of school places in Kent is a matter for the Local Education Authority and, in the case of secondary provision, the Funding Agency for Schools. But the Government believe that LEAs should keep the supply of school places under review. I refer the hon. Member to the reply I gave to my hon. Friend the Member for Selby (Mr. Grogan) on 26 February 1998, *Official Report*, column *364*, in which I said that officials would write to all LEAs and to the FAS asking that they justify continuing to maintain schools with high levels of surplus particularly where performance is poor. But we recognise that authorities will want to take into account any particular local circumstances. Officials have now written to all authorities asking them to address this issue in their annual return to the Department, due by 1 June.

Green Transport

Mr. Baker: To ask the Secretary of State for Education and Employment what specific changes to departmental transport arrangements have to date been implemented following the receipt of the Green Transport Plan. [36644]

Dr. Howells: The Guide to Green Transport Plans was distributed last September by my hon. Friend the Parliamentary Under-Secretary of State for the Environment, Transport and the Regions. A number of developments have been taken forward with the help of the guidance contained in the document. Last year DfEE carried out a survey of staff travel drawing on the advice contained in the Guide. The information obtained from the survey will assist with drawing up the Department's Green Transport Policy document and Green Transport action plans for each of the Department's sites. DfEE's arrangements for providing vehicles for official travel have been reviewed and more stringent conditions introduced. The Department has also given extra emphasis to encouraging staff to cycle to work by supporting National Cycle Week, advertising the availability of loans for purchasing bicycles and providing additional facilities for cyclists at two sites.

Mr. Baker: To ask the Secretary of State for Education and Employment on what date he plans to introduce a green commuting plan. [36656]

Dr. Howells: The Guide to Green Transport Plans distributed last September by my hon. Friend the Parliamentary Under-Secretary of State for the Environment, Transport and the Regions encouraged Departments to draw up Green Transport Plans tailored to each location. All DfEE's Headquarters sites and buildings will have operational Green Transport Action Plans in place by 31 October 1998 covering both commuting and official travel.

Cash Limits

Caroline Flint: To ask the Secretary of State for Education and Employment if he will announce changes to cash limits within his responsibility for 1997–98. [37146]

Dr. Howells: I announced on 23 February 1998, *Official Report*, columns *109–11*, that the cash limit for Class IX, Vote 1 Department for Education and Employment: programmes and central services would be increased by £34,653,000 from £9,505,077,000 to £9,539,730,000. The cash limit will now be increased by a further £262,798,000. This is as a result of a virement of £267,200,000 from section B of the Vote, which is non-cash limited, to section A, which is cash limited, offset by a reduction in the cash limit on the Vote of £4,402,000.

The increase in the cash limit is necessary because, following the ending of demand-led funding in the further education sector at the end of academic year 1996–97, it was not possible to estimate, in time for the publication of the Department's Main Estimates in March 1997, the value of outstanding demand-led claims likely to be made by colleges during the 1997–98 financial year. The extent of outstanding super-demand-led claims relating to the final term of academic year 1996–97 was not known with accuracy until late 1997, at which point financial provision was contained within a previously agreed total.

The Further Education Funding Council claim cash-limited and non-cash limited payments separately. Since the Department asked the Funding Council to end the system of super-demand-led funding at the end of academic year 1996–97, the Funding Council decided to end the arrangement whereby each unit of funding contained a notional demand-led component. Accordingly, the Funding Council has made claims for entire funding units against section A of the Estimate rather than section B, whose use it has subsequently restricted to claiming for the cost of outstanding super-demand-led claims from colleges.

The effect is that Funding Council claims for expenditure from section A will exceed provision by

£267,200,000 while claims from section B will be correspondingly lower. The virement from section B to section A will enable the Department to meet Funding Council claims for expenditure within the overall level of funding provided to it.

The decrease in the cash limit of £4,402,000 will be used to offset an equivalent increase in the non-Voted DfEE/LACAP cash limit for local authority capital for school building projects. The DfEE/LACAP will increase from £72,107,000 to £76,509,000 as a result.

SCOTLAND

Teachers

Mr. Gorrie: To ask the Secretary of State for Scotland how many pupils and full-time equivalent teachers there were in Scottish *(a)* primary, *(b)* secondary and *(c)* special schools in the state sector and in the last 10 sessions; how many there are in the current session; and what were the resultant teacher-pupil ratios in each year. [35842]

Mr. Wilson: The information is set out in the table.

Pupils, full-time equivalent (FTE) teachers and pupil-teacher ratios in Education Authority schools

Year	Primary Number of pupils	Primary Number of teachers (FTE)	Primary Pupil-teacher ratio	Secondary Number of pupils	Secondary Number of teachers (FTE)	Secondary Pupil-teacher ratio	Special Number of pupils	Special Number of teachers (FTE)	Special Pupil-teacher ratio
1997[1]	440,066	22,092.1	19.9	314,061	23,862.7	13.2	7,662	1,606.5	4.8
1996	441,215	22,459.8	19.6	315,912	24,205.9	13.1	7,646	1,578.6	4.8
1995	440,112	22,526.2	19.5	316,253	24,536.7	12.9	7,595	1,573.1	4.8
1994[2]	437,964	22,471.2	19.5	314,779	24,478.1	12.9	8,712	1,925.4	4.5
1993	438,345	22,448.9	19.5	311,176	24,264.4	12.8	8,559	1,909.0	4.5
1992	438,914	22,724.0	19.3	302,986	23,984.3	12.6	8,456	1,950.6	4.3
1991	440,752	22,648.7	19.5	296,367	23,812.1	12.4	8,255	1,826.0	4.5
1990	440,534	22,629.0	19.5	293,501	23,979.6	12.2	8,302	1,838.9	4.5
1989	437,018	22,182.9	19.7	298,394	24,136.5	12.4	8,405	1,783.7	4.7
1988	432,707	21,319.7	20.3	311,500	24,559.6	12.7	8,939	1,795.8	5.0
1987	430,865	21,166.7	20.4	327,012	25,189.7	13.0	9,009	1,709.7	5.3

[1] All 1997 figures provisional. The number of teachers in secondary schools includes estimates for 20 schools.
[2] Up to and including 1994, pupils and teachers based in special units in mainstream schools were included in the special school figures.

Scottish Parliament

Mr. Ernie Ross: To ask the Secretary of State for Scotland what plans he has to take independent advice on the remuneration levels for members of the Scottish Parliament and members of the Scottish Executive. [37183]

Mr. McLeish: My right hon. Friend the Secretary of State has written to Sir Michael Perry CBE, Chairman of the Senior Salaries Review Body. A copy of this letter will be placed in the Library. The letter invites the Senior Salaries Review Body to consider and make recommendations on pay, allowances and pensions of Members of the Scottish Parliament and Members of the Scottish Executive. It is expected that the Senior Salaries Review Body will make its initial recommendations on salary levels for Members of the Scottish Parliament this Autumn.

Agricultural Science Agency

Mr. Browne: To ask the Secretary of State for Scotland if he will make a statement about the performance of the Scottish Agricultural Science Agency against its targets for 1997–98 and the setting of targets for 1998–99. [37184]

Mr. Dewar: The Agency is on course to meet the Commons target for 1997–98 which were set out in my predecessor's answer of 20 May 1997, *Official Report*, columns *748–49*.

For 1998–99 I have set the Agency the following key performance targets:

fulfilment of the Service Level Agreement with SOAEFD within the budget allocated for 1998–99;

continuation of the programme of consultation of all customers on the quality of the work done by the Agency;

completion of 94 per cent. of all scientific test and analyses within the timescales set by customers;

improvement in the unit cost of the scientific work of the Agency (cost per direct scientific hour);

achievement of the target income of £50,000 from new work or new customers.

TREASURY

Government Expenditure

Mr. Heathcoat-Amory: To ask the Chancellor of the Exchequer what are the figures for general Government expenditure as forecast in the Budget of November 1996 for the years 1997–98 and 1998–99, revalued on the basis of the GDP deflator assumed in *(a)* the July 1997 Budget and *(b)* the March 1998 Budget. [35865]

Mr. Darling *[holding answer 23 March 1998]:* General Government Expenditure as forecast in the November 1996 Budget revalued on the July 1997 Budget deflators would be £310.5 billion for 1997–98 and £310.0 billion for 1998–99. Based on the March 1998 Budget deflators the figures would be £310.6 billion for 1997–98 and £309.7 billion for 1998–99. (Figures are given in 1996–97 prices).

Mozambique (Debt)

Mr. Hopkins: To ask the Chancellor of the Exchequer if he will make a statement on the progress of Mozambique in respect of the Heavily Indebted Poor Countries Initiative. [34645]

Mr. Gordon Brown *[holding answer 25 March 1998]:* The position after the Paris Club meeting in January was that Mozambique still required $100 million to ensure that its debt burden will be reduced to a sustainable level under the HIPC initiative. Last month, the Government announced that the UK would contribute an additional $10 million toward meeting that gap. Other countries have now begun to respond to our lead, and indicate their intention to contribute.

We hope that a decision on the level and timing of Mozambique's debt relief under the Heavily Indebted Poor Countries (HIPC) initiative will be reached soon.

"Financial Statement and Budget Report"

Mr. Timms: To ask the Chancellor of the Exchequer if he will make a statement about Tables B5, B8, B9 and B24 in the "Financial Statement and Budget Report". [37189]

Dawn Primarolo: There were some minor errors in these tables. Corrected versions are printed in the following tables. A corrected copy of Chart B2 has been placed in the Libraries of the House.

Table B5: Projections of budget deficits and debt[1]

	Per cent. of GDP						
	Outturn	*Estimate*			*Projections*		
	1996–97	*1997–98*	*1998–99*	*1999-2000*	*2000–01*	*2001–02*	*2002–03*
GGR	38.3	39.6	39.9	39.9	40.3	40.5	40.5
Tax/GDP ratio[2]	36.0	37.1	37.7	37.4	37.5	37.8	37.8
(a) ¾ per cent. real CT growth							
GGFD[3]	3.8	1.0	0.4	–0.6	–1.5	–2.6	–3.4
Current balance	–2.7	–0.2	0.4	1.4	2.3	3.4	4.1
PSBR	3.0	0.6	0.5	–0.3	–1.3	–2.2	–3.2
Net public sector debt	45.0	43.5	42.1	40.2	37.4	33.7	29.3
General government gross debt[4]	54.3	51.9	50.5	48.5	45.5	41.6	37.0
(b) 1½ per cent. real CT growth							
GGFD[3]	3.8	1.0	0.4	–0.3	–1.0	–1.8	–2.3
Current balance	–2.7	–0.2	0.4	1.2	1.9	2.6	3.1
PSBR	3.0	0.6	0.5	–0.1	–0.8	–1.5	–2.1
Net public sector debt	45.0	43.5	42.1	40.5	38.1	35.1	31.7
General government gross debt[4]	54.3	51.9	50.5	48.7	46.2	43.0	39.4
(c) 2¼ per cent. real CT growth							
GGFD[3]	3.8	1.0	0.4	–0.1	–0.5	–1.0	–1.2
Current balance	–2.7	–0.2	0.4	0.9	1.4	1.9	2.1
PSBR	3.0	0.6	0.5	0.2	–0.3	–0.7	–1.1
Net public sector debt	45.0	43.5	42.1	40.7	38.9	36.6	34.2
General government gross debt[4]	54.3	51.9	50.5	49.0	46.9	44.4	41.8

[1] GGFD, current balance and PSBR exclude windfall tax receipts and associated spending.
[2] As defined in Table B8.
[3] UK national accounts definition.
[4] Ratio on a Maastricht basis. GDP is on an ESA79 basis, year ending in March.

Table B8: Total receipts

	Per cent. of GDP						
	Outturn	*Estimate*			*Projections*		
	1996–1997	*1997–98*	*1998–99*	*1999-2000*	*2000–01*	*2001–02*	*2002–03*
Income tax (gross of tax credits)	9.5	10.0	10.3	10.6	10.8	10.9	11.0
Income tax credits[1]	–0.3	–0.4	–0.2	–0.4	–0.7	–0.8	–0.8
Corporation tax	3.7	3.8	3.6	3.7	3.7	3.9	3.7
Windfall tax	—	0.3	0.3	—	—	—	—
Value added tax	6.2	6.4	6.4	6.4	6.3	6.3	6.2
Excise duties[2]	4.1	4.2	4.4	4.5	4.6	4.7	4.8
Other taxes and royalties[3]	6.5	6.5	6.5	6.5	6.6	6.5	6.5
Social security contributions	6.3	6.3	6.4	6.3	6.3	6.4	6.4
Net tax and social security contributions[4]	36.0	37.1	37.7	37.4	37.5	37.8	37.8
Other receipts and accounting adjustments[5]	2.1	2.2	1.9	2.0	2.3	2.1	2.2
Total receipts	38.1	39.3	39.6	39.4	39.8	40.0	40.1
Total receipts (£ billion)	286.4	313.1	330.1	344.0	364.0	382.8	402.4

[1] Mainly MIRAS and tax reliefs under the Working Family Tax Credit scheme (see paragraph B59 in conventions used in presenting the public finances).
[2] Fuel, alcohol and tobacco duties.
[3] Includes Council Tax and money paid into the National Lottery Distribution Fund, as well as other central government taxes. Net of bus fuel duty rebate (previously netted off excise duties).
[4] Net of income tax credits, cash basis.
[5] Includes tax credits scored as public expenditure (see paragraph B60 in conventions used in presenting the public finances).

Table B9: General government receipts[1]

£ billion

	Outturn 1996–97	Estimate 1997–98	Projection 1998–99
Inland Revenue			
Income tax (gross of tax credits)	71.5	79.4	86.1
Income tax credits	–2.6	–2.9	–1.9
Corporation tax[2]	27.8	30.5	30.0
Windfall tax	—	2.6	2.6
Petroleum revenue tax	1.7	1.1	0.5
Capital gains tax	1.1	1.4	2.2
Inheritance tax	1.6	1.7	1.9
Stamp duties	2.5	3.4	4.6
Total Inland Revenue (net of tax credits)	103.6	117.2	126.0
Customs and Excise			
Value added tax	46.7	51.0	53.3
Fuel duties	17.2	19.1	21.5
Tobacco duties	8.0	8.3	8.9
Spirits duties	1.6	1.5	1.6
Wine duties	1.3	1.4	1.5
Beer and cider duties	2.8	2.8	2.9
Betting and gaming duties	1.4	1.5	1.6
Air passenger duty	0.4	0.5	0.7
Insurance premium tax	0.7	1.0	1.3
Landfill tax	0.1	0.4	0.4
Customs duties and levies	2.3	2.3	2.0
Total Customs and Excise	82.4	89.9	95.6
Vehicle excise duties	4.2	4.6	4.6
Oil royalties	0.7	0.5	0.3
Business rates[3]	14.7	14.7	15.0
Social security contributions	47.1	50.5	53.7
Council Tax	10.1	11.1	11.6
Other taxes and royalties[4]	7.9	7.6	7.2
Net taxes and social security contributions	270.5	295.9	314.0
Interest and dividends	5.2	5.1	4.5
Gross trading surpluses and rent	4.9	4.8	4.9
Other receipts and accounting adjustments[5]	5.8	7.3	6.7
General government receipts	286.4	313.1	330.1
North Sea revenues[6]	3.6	3.4	2.6

[1] On a cash basis.
[2] Includes advance corporation tax (net of repayments): (Outturn 1996–97) 11.9; (Estimate 1997–98) 11.8; (Projection 1998–99) 11.3. Also includes North Sea corporation tax after ACT set off, and corporation tax on gains.
[3] Includes district council rates in Northern Ireland.
[4] Net of bus fuel duty rebate (previously netted off excise duties).
[5] Includes accruals adjustments for index-linked gilts.
[6] North Sea corporation tax (before ACT set-off), petroleum revenue tax and royalties.

Table B24: Historical series of government expenditure, receipts and deficits[1]

Per cent. of GDP

Year	Public sector current balance	Public sector financial deficit	Public sector borrowing requirement	General government financial deficit[2]	Net taxes and NICs[3]	General government receipts	Control Total[4]	GGE	GGE(X)
1970–71	7.0	–0.4	1.5	–2.4	—	40.3	—	41.4	39.6
1971–72	4.5	1.2	1.6	–0.6	—	39.9	—	41.8	40.0
1972–73	2.2	3.0	3.6	1.9	—	37.9	—	41.6	39.7
1973–74	1.1	4.6	5.8	3.5	—	38.5	—	43.4	41.4
1974–75	–0.4	6.7	9.0	4.3	—	40.5	—	48.8	46.7
1975–76	–1.2	7.3	9.2	4.9	—	40.2	—	49.3	47.2
1976–77	–0.7	5.7	6.4	4.4	—	41.0	—	46.7	44.7
1977–78	–0.9	4.4	3.6	3.5	—	39.7	—	43.0	41.5
1978–79	–1.8	4.9	5.3	4.1	33.0	38.7	—	44.0	42.2
1979–80	–1.2	3.9	4.8	2.9	33.8	38.8	—	43.9	42.4
1980–81	–2.8	4.9	5.3	3.9	35.5	40.7	—	46.5	44.9
1981–82	–0.8	2.1	3.3	1.7	38.5	43.7	—	47.0	45.4
1982–83	–1.2	3.0	3.1	2.8	38.7	43.7	—	47.3	45.5
1983–84	–1.8	3.8	3.1	3.8	37.9	42.9	—	46.1	44.9
1984–85	–2.4	4.2	3.1	3.8	38.7	43.4	38.5	46.3	45.3
1985–86	–0.8	2.2	1.5	2.4	37.8	42.3	36.0	44.3	43.2
1986–87	–1.1	2.1	0.9	2.3	37.3	41.4	35.1	42.7	42.3
1987–88	0.1	0.7	–0.8	1.1	37.1	41.1	34.7	40.7	40.5
1988–89	2.0	–1.4	–3.0	–1.0	36.4	40.3	32.7	37.8	38.0
1989–90	2.0	–0.5	–1.5	0.1	36.0	40.1	33.7	38.9	38.3
1990–91	1.0	0.6	–0.1	0.9	36.7	39.3	34.5	39.2	39.0
1991–92	–1.3	3.2	2.4	3.2	35.7	38.3	36.5	40.6	41.0
1992–93	–5.3	7.6	6.0	7.5	34.1	36.7	38.0	42.9	43.4
1993–94	–6.0	7.8	7.1	7.8	33.5	35.9	37.5	43.2	43.2
1994–95	–4.6	6.3	5.3	6.2	34.6	36.9	36.4	42.5	42.7
1995–96	–3.4	4.9	4.4	5.1	35.6	38.0	35.8	42.7	42.3
1996–97	–2.7	3.6	3.0	3.9	36.0	38.1	34.5	41.1	40.9
1997–98	0.2	0.6	0.3	0.7	37.1	39.3	33.2	39.8	39.2
1998–99	0.7	0.2	0.3	0.1	37.7	39.6	33.0	39.9	39.2

[1] Including windfall tax receipts and associated spending.
[2] GGFD on UK national accounts definition prior to 1996–97 and a Maastricht basis thereafter.
[3] As defined in Table B8. Figures are available on a consistent basis only for the years shown.
[4] Figures for the Control Total are available on a consistent basis only for the years shown.

Ministerial Advisers

Mr. Gibb: To ask the Chancellor of the Exchequer what plans he has to appoint new advisers for his Ministerial team in the period from April to June. [36715]

Mr. Gordon Brown: None.

WALES

Redundancies

Mr. Barry Jones: To ask the Secretary of State for Wales (1) how many ASSI Doman employees at the Castle Cement Site, Buckley, who were made redundant, have been found jobs; and if he will make a statement; [35740]

(2) how many Kimberley Clark employees at the Deeside Industrial Park who were scheduled for redundancy have been found jobs; and if he will make a statement. [35739]

Mr. Hain: A firm of consultants was employed by the company to find alternative employment for those people made redundant. However, information on those who have found jobs is not held centrally.

Labour Statistics

Mr. Rowlands: To ask the Secretary of State for Wales (1) what his current estimate is of the percentage of the *(a)* male and *(b)* female population of working age currently in employment; and what the percentages are for each employment district and for each county and county borough in Wales; [35628]

(2) what his current estimate is of the percentage of the population of working age currently in employment; and what that percentage is for each employment service district and for each county or county borough in Wales. [35627]

Mr. Hain: In Autumn 1997, 68 per cent. of the working age population in Wales were in employment according to the Labour Force Survey. The equivalent figures for males and females were 72 per cent. and 64 per cent.

The latest data available for unitary authorities in Wales are for 1996, these are given in the table; data are unavailable for employment service districts.

Percentage of working age population in employment, 1996[1]

	Males	*Females*	*All persons*
Blaenau Gwent	68	50	60
Bridgend	76	71	74
Caerphilly	67	56	62
Cardiff	76	73	74
Carmarthenshire	72	58	66
Ceredigion	78	72	75
Conwy	73	62	67
Denbighshire	75	67	71
Flintshire	81	69	75
Gwynedd	73	63	68
Isle of Anglesey	70	54	62
Merthyr Tydfil	66	62	64
Monmouthshire	76	65	71
Neath Port Talbot	65	57	61
Newport	71	63	67
Pembrokeshire	69	59	64
Powys	84	72	78
Rhondda, Cynon, Taff	65	59	62
Swansea	70	64	67
The Vale of Glamorgan	77	67	72
Torfaen	78	74	76
Wrexham	75	59	68
Wales	73	64	68

[1] Including employees, self-employed, people on government training and employment programmes and unpaid family workers.

Source:
Labour Force Survey annual database

EU Structural Funds

Mr. Wigley: To ask the Secretary of State for Wales what assessment he has made of the use of unemployment figures to determine regional eligibility for EU structural funds. [35625]

Mr. Hain: The Commission's proposals for Structural Funds and for other cohesion policies for the years 2000–2006, published on 18 March, suggest unemployment rates as the main criterion to determine eligible areas under the new Objective 2 of the Structural Funds.

The UK, like other Member States, has difficulties with certain aspects of the new draft regulations, for example unemployment. The UK tends to have lower unemployment rates compared to other EU Members in equally poor areas. During the forthcoming negotiations we will be working hard, with other Member States and the Commission, to improve these draft regulations and to reach a fair and affordable outcome.

Further Education

Mr. Öpik: To ask the Secretary of State for Wales what estimate he has made of the number of Wales-domiciled students studying on four-year courses at Scottish universities; and if he will make a statement. [36197]

Mr. Hain: The latest available figures as at December 1996, for the academic year 1996/97, show that there were 299 Welsh domiciled-students on higher education courses with the expected length of study being of four years duration at Scottish higher education institutions.

Social Work (Training and Regulation)

Mr. Gareth Thomas: To ask the Secretary of State for Wales what arrangements he plans to make following the recent review of the Central Council for Education and Training in Social Work, for the regulation and training of the social services workforce in Wales. [37188]

Mr. Win Griffiths: The publication of a fundamental review of the Central Council for Education and Training in Social Work (CCETSW) was announced in the House on 22 December 1997, *Official Report*, column *553*. Since then, I have been giving careful thought to the best arrangements for regulating the social services workforce in Wales, consistent with the Government's plans to

establish the National Assembly for Wales. I have taken into account, too, the announcement that there is to be separate regulatory machinery for Scotland.

I have concluded that there should be a separate body for the regulation of the social services workforce in Wales. However, the Welsh body must have the closest possible alignment with similar machinery in the other countries of the UK, and officials will be working to ensure that effective links of this kind are put into place.

We also need to have coherent overall arrangements for developing and enforcing high standards of conduct and practice, and for ensuring that workforce and training strategies are directed towards the same standards.

I have, therefore, asked officials to explore how we can best bring together the work of the regulatory body and the work in Wales of any future National Training Organisation for the personal social services.

Children and adults who use the social services in Wales should be able to rely on a workforce that is properly trained, appropriately qualified and effectively regulated. We will be bringing forward more detailed legislative proposals for the new regulatory body in the social services White Paper already promised. I have asked the Chief Inspector of the Social Services Inspectorate for Wales to pave the way for this by starting discussions with key stakeholders within the next few days.

Green Transport

Mr. Baker: To ask the Secretary of State for Wales (1) on what date he plans to introduce a green commuting plan; [36661]

(2) what specific changes to departmental transport arrangements have to date been implemented following the receipt of the Green Transport Plan. [36643]

Mr. Ron Davies: My Department has already drawn up a Green Action Plan which addresses all aspects of our activities, including transport. We will be reviewing this in the context of the Governments forthcoming White Paper on Integrated Transport Policy with a view to producing a specific Green Transport Plan. This Plan will cover commuting by staff to and from work as well as their travel on official business.

Written Answers to Questions

Monday 30 March 1998

LORD CHANCELLOR'S DEPARTMENT

Asylum Seekers

Mr. Malins: To ask the Parliamentary Secretary, Lord Chancellor's Department if he will now extend legal aid to cover the cost of legal representation at appeal hearings for destitute asylum appellants ineligible for benefits on appeal against refusal of refugee status. [35906]

Mr. Hoon: Our proposed reforms of the legal aid scheme are designed to get legal aid expenditure under effective control and to ensure that it is directed to areas of greatest need. As part of the reform package, we will consider whether extending legal aid to cover representation at hearings before the immigration adjudicators and the Immigration Appeals Tribunal is the best way of meeting that need.

NORTHERN IRELAND

Human Rights

Mr. Robert McCartney: To ask the Secretary of State for Northern Ireland for what reasons the announcement of the membership of the Standing Advisory Commission on Human Rights was made on 31 December 1997. [37163]

Marjorie Mowlam: The membership of the Standing Advisory Commission on Human Rights was announced in a press notice on 30 December 1997 because I had appointed eight new members to the Commission.

FOREIGN AND COMMONWEALTH AFFAIRS

Indonesia

Mr. Hancock: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the use of British-supplied equipment by the Indonesian Government during civil unrest in Surabaya, Indonesia, on 12 March. [36020]

Mr. Fatchett: We are monitoring closely reports of recent incidents of unrest in Indonesia.

Mr. Hancock: To ask the Secretary of State for Foreign and Commonwealth Affairs what assessment he has made of the *(a)* Ministers appointed to and *(b)* those Ministers' interests within the new Indonesian Cabinet. [35910]

Mr. Fatchett: We have noted President Soeharto's appointments to the new Cabinet. We look forward to the new Government of Indonesia taking the appropriate action to solve the current economic difficulties.

Lockerbie

Mr. Dalyell: To ask the Secretary of State for Foreign and Commonwealth Affairs what was the outcome of the meeting between the Parliamentary Under-Secretary of State, Baroness Symons, and the members of the Lockerbie relatives group on Monday 16 March; and what undertakings were given about the appointment of a person to co-ordinate relevant aspects of the circumstances surrounding the disaster, and investigations of how it happened. [36495]

Mr. Fatchett: The Parliamentary Under-Secretary of State explained to the Lockerbie relatives the high priority which this Government attach to ending their ordeal by seeing justice done. She was grateful for the opportunity to hear their views. No new specific undertakings were given, but Baroness Symons has briefed the Foreign Secretary on the views of the relatives; he looks forward to addressing their concerns at a meeting on 8 April. The Prime Minister will be glad to meet them after the Foreign Secretary has reported to him.

Green Transport

Mr. Baker: To ask the Secretary of State for Foreign and Commonwealth Affairs (1) on what date he plans to introduce a green commuting plan; [36664]

(2) what specific changes to departmental transport arrangements have to date been implemented following the receipt of the Green Transport Plan. [36649]

Mr. Fatchett: The Department of the Environment, Transport and the Regions circulated to all Departments in September last year a "Guide to Green Transport Plans". My Department has started to consider how to respond to its recommendations.

Kosovo

Mr. Bercow: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on his discussions with the Serbian Government regarding the situation in Kosovo. [36774]

Mr. Fatchett: I refer the hon. Member to the answer I gave to the hon. Member for Westbury (Mr. Faber) on 9 March 1998, *Official Report*, column *550*. Since then, the Minister of State my hon. Friend the Member for Manchester, Central (Mr. Lloyd), as Special Representative of the Presidency, called on Serbian President Milutinovic and FRY Foreign Minister Jovanovic on 11 March to urge Belgrade to meet the international community's concerns. He made clear to both of them that we expect President Milosevic to engage with the Kosovar Albanian leadership in a process of meaningful dialogue without preconditions. Contact Group Foreign Ministers reaffirmed this message when they met in Bonn on 25 March.

Gibraltar

Mr. Howard: To ask the Secretary of State for Foreign and Commonwealth Affairs for what reasons he has made no representations to the Spanish Ambassador on the incident which took place on Thursday 13 March in which a Royal Gibraltar police launch was struck by a Spanish helicopter. [36782]

Mr. Doug Henderson: The British Ambassador in Madrid protested to the Director General for European and North American Affairs in the Spanish Minister of Foreign Affairs on 17 March over this incident. On 24 March, he handed over video and photographic evidence of dangerous flying by a Spanish coastguard helicopter during this incident.

ENVIRONMENT, TRANSPORT AND THE REGIONS

Aer Lingus Crash

Mr. Wigley: To ask the Secretary of State for the Environment, Transport and the Regions if he will ensure that when the 30 year period following the crash of the Aer Lingus Viscount in the Irish Sea on 24 March 1968 has expired, all Government documents relating to this crash will be made public. [34810]

Ms Glenda Jackson *[holding answer 17 March 1998]:* The Air Accidents Investigation Branch file relating to this accident was reviewed by the Department of Transport in September 1994. It was not selected by the Public Record Office for permanent preservation in the National Archive and was destroyed at that time.

The Ministry of Defence has documentation relating to the search and rescue aspects in the immediate aftermath of the accident which will be made public in accordance with the 30 year rule.

"Planning for the Communities of the Future"

Mr. Matthew Taylor: To ask the Secretary of State for the Environment, Transport and the Regions if an environmental appraisal, using the guidance contained in "Policy Appraisal and the Environment", has been undertaken to assess the environmental implications of the "Planning for the Communities of the Future" White Paper; and if he will place a copy in the Library. [35645]

Mr. Raynsford: The strategy outlined in the "Planning for the Communities of the Future" policy document was arrived at after a process conducted broadly along the lines outlined in "Policy Appraisal and the Environment". There is no single appraisal document as such. As the guidance notes,

"the precise conduct of each appraisal will vary from case to case".

Road Traffic

Mr. Matthew Taylor: To ask the Secretary of State for the Environment, Transport and the Regions what assessment his Department has made of the use of increased journey times in urban areas as a means of discouraging travelling by private cars. [35639]

Ms Glenda Jackson: Results from a study of motorists in a report entitled "Responses to Congestion" have been used as the basis for Guidance on Induced and Suppressed Traffic, published in February 1997, in the Design Manual for Roads and Bridges. A brief description of that study is given in Volume 12.2.2 Annexe C of the Manual. That advice recommends using predicted changes to travel times by car and public transport as standard inputs to well established mode choice models, where complex changes to behaviour are expected.

A more recent study of the effects on the volume of road traffic when roads were closed or their capacity restricted for a variety of purposes did not report the effect on journey times.

Green Ministers

Mr. Matthew Taylor: To ask the Secretary of State for the Environment, Transport and the Regions when the next meeting of Green Ministers will take place. [35646]

Mr. Meacher: The meeting is currently being organised and an announcement will be made in due course.

Motorway Service Areas

Mrs. May: To ask the Secretary of State for the Environment, Transport and the Regions how many applications for the development of motorway service areas have been made since the 15 miles apart guidance was adopted; how many applications have been subject to a public inquiry; and how many of those were *(a)* approved and *(b)* refused. [36307]

Ms Glenda Jackson: The minimum spacing between motorway service areas (MSAs) was reduced from 30 miles to 15 in 1993. Since then, exactly 100 MSA planning applications have been referred to the Highways Agency by local planning authorities. 52 of them were subsequently the subject of public inquiries and, of those, 8 were granted planning permission and 44 refused.

Local Authority Rents

Mr. Mitchell: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to the answer to the hon. Member for Erith and Thamesmead (Mr. Austin) of 14 November 1997, *Official Report*, columns *698–99*, if he will recalculate the figures on the gross cost of reducing local authority rents taking into account the benefit and tax changes made in the Budget. [36356]

Mr. Raynsford: Not yet. My previous reply was based on calculations derived from LAMOD, the Department's model for estimating the public expenditure effects of a change in guideline rent policy for local authorities. The model uses a Housing Benefit Ready Reckoner, which will be updated in due course to reflect the Chancellor of the Exchequer's proposals for tax and benefit changes. We would not expect these changes to have a significant effect on the figures in my previous reply.

Benson v Boyce (Private Hire Vehicles)

Mr. Bob Russell: To ask the Secretary of State for the Environment, Transport and the Regions when he expects to make a decision on his consultative paper on the High Court judgment in the case of Benson v Boyce (Private Hire Vehicles); and if he will make a statement. [36419]

Ms Glenda Jackson: The results of the consultation process are under consideration. I hope to make an announcement shortly on how we intend to proceed.

Aggregates

Mr. Stinchcombe: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to revise the mineral planning guidance for the extraction of aggregates. [36436]

Mr. Raynsford: We propose to start the review of Minerals Planning Guidance Note 6 (MPG6): Guidelines for Aggregates Provision in England, later this year.

Sewers

Ms Walley: To ask the Secretary of State for the Environment, Transport and the Regions (1) what assessment he has made of the environmental health impacts of infiltration into public and private sewers; and if he will make a statement; [36203]

(2) what assessment he has made of the environmental health impacts of the leakage of sewage into the ground from public and private sewers; and if he will make a statement. [36204]

Angela Eagle: I understand that experience within the water industry shows that the level of infiltration into sewers normally represents a very small proportion of the total flow a sewer can carry. Infiltration into sewers therefore has an insignificant bearing on such issues as sewage treatment, the operation of combined sewer overflows and flooding from sewers.

My Department held a meeting with the Sewer Renovation Federation at the end of last year to discuss a number of issues, including claims that leakage from sewers might be causing problems. The conclusion of that meeting was that there was no evidence that leakage is causing significant health or pollution problems at present.

Ms Walley: To ask the Secretary of State for the Environment, Transport and the Regions (1) what estimate he has made of the number of premises incorrectly connecting surface water drainage to foul only sewers; who has responsibility for securing remedial action by property owners in such circumstances; and if he will make a statement; [36205]

(2) what proportion of the public sewers in England and Wales are *(a)* combined foul and surface water, *(b)* foul water only and *(c)* surface water only; and if he will make a statement. [36202]

Angela Eagle: Information is not held centrally on the numbers of foul and surface water sewers or the numbers of illegal connections involving such drainage systems. I understand that sewerage undertakers normally require separate foul and surface water drainage systems where new sewers are to be adopted on completion. Sewerage undertakers are responsible for taking action under provisions in the Water Industry Act 1991 against illegal connections.

Drinking Water

Ms Walley: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 19 December 1997, *Official Report*, columns *349–50*, if his Department classified those dwellings with water supplies with a lead concentration exceeding 50 µg/litre, on the basis of information up to 1995, as being unfit for human habitation; what assessment he has made of the public health implications of such lead concentrations; and if he will make a statement. [36199]

Angela Eagle: The current housing fitness standard requires a dwelling to have an adequate piped supply of wholesome water but does not specify concentrations of contaminants that may render a dwelling unfit for human habitation.

At sustained concentrations exceeding 50 µg/l, drinking water is likely to be the major source of lead intake. But is unlikely to contribute significantly to those exceptionally high levels of intake of lead which result in clinical lead poisoning. I understand that the lower levels of exposure which are experienced are associated, in epidemiological studies, with small subclinical changes, including decrements in neuropsychological development in children and increased blood pressure in adults.

Ms Walley: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 19 December 1997, *Official Report*, columns *349–50*, how and where he proposes to test drinking water for compliance with the proposed EC Drinking Water Directive; when he expects this Directive will come into effect; if standards will apply when water enters a property; what will be the impact of the directive on his Department's assessment of the future fitness of dwellings; and if he will make a statement. [36201]

Angela Eagle: The proposal for a revised Drinking Water Directive is at the stage of the Council having agreed a Common Position, and is being considered by the European Parliament. After their Second Reading, it will come back to Council for consideration of any amendments. We hope that the Directive will be adopted this autumn. Under the present draft, Member States will have 5 years from adoption to meet the interim standard for lead of 25 µg/l and 15 years from adoption to meet the standard of 10 µg/l.

The present draft of the Directive requires sampling at the tap, but provides that Member States will generally have fulfilled their obligations if it can be established that non-compliance with a parametric value is due to the domestic distribution system. This is defined as the part of the supply system that is not the responsibility of the water supplier. The draft Directive requires treatment measures to reduce the risk of non-compliance due to the domestic distribution system, and that the property owner is advised of possible remedial action that they could take.

It is too early to judge the impact of the Directive on the assessment of the future fitness of dwellings. We are currently reviewing the housing fitness standard. A consultation paper issued on 10 February 1998 invited comments on a number of proposals and options for change. A copy of the paper has been placed in the Library.

Ms Walley: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 19 December 1997, *Official Report*, columns *349–50*, if he will ensure that future English House Condition Surveys indicate that figures for unfitness from the survey do not take account of lead in water; and if he will make a statement. [36200]

Angela Eagle: Surveyors do not take samples to establish the quality of water in a property in the English House Condition Survey and its figures for unfitness do not take account of lead in water. The main Report of the 1996 Survey will be published within the next two months and will make this clear.

House Condition Survey

Ms Walley: To ask the Secretary of State for the Environment, Transport and the Regions when he expects *(a)* the results of the 1996 English House Condition Survey and *(b)* the Energy Supplement to the 1996 English House Condition Survey will be published; and if he will make a statement. [36198]

Mr. Raynsford: The finding of the 1996 English House Condition Survey will be published as a detailed, priced report, together with a separate summary of findings available free of charge in mid May. We expect to publish detailed energy findings from the 1996 English House Condition Survey by Autumn 1998. However, some information on heating facilities and thermal insulation will be included in the main report of this survey.

Rents

Mr. Webb: To ask the Secretary of State for the Environment, Transport and the Regions how many tenants in England pay gross weekly rents in the ranges *(a)* £0 to £9.99, *(b)* £10 to £14.99, *(c)* £15 to £19.99, *(d)* £20 to £24.99, *(e)* £25 to £29.99, *(f)* £30 to £34.99, *(g)* £35 to £39.99, *(h)* £40 to £44.99, *(i)* £45 to £49.99, *(j)* £50 to £54.99, *(k)* £55 to £59.99, *(l)* £60 to £64.99, *(m)* £65 to £69.99, *(n)* £70 to £74.99, *(o)* £75 to £79.99, *(p)* £80 to £89.99, *(q)* £90 to £99.99, *(r)* £100 to £109.99, *(s)* £110 to £119.99, *(t)* £120 to £129.99 and *(u)* £130 or above, separately identifying figures for (i) local authority, (ii) housing association and (iii) private tenants and breaking (i) to (iii) down by standard region. [36318]

Mr. Raynsford: Estimates for 1996–97 from the Survey of English Housing are given below in as much detail as the sample sizes allow.

Gross rent by tenure

England 1996–97

	Gross weekly rent									
	Under £30	*£30 under £40*	*£40 under £50*	*£50 under £60*	*£60 under £70*	*£70 under £80*	*£80 under £90*	*£90 under £100*	*£100 under £120*	*£120 or over*	*Total (000)*
Local authority	341	1,362	1,008	464	163	80	30	21	6	7	3,482
Housing association	69	169	265	233	147	65	27	9	12	15	1,010
Privately rented	245	263	204	203	255	159	171	124	153	279	2,056

Gross rent by tenure and Government Office Region

	Gross weekly rent			
	Under £50	*£50 under £100*	*£100 or over*	*Total (000)*
Rented from local authority				
London	197	381	10	588
South-East	203	135	1	339
South West	201	46	0	247
Eastern	222	89	1	312
East Midlands	286	15	1	301
West Midlands	397	20	0	417
Yorks and the Humber	454	26	0	480
North East	265	9	0	273
North West	350	28	0	378
Merseyside	138	9	0	147
Rented from housing association				
London	71	142	19	233
South-East	69	102	4	175
South West	40	41	1	82
Eastern	48	53	0	101
East Midlands	37	19	0	56
West Midlands	64	44	0	108
Yorks and the Humber	33	23	2	59
North East	37	16	0	53
North West	74	26	1	101
Merseyside	30	13	0	43
Privately rented				
London	84	128	232	445
South-East	109	189	102	400
South West	91	127	29	247
Eastern	63	108	24	194
East Midlands	68	60	4	132
West Midlands	76	63	10	149

Gross rent by tenure and Government Office Region

	Gross weekly rent			
	Under £50	*£50 under £100*	*£100 or over*	*Total (000)*
Yorks and the Humber	77	75	6	158
North East	40	37	3	81
North West	67	103	17	187
Merseyside	37	23	4	63

The figures are given to the nearest thousand but, like all estimates from sample surveys, they are subject to sampling variability. They are not necessarily accurate to the level of precision with which they are quoted. Private tenants in rent-free accommodation are not included in the tables.

Correspondence

Mr. Blunt: To ask the Secretary of State for the Environment, Transport and the Regions when he plans to reply to the letter of 4 February from the hon. Member for Reigate on behalf of his constituent Mrs. A. M. Davidson. [36489]

Ms Glenda Jackson: I have replied to the hon. Member today.

Canals

Mr. Cox: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to promote the use of canals for transport in England. [36584]

Ms Glenda Jackson: This is one of the issues we are looking at in our review of transport policy. We expect to publish a white paper in the Spring.

Countryside Rights Association

Mr. Gill: To ask the Secretary of State for the Environment, Transport and the Regions what representations he has received from the Countryside Rights Association. [36575]

Angela Eagle: My Department has received no representations from the Countryside Rights Association.

Rights of Way Review Committee

Mr. Gill: To ask the Secretary of State for the Environment, Transport and the Regions which *(a)* organisations and *(b)* individuals will be represented on the Rights of Way Review Committee. [36574]

Angela Eagle: The Rights of Way Review Committee is currently reviewing its membership and has consulted existing and potential members. The results of this consultation will be considered at the Committee's next meeting in June.

Mr. Gill: To ask the Secretary of State for the Environment, Transport and the Regions what criteria govern the membership of the Rights of Way Review Committee. [36573]

Angela Eagle: Membership is by invitation of the Committee.

Mr. Gill: To ask the Secretary of State for the Environment, Transport and the Regions what are the terms of reference of the Rights of Way Review Committee. [36576]

Angela Eagle: The Rights of Way Review Committee is an informal, non-statutory committee whose terms of reference are

"to review matters relating to public rights of way in England and Wales with the aim of agreeing, by consensus, proposals for action".

Water Resources

Mr. Brake: To ask the Secretary of State for the Environment, Transport and the Regions (1) what percentage of reservoir capacity is currently full in each water company area; and what was the figure *(a)* six and *(b)* 12 months ago; [37003]

(2) what is the current percentage level of maximum groundwater in each water company area; and what was the figure *(a)* six and *(b)* 12 months ago; [37004]

(3) what assessment he has made of the likelihood of water shortages in 1998. [37005]

Angela Eagle: The Institute of Hydrology and the British Geological Survey publish jointly a monthly *Hydrological summary for Great Britain*. This contains full information on reservoir stocks and on groundwater levels at representative sites during the last 12 months. That for February 1998 states that reservoir stocks remain healthy, while groundwater levels are within the normal range throughout most of the country but remain very depressed in parts of the English lowlands.

The Environment Agency keeps my Department informed on a weekly basis of the water resources position in England and Wales. We expect water companies to maintain supplies at all times and we do not currently envisage them having any general difficulty in doing that, although exceptionally low groundwater levels in some areas will require careful resource management. At the beginning of February, we commissioned the Environment Agency to prepare a more detailed report on prospects for water supplies this year, to be based on the resources position at 31 March. We expect to receive that report towards the end of April.

Greenhouse Gases

Mr. Baker: To ask the Secretary of State for the Environment, Transport and the Regions what is the Government's percentage target for the reduction in emissions of greenhouse gases; and over what timescale this target applies. [36884]

Angela Eagle: The European Community agreed at Kyoto to a legally binding target of a 8% reduction in greenhouse gas emissions below 1990 levels over the

period 2008–12. Reaching a decision on how to share out that target between Member States is a priority for Environment Council in June. Domestically our aim is to reduce emissions of CO_2 by 20% below 1990 levels by 2010, as set out in our Manifesto. We intend to issue a consultation paper in the summer, focusing largely on how we can ensure we meet our legally binding target, but also considering how we can move beyond that towards our 20% aim.

Bicycles (Trains)

Helen Jones: To ask the Secretary of State for the Environment, Transport and the Regions what discussions he has had with rail companies about reducing charges for carrying bicycles on trains. [36610]

Ms Glenda Jackson: Provision for the carriage of bicycles is an important issue which ministers have raised on a number of occasions with the train operating companies. Under their franchise agreements, train operators are required, so far as reasonably practicable and subject to the availability of appropriate space on their rolling stock, to ensure that facilities for the carriage of bicycles are made available, at reasonable charges (if any) to passengers wishing to use their services. The Objectives Instructions and Guidance (OIG), issued on behalf of the Secretary of State to the Franchising Director on 6 November 1997, require him to discuss with train operators who plan to order new rolling stock the provision of suitable space for accompanying bicycles on trains, and to encourage operators to provide suitable facilities for cyclists at the stations they manage.

Ordnance Survey

Liz Blackman: To ask the Secretary of State for the Environment, Transport and the Regions what performance targets have been set for the Ordnance Survey Department and Executive Agency in the year 1998–99. [37059]

Mr. Raynsford: The following performance targets have been set for Ordnance Survey in 1998–99:

1. To recover at least 90% of the costs incurred by the Agency.
2. To ensure that, by 31 March 1999, 98% of existing major detail is surveyed and available to customers in the National Topographic Database at any one time. The target will increase to 99% by the year 2002.
3. In order to provide a quality service to customers, to dispatch products in response to orders as follows:

   95% of all Land-Line digital map units within 5 working days; and

   92% of small scale products within 5 working days.
4. To increase by 5% the annual revenue earned per member of staff employed.

These targets, some of which are being incrementally increased, are closely associated with the Corporate Aims of Ordnance Survey and demonstrate the Agency's continuing commitment to customers and to improved value for money for all its stakeholders.

Health and Safety Commission

Mr. Savidge: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement about the financial management and policy review of the Health and Safety Commission and Executive. [36885]

Angela Eagle: As part of the Government's programme of regular five-yearly financial management and policy reviews of non-departmental public bodies, my Department has conducted a thorough review of the Health and Safety Commission and Executive. The resulting report is published today, and a copy has been placed in the Library of each House. In accordance with the guidance on such reviews, we have assessed the extent to which the Commission and Executive's functions are necessary for the achievement of the Government's policies, and whether there is scope for privatising, contracting out or transferring all or part of its functions to another body.

In carrying out the study, my Department has consulted widely with relevant organisations with an interest in the Commission and Executive's work, and held a public consultation. We are grateful for their contribution. The Review found that Government needs to take responsibility for setting health and safety standards and enforcing compliance with these standards. The public consultation endorsed the importance of the work of the Commission and Executive and the professionalism with which they carry it out. We considered HSC/E's approach to contracting out, looking in particular at their inspection and permissioning regimes, and concluded that it was not appropriate to ask them to change their current policy.

The Review found scope for further work in spreading best practice in consistency of enforcement by local authorities, and for considering extension of the range of work for which the Executive charges to the assessment of safety cases and the costs of inspection of those sites and installations which submit safety cases. It also made a number of minor recommendations. Work on these is being taken forward.

This Government attach great importance to maintaining and improving health and safety standards at the workplace. We fully support the vital work carried out by the Health and Safety Commission and Executive in setting and enforcing those standards and in underpinning employer's responsibilities to prevent accidents and ill-health at work. Because good standards of health and safety at the workplace are a higher priority for this Government, we have approved an extra £4.5 million for HSE's work in 1998/99. Funding for HSC/E's work in the longer term is being considered within the Comprehensive Spending Review for all the Department's activities. The creation of DETR has brought together a range of responsibilities for safety, particularly in the transport field, which will provide new opportunities to consider how best practice should be shared between the different modes. We are determined not to become complacent about health and safety, and will continue to work with the Commission to ensure that we are prepared for the health and safety challenges which will face us into the new millennium.

Ministerial Visits

Mr. Loughton: To ask the Secretary of State for the Environment, Transport and the Regions how many visits to West Sussex have been made by *(a)* the Secretary of

State and *(b)* Ministers responsible for planning matters (i) between 1 May 1997 and 8 December 1997 and (ii) since 8 December 1997. [36786]

Mr. Raynsford: My right hon. Friend the Secretary of State for the Environment, Transport and the Regions visited the County on 19 November 1997. No visits have been made by Ministers responsible for planning.

CULTURE, MEDIA AND SPORT

National Lottery

Mr. Gibb: To ask the Secretary of State for Culture, Media and Sport, pursuant to his answers of 9 March 1998, *Official Report*, column *23*, and 18 March 1998, *Official Report*, column *610*, if he will define *(a)* a Government programme and *(b)* a Government initiative. [36324]

Mr. Chris Smith *[holding answer 26 March 1998]:* The hon. Member introduced the terms 'Government spending programme' and 'Government initiative' in his Questions and was answered accordingly. The answers of 9 and 18 March made clear that the Government's commitment to the principle of additionality means that we will not use the Lottery to support programmes or initiatives which should be funded from Government expenditure.

Mr. Swinney: To ask the Secretary of State for Culture, Media and Sport (1) if he will make a statement on the responsibilities of the National Lottery regulator in Scotland; [36133]

(2) if he will list the *(a)* location of, *(b)* running costs of and *(c)* salary costs of the head office of the Lottery Regulator; what percentage of total staff are based *(a)* at head office, (ii) in London and (iii) in Scotland; and what percentage of salary and running costs are incurred in (A) London and (B) Scotland; [36134]

(3) if he will list the *(a)* location, *(b)* running costs and *(c)* salary costs of the head office of the Office of the National Lottery; what percentage of total staff are based (i) at head office, (ii) in London and (iii) in Scotland; what percentage of salary and running costs are incurred in (A) London and (B) Scotland; and if he will make a statement on the office's responsibilities in Scotland. [36143]

Mr. Chris Smith *[holding answer 25 and 26 March 1998]:* The responsibilities of the Director General of the National Lottery are the same in all parts of the United Kingdom. He must exercise his functions in the manner he considers is most likely to secure that the National Lottery is run, and every lottery that forms part of it is promoted, with all due propriety, and that the interests of every participant in a Lottery that forms part of the National Lottery are protected; and, subject to the foregoing he must seek to secure that the amount the National Lottery raises for good causes is as great as possible. He must also comply with any directions he is issued by the Secretary of State under section 11 of the National Lottery etc Act 1993;

The head office of the Office of the National Lottery (OFLOT) is located in central London. A further officer is located in Watford. OFLOT's total running costs (excluding salaries) for the current financial year are estimated at £880,000. The salary costs for the head office are estimated at £626,712, 96 per cent. of total salary costs; other salary costs relate to the office in Watford. 92 per cent. of staff are based at the head office in London. No staff are based in Scotland, although regulatory activities include visits to Scotland.

Policy Reviews

Mr. Maude: To ask the Secretary of State for Culture, Media and Sport how many Ministerial policy reviews have been initiated within his Department since 1 May 1997; and when they are expected to report. [36072]

Mr. Chris Smith: In common with all other Government Departments, the Department for Culture Media and Sport has been undertaking a comprehensive spending review. This has looked at objectives, policies and spending priorities across all the Department's responsibilities.

The Department has also conducted a number of individual reviews alongside the spending review. These were:

- a review of the National Lottery resulted in the publication last July of a White Paper, "The People's Lottery" and the subsequent introduction of the National Lottery Bill now before the House;
- a review of the arrangements for celebrating the Millennium;
- a review of film policy, the outcome of which was published on 25 March;
- a review of the list of nationally important sporting events which must be made available to generally available free-to-air terrestrial TV channels.

Listed Sporting Events

Mr. Baker: To ask the Secretary of State for Culture, Media and Sport what representations he has received from *(a)* Mr. Rupert Murdoch and *(b)* News International in respect of the listed sporting events. [37018]

Mr. Chris Smith: I have received no representations from Mr. Murdoch or News International on this subject. I consulted BSkyB, in which News International has 40% shareholding, along with other broadcasters and many other interested parties, on the criteria to be used in my current review of the list and on the events included on the list.

Sir Raymond Powell: To ask the Secretary of State for Culture, Media and Sport who appointed the review committee on listed events; and what *(a)* geographical and *(b)* other criteria were used in making the appointments. [36822]

Mr. Chris Smith: I appointed the members of the Advisory Group on Listed Events. My main criterion in making the appointments was knowledge of the sporting, broadcasting and public policy issues involved in the review of the list. The members of the group, however, come from a variety of different backgrounds and from many different regions of the United Kingdom.

Broadcasting

Mr. Swinney: To ask the Secretary of State for Culture, Media and Sport if he will make a statement on the responsibilities of the Broadcasting Standards *(a)* Council and *(b)* Commission; if he will list the

(i) location of, (ii) running costs of, (iii) salary costs of and (iv) number of staff based at the head offices of these bodies; what percentage of total staff are based (A) at head office, (B) London and (C) Scotland; and what percentage of salary and running costs are incurred in (1) Scotland and (2) London. [36132]

Mr. Fisher *[holding answer 26 March 1998]:* I refer the hon. Member to the reply I gave on 26 March 1998, *Official Report*, column *223*.

Sport Governing Bodies

Mr. Jim Murphy: To ask the Secretary of State for Culture, Media and Sport, pursuant to his answer of 26 February 1998, *Official Report*, column *322*, how much was spent on administration of each of the sports organisations listed in the last year for which figures are available; and if he will separately identify the costs relating to the governing bodies. [33541]

Mr. Banks: This information is not collected centrally and could be provided only at disproportionate cost. The United Kingdom Sports Council has advised me that to obtain this information it would need specifically to examine the annual accounts of each of the 414 governing bodies, and to assess against an agreed definition of administration the total amount expended by each body on administration.

Funding by the Sports Councils is for carefully targeted programmes, with agreed objectives. It may be used to contribute towards the administrative costs associated with these programmes but governing bodies are not required to identify separately the administrative costs in their grant agreements. Support is sometimes given for the appointment of key personnel at Chief Executive, Director of Finance, Coaching or Development level, and the administrative support staff for these officers, to ensure that a sport is well managed, particularly where it is in receipt of complementary funding from the National Lottery.

Libraries

Mr. Maude: To ask the Secretary of State for Culture, Media and Sport how much money his Department has spent on the digitisation of educational material for libraries in each of the last three years. [36207]

Mr. Chris Smith: None. The management and development of the core public library service is the responsibility of local authorities. The Government have announced that the New Opportunities Fund, as part of its educational remit, will provide £50 million of Lottery money to support the digitisation of lifelong learning and educational material which is held to a great extent in public libraries. This will support the development of new IT-based services, additional to the existing core library services.

Departmental Employees

Mr. Swinney: To ask the Secretary of State for Culture, Media and Sport if he will make a statement on the responsibilities of his core Departmental staff; and if he will list the *(a)* percentage of and *(b)* number of core staff based in London and the total salary bill and running costs for core staff. [36126]

Mr. Tom Clarke: The 1998 annual report, the first for the Department for Culture, Media and Sport, will be published on 3 April. It will set out the activities and responsibilities of the Department and its staff. Copies will be placed in the Libraries of the House.

The total number of core departmental staff is 370, of whom 368 (99.5%) are based in London. The estimated 1997–98 total paybill for core departmental staff is £10 million. The estimated 1997–98 gross running cost for the core department is £21 million.

INTERNATIONAL DEVELOPMENT

Rwanda

Sir Alastair Goodlad: To ask the Secretary of State for International Development what assistance her Department is currently giving to Rwanda; and if she will make a statement. [35747]

Clare Short: A £25 million support programme is being targeted at the rehabilitation priorities of the Government of Rwanda.

Technical support is helping the Ministry of Finance to address the key objective of increasing revenue; support for the Ministry of Gender and Social Affairs is helping to tackle problems faced by the large number of female-headed households and support for the Ministry of Education is helping to strengthen their planning and resource allocation capacity. We are providing financial support for the Government's efforts to establish an unarmed community police force and to demobilise members of the armed forces. We are the largest bilateral donor in the area of human rights monitoring and protection in Rwanda.

In addition to our rehabilitation support, we continue to respond to requests for humanitarian assistance and are providing financial support to NGO's involved in food security for vulnerable groups.

We are working closely with the World bank and the IMF. We have financed technical inputs to expert teams advising the Government of Rwanda on longer term economic strategies and are liaising closely with the Government and the International Financial Institutions (IFI) on initiatives being considered to address debt.

Bosnia and Herzegovina

Sir Alastair Goodlad: To ask the Secretary of State for International Development if she will list the projects for the improved provision of *(a)* primary and *(b)* adult basic education in Bosnia and Herzegovina funded by her Department. [36313]

Clare Short: My Department has no projects dealing directly with primary or adult basic education in Bosnia. As a single donor it is not possible for us to tackle every sector. Our contributions in selected sectors have been very large, and other donors have focused on other sectors such as education. That said, we have made substantial contributions to education through our community micro-projects. This has included repair and refurbishment of many primary and secondary schools and provision of materials and school equipment over a wide area of Western Bosnia, in both entities.

Following consultation with the authorities in Bosnia, the focus of our activities for the forthcoming year will be refugee return and reconciliation, health system reform, media training, development of the small and medium sized enterprise sector, regional development, management training, and institutional development. We shall also conclude activities in inter-entity electricity transmission reconstruction. In addition we expect to provide advice and support to the Government of Republika Srpska and we are considering how we might help further with demining.

China

Sir Alastair Goodlad: To ask the Secretary of State for International Development if she will list the programmes funded by her Department in China on *(a)* education, *(b)* health, *(c)* the environment and *(d)* economic and administrative reform, together with their costs for (i) 1996–97 and (ii) 1997–98. [36312]

Clare Short: The information requested is set out in the table. Figures for expenditure in 1997–98 are estimated. There are presently no projects in the health sector, but we are planning a mission to China to explore the possibilities for future involvement in this area.

£

	1996–97 Outturn	*1997–98 Estimate*
Education		
English Language Examinations Reform	—	120,000
Adult Education Project: Hubei	—	210,000
English Language Teaching Project (a portfolio of small, country-wide ELT projects)	1,095,052	724,380
Environmental Projects		
Yunnan Province Plan for the Environment	550,799	224,820
Support Programme for the Urban Rehabilitation of Shanghai	1,248,202	660,717
Shanghai Water Master Plan	321,645	244,415
Training in Improvement of Crop Yields	23,702	16,506
Fire Science Training	21,894	30,906
North China Rural Water Project	398,974	315,000
Guizhou and Shanxi Energy Efficiency Project	400,882	886,000
Support for Research and Training in Environmental Pollution Control	55,754	269,387
Environmental Health Programme in Tibet	56,504	33,000
Transportation of Dangerous Cargoes	—	801
Zhongshan Institutional Development Project (training for environmentalists)	93,204	82,502
Study of Toxic Organic Pollutants	95,309	225,721
Coastal Zones Environmental Enhancements	221,855	288,502
Forestry Protection Training	79,062	7,061
Ocean University of Qingdao (marine disposal techniques)	86,760	92,600
Jiangsu environment Technical Support	501,789	350,000
Practical Economics for Environmental Planning Management	165,790	227,000
Support to the China Council for International Co-operation on Environment and Development	23,445	115,000
Sichuan Urban Environment Project	—	653,318
Nuclear Safety Standards	7,689	8,000
Economic and Administration Reform		
Shanghai Municipal Finance Project (Phase II)	644,307	457,584
Shanghai Municipal Finance Project (Phase III)	—	209,856
Investment Training and Research	157,884	156,500
Shenzhen University Management Development Programme	97,882	104,000
South East University for Integrated Engineering	75,940	56,000
Resettlement Workshops	57,511	44,000
Training for Senior Civil Servants	13,374	109,500
Guangdong Institute of Public Administration (staff development and training)	52,147	61,000
National School of Administration (planning, decentralisation, and financial control)	83,307	147,176
Young Lawyers Training	237,526	220,204
Young Lawyers Training Phase II	25,167	17,785
Support to Xinhua News Agency	11,070	15,854
Investment Appraisal Phase II	—	15,000
Support to the Chinese National Audit Office	120,973	130,000
Yunnan Drugs Control Programme	950,000	25,000
Anti-corruption Programme	—	35,000

Multilateral Agreement on Investment

Sir Alastair Goodlad: To ask the Secretary of State for International Development what representations she has received from non-Governmental organisations about the Multilateral Agreement on Investment; and if she will make a statement. [36980]

Clare Short: There have been ongoing consultations with NGOs by Government Ministers and officials on the Multilateral Agreement on Investment (MAI). My right hon. Friend the Parliamentary Under-Secretary of State for International Development met NGO representatives on Thursday 26 March to discuss the findings of the recently published report commissioned by the Department for International Development on the development implications of the MAI.

Sir Alastair Goodlad: To ask the Secretary of State for International Development what representations she has made to the OECD about the Multilateral Investment Agreement; and if she will make a statement. [36837]

Clare Short: The Government are engaged as a negotiating party in discussion of the Multilateral Agreement on Investment (MAI) in the Organisation for Economic Cooperation and Development (OECD), on which the Department of Trade and Industry leads. My Department is fully engaged in this process. The report commissioned by the Department for International Development on the development implications of the MAI, which has been placed in the libraries of both

Houses, will be made available to our negotiating partners. I will be making a response for the Government shortly.

Sir Alastair Goodlad: To ask the Secretary of State for International Development what representations she has received from business sources about the Multilateral Agreement on Investment; and if she will make a statement. [36836]

Clare Short: Consultation with business sources is part of the Government's ongoing process of consultations on the Multilateral Agreement on Investment (MAI) with all interested parties. The Business and Industry Advisory Committee of the Organisation for Economic Cooperation and Development (OECD) has also been regularly consulted during the negotiations. My Department's particular concern is that the interests of developing countries should be protected and, if possible, enhanced by the MAI.

Sir Alastair Goodlad: To ask the Secretary of State for International Development what assessment she has made of the impact multilateral investment agreements will have on poorer developing countries; and how that impact will be reflected in her Department's policies. [37006]

Clare Short: I have placed copies of the report that my Department commissioned on the development implications of the Multilateral Agreement on Investment (MAI) in the Libraries of both Houses. We welcome the conclusion that accession to the MAI could offer substantial opportunities for developing countries. The report contains a number of specific recommendations. We are now studying these and other issues raised in the report urgently.

Sir Alastair Goodlad: To ask the Secretary of State for International Development what representations she has received from the TUC about the Multilateral Agreement on Investment; and if she will make a statement. [36838]

Clare Short: Consultation with the TUC is part of the Government's ongoing process of consultations on the Multilateral Agreement on Investment (MAI) with all interested parties. The Trade Union Advisory Committee of the Organisation for Economic Co-operation and Development (OECD) has also been regularly consulted during the negotiations. My Department's particular concern is that the interests of developing countries should be protected and, if possible, enhanced by the MAI.

European Development Fund

Sir Alastair Goodlad: To ask the Secretary of State for International Development when she expects the £1.08 billion committed by her Department to the European Development Fund will be disbursed; and if she will make a statement. [36843]

Clare Short: Disbursements from the eighth European Development Fund (EDF) can begin only after the ratification of the Mid-Term Review of the Lomé IV Convention by all EU Member States and at least two-thirds of the African, Caribbean and Pacific (ACP) States. Two Member States have yet to complete ratification of the Mid-Term Review but it is estimated that EDF VIII will enter into force later this Summer. I am very concerned by the delay in the ratification of the Mid-Term Review, which I hope can be completed as soon as possible.

Least-developed Countries

Sir Alastair Goodlad: To ask the Secretary of State for International Development if she will list those countries which have acquired, or re-acquired LDC status as a result of currency parity changes in the last 12 months; and if she will indicate any resultant change in her Department's policy in respect of each country. [36842]

Clare Short: The UN, which is responsible, through its Committee on Development Planning, for maintaining and regularly reviewing the list of Least-developed Countries, takes a number of economic and other factors into account in determining whether countries warrant Least-developed Country status. The list of Least-developed Countries was last reviewed by the UN at the end of 1997. No countries were added to the list.

PRIME MINISTER

Cabinet Committees

Mr. Baker: To ask the Prime Minister, pursuant to his answers to the hon. Member for Wentworth (Mr. Healey), 21 January 1998, *Official Report*, columns *568–71*, and to the hon. Member for Merthyr Tydfil and Rhymney (Mr. Rowlands), 9 June 1997, *Official Report*, columns *302–10*, when each of the Cabinet committees listed was formed. [33121]

The Prime Minister *[holding answer 6 March 1998]:* Most of the committees were established shortly after the Government came to power, in May and June last year.

Millennium Compliance

Mr. David Atkinson: To ask the Prime Minister if he will take steps to establish a global database of information relating to millennium compliance; and if he will make a statement. [34507]

The Prime Minister: I do not believe it would be practical to develop a database covering the whole world. However, Action 2000 is working with the UK IT supply sector to develop a database of relevant information on operating systems, software, fixing tools and support services available in the UK. Action 2000 plans to make its information available to UK businesses through their publications material and web site.

Mr. Donald Anderson: To ask the Prime Minister what action he has taken to strengthen the central co-ordination of the Government's programme to tackle the millennium date change problem. [37150]

The Prime Minister: I have established a central unit to co-ordinate the government's work on the Millennium date change problem. The unit will be located in the Cabinet Office and will report directly to the President of the Board of Trade and the Chancellor of the Duchy of Lancaster.

I have also broadened the terms of reference of the Ministerial Group on the Millennium Date Change (MISC4), chaired by the President of the Board of Trade,

to drive action across the whole of the public and private sectors, while continuing to give priority to preparing the national infrastructure for the Millennium date change. In parallel, I have also broadened the terms of reference of its Sub-Group (MISC4(P), chaired by the Chancellor of the Duchy of Lancaster, to cover the whole of the public sector as well as Government Departments. This will provide a single focus for central Government and the wider public sector. Taken together, the changes will ensure that nothing is allowed to fall between the cracks.

The membership of each group reflects their wider roles, and ensures action is effectively tied in with that of other countries.

The revised terms of reference and membership are as follows:

Ministerial Group on the Millennium Date change (MISC4)

Composition

President of the Board of Trade and Secretary of State for Trade and Industry (Chair)

Chancellor of the Duchy of Lancaster

Minister of State, Department of the Environment, Transport and the Regions

Paymaster General

Minister of State, Foreign and Commonwealth Office

Minister of State, Home Office

Minister of State, Ministry of Defence

Minister of State, Scottish Office

Minister of State, Department of Health

Minister of State, Northern Ireland Office

The Parliamentary Under-Secretary of State, Department of the Environment, Transport and the Regions

The Parliamentary Under-Secretary of State, Department for Education and Employment

The Parliamentary Under-Secretary of State, Department of Trade and Industry

The Parliamentary Under-Secretary of State, Ministry of Agriculture, Fisheries and Food

The Parliamentary Under-Secretary of State, Welsh Office

Other Ministers are invited to attend for items in which they have a departmental interest.

The Chairman of Action 2000 and the Prime Minister's Adviser on the Year 2000 problem are invited to attend.

Terms of Reference

The terms of reference are:

"To drive action in the public and private sectors, including the national infrastructure, to prevent damage from the failure of electronic systems related to the Year 2000 date change".

Ministerial Sub-Group on the Millennium Date Change (MISC4(P)

Composition

Chancellor of the Duchy of Lancaster (Chair)

Minister of State, Department of the Environment, Transport and the Regions

Paymaster General

Minister of State, Foreign and Commonwealth Office

Minister of State, Home Office

Minister of State, Ministry of Defence

Minister of State, Scottish Office

Minister of State, Department of Health

Minister of State, Northern Ireland Office

The Parliamentary Under-Secretary of State, Department for Education and Employment

The Parliamentary Under-Secretary of State, Department of Trade and Industry

The Parliamentary Under-Secretary of State, Department of Social Security

The Parliamentary Under-Secretary of State, Ministry of Agriculture, Fisheries and Food

The Parliamentary Under-Secretary of State, Welsh Office

Other Ministers are invited to attend for items in which they have a departmental interest.

The Prime Minister's Adviser on the Year 2000 problem is invited to attend.

Terms of Reference

The terms of reference are:

"To drive action across central governmental Departments, Agencies and the wider public sector to prevent damage from the failure of electronic systems related to the Year 2000 date change".

Defamation Proceedings

Mr. Peter Bottomley: To ask the Prime Minister (1) if Ministers have to obtain agreement from him and from a law officer before issuing or threatening to issue proceedings for supposed defamatory allegations; [34865]

(2) if he will list the dates since 1 May on which Ministers received his permission to issue defamation proceedings, and the names of those Ministers. [34866]

The Prime Minister: Ministers are required under the Ministerial Code to consult the Law Officers before initiating defamation proceedings. There is no requirement for Ministers to seek my agreement before bringing such action.

Mr. Peter Bottomley: To ask the Prime Minister when the Deputy Prime Minister consulted him and the law officers in advance of the letter dated 3 March by Davenport Lyons to the editor of Punch. [34864]

The Prime Minister: On 9 March, having received a reply to the letter of 3 March from the solicitors acting on behalf of Punch, my right honourable Friend the Deputy Prime Minister approached the Law Officers for advice before making any decision on whether or not to issue proceedings, as required by the Ministerial Code.

Ministerial Accommodation

Mr. Gibb: To ask the Prime Minister what is the official valuation of the accommodation and furnishings provided to each Minister at public expense. [34707]

The Prime Minister *[holding answer 16 March 1998]:* In line with the practice of successive Administrations, no separate valuation of individual offices or the residential areas of buildings or of the furnishings in either of them is held. It could be obtained only at disproportionate cost.

Bilderberg Group

Mr. Gill: To ask the Prime Minister which members of his Government have attended meetings of the Bilderberg Group. [34298]

The Prime Minister *[holding answer 16 March 1998]:* None.

Environmental Appraisal

Mr. Matthew Taylor: To ask the Prime Minister what guidance is issued to Government departments on the need to conduct an environmental appraisal in respect of proposed legislation. [35641]

The Prime Minister: Details of current and proposed guidance to Government Departments on environmental appraisal are set out in the answer which my right hon. Friend the Minister for the Environment gave to the hon. Member on 16 February 1998, *Official Report*, columns *459–60*. This guidance applies to proposed legislation as it does to other proposals for policies or programmes.

Iran

Mr. Dalyell: To ask the Prime Minister what initiatives he proposes to develop relations with Iran during the British Presidency of the EU; and if he proposes a Presidency visit to Tehran at political director level. [35852]

The Prime Minister *[holding answer 23 March 1998]:* We, and our EU partners, are encouraged by positive political developments in Iran. As holders of the EU Presidency, we have initiated a review of EU policy towards Iran. At the 23 February General Affairs Council, EU Foreign Ministers agreed that the EU should increase the level of political contact with Iran and, as a first step, decided to lift the ban on official bilateral Ministerial visits which had been agreed by the April 1997 General Affairs Council. The Council also affirmed the importance of maintaining vigilance in the EU's longstanding areas of concern.

The EU is currently discussing how and at what level to enhance its political contacts with Iran, which may lead to some form of Presidency contact at senior official level.

Policing (Northern Ireland)

Mr. Maginnis: To ask the Prime Minister if discussions with the Irish Republic's Taioseach and officials from both the Northern Ireland Office and Dublin's Department of Foreign Affairs and Justice have taken place concerning the establishment of an international commission on policing in Northern Ireland. [35656]

The Prime Minister *[holding answer 23 March 1998]:* No such discussions have taken place. The Government are looking forward to further discussion of policing issues, including the option of establishing an independent Commission, with the Northern Ireland parties in Strand One of the Talks.

Strategic Communications Unit

Mr. Baker: To ask the Prime Minister what are the specific functions of *(a)* Mr. Philip Bassett and *(b)* Mr. David Bradshaw within the Strategic Communications Unit. [35935]

The Prime Minister *[holding answer 24 March 1998]:* I refer the hon. Member to the answer I gave to my hon. Friend the Member for Birmingham, Erdington (Mr. Corbett) on 14 January 1998, *Official Report*, columns *233–34*.

British Beef

Mr. Hoyle: To ask the Prime Minister if he will ensure that British beef is offered at all meals served in connection with meetings of the Council of Ministers during the remainder of the UK Presidency. [36319]

The Prime Minister: Menus for official functions hosted by Ministers are based on seasonal foods from the UK including beef. The final choice of a menu depends on the dietary requirements of the guests, the nature of the occasion, the preference of the host and on other menus being used during a particular visit.

Beef was served most recently at the buffet supper given at York on 20 March by the Chancellor of the Exchequer for visiting EU Finance Ministers.

Bloody Sunday

Mr. McNamara: To ask the Prime Minister, pursuant to his answer of 12 March 1998, *Official Report*, columns *279–80*, if he will instruct those Government departments which may still have papers relating to the events of Bloody Sunday to make them available to the Saville Inquiry and the representatives of the relatives of those killed and injured on that date. [36501]

The Prime Minister *[holding answer 27 March 1998]:* The Government will give the Inquiry the fullest possible co-operation in carrying out its work and wherever possible will make available to the Inquiry all relevant material. It will be for the Inquiry to decide whether or not material should be published or made available to the representatives of the relatives of those killed or injured on Bloody Sunday.

Hospitality

Mr. Baker: To ask the Prime Minister if he will list the newspaper proprietors who have received Government hospitality since 1 May 1997. [37038]

The Prime Minister: Such records are not held centrally and this information could be obtained only at disproportionate cost.

Rupert Murdoch

Mr. Baker: To ask the Prime Minister how many representations he has received from Labour Members expressing concern about the extent of media ownership by Mr. Rupert Murdoch. [37047]

The Prime Minister: None.

Mr. Baker: To ask the Prime Minister who initiated the recent telephone conversation between him and the Italian Premier, Romano Prodi; and what factors led him to discuss the proposed takeover of Mediaset by Rupert Murdoch. [36500]

The Prime Minister *[holding answer 27 March 1998]:* I refer the hon. Member to the oral answer I gave to the hon. Member for Westmorland and Lonsdale (Mr. Collins) on 25 March 1998, *Official Report*, column 494.

Press Briefings (Anthrax)

Mr. Baker: To ask the Prime Minister what *(a)* press briefings and *(b)* other dissemination of information in respect of the threat of Iraqi use of anthrax originated

from his office; at what time and on what day this occurred; which newspapers were briefed; and if he will make a statement. [37019]

The Prime Minister: My official spokesman gave some comments to *The Sun* newspaper during the afternoon on Monday 23 March after they had approached my office with their story. After publication of *The Sun*, all media who inquired were given comments by the duty press officer. In addition, my official spokesman replied to questions at the 11 am briefing for Lobby journalists on Tuesday 24 March.

DUCHY OF LANCASTER

Green Transport

Mr. Baker: To ask the Chancellor of the Duchy of Lancaster (1) on what date he plans to introduce a green commuting plan; [36670]

(2) what specific changes to departmental transport arrangements have to date been implemented following the receipt of the green transport plan. [36638]

Dr. David Clark *[holding answer 27 March 1998]:* The Department of the Environment, Transport and the Regions circulated to all departments in December last year a "Guide to Green Transport Plans". My Department has started to consider how to respond to its recommendations.

CABINET OFFICE

Broadcasters

Mr. Baker: To ask the Minister without Portfolio, pursuant to his answer of 24 March 1998, *Official Report*, column *119*, for what reason it is not his policy to say whether he has met *(a)* Mr. Rupert Murdoch and *(b)* representatives of News International since 1 January. [37033]

Mr. Mandelson: It is not a matter of policy, but of practicality. I meet representatives of broadcasters and other media organisations very regularly in the course of my ministerial duties. I have not met Rupert Murdoch in the course of those duties.

Open Government

Mr. Baker: To ask the Minister without Portfolio what open Government measures he has taken. [37034]

Mr. Mandelson: In common with my Ministerial colleagues I carry out all my duties in accordance with the principles of openness with Parliament and the public that are laid down by the Prime Minister in the Ministerial Code.

Strategic Communications Unit

Mr. Baker: To ask the Minister without Portfolio if he will list his responsibilities in respect of the Strategic Communications Unit. [37039]

Mr. Mandelson: The Strategic Communications Unit is based in Number 10 and answers to my right hon. Friend the Prime Minister, working through the Prime Minister's Chief Press Secretary. I have regular contact with the Unit in view of my responsibilities for the strategic implementation and presentation of Government policy.

MINISTER WITHOUT PORTFOLIO

Millennium Dome

Mr. Hoyle: To ask the Minister without Portfolio if he will estimate the cost of the giant sculptures that will appear in the Millennium Dome. [31969]

Mr. Mandelson: The costs of individual zones within the Dome are still being finalised within the total budget for the Millennium Experience. The Corporate Plan of the New Millennium Experience Company, which is now being finalised, will contain budgets for the component parts of the Millennium Experience project covering the years 1997–98 (actual) and 1998–99 to 2000–01 (forecast).

SCOTLAND

Damp Housing

Mr. Sarwar: To ask the Secretary of State for Scotland what estimate he has made of the number of houses affected by dampness in Scotland. [35898]

Mr. Macdonald: I refer my hon. Friend to the report of the 1996 Scottish House Condition Survey, a copy of which is in the Library. The Survey estimated that some 177,000 dwellings in Scotland were affected by dampness, representing 8 per cent. of the total occupied housing stock.

Community Service Orders

Mr. Sarwar: To ask the Secretary of State for Scotland how many community service orders were imposed in *(a)* Glasgow and *(b)* Scotland, in 1997. [35900]

Mr. McLeish: The number of persons given community service in 1996 by courts located in *(a)* Glasgow was 1,195 and *(b)* Scotland was 5,711. Information for 1997 is not yet available.

Vacant Dwellings

Mr. Sarwar: To ask the Secretary of State for Scotland what estimate he has made of the number of vacant dwellings in Scotland. [35901]

Mr. Macdonald: I refer my hon. Friend to the report of the 1996 Scottish House Condition Survey, a copy of which is in the Library. The Survey estimated that there were some 109,000 vacant dwellings in Scotland, representing 5 per cent. of the total housing stock. Of these, 64,000 were estimated to be vacant temporarily while the property was being sold or re-let, 34,000 were estimated to be longer term vacant properties with the status of the remainder being unknown.

Inward Investment

Mr. David Marshall: To ask the Secretary of State for Scotland how many manufacturing sector jobs Locate in Scotland has attracted in each of the years since it was established to the City of Glasgow council area. [36032]

Mr. Wilson: The number of jobs associated with manufacturing projects attracted to the City of Glasgow Council area by Locate in Scotland is as follows:

Year	*New jobs*	*Safeguarded jobs*	*Total jobs*
1981–82	176	1,717	1,893
1982–83	0	0	0
1983–84	0	0	0
1984–85	437	169	606
1985–86	403	531	934
1986–87	53	352	405
1987–88	346	46	392
1988–89	70	0	70
1989–90	451	68	519
1990–91	97	530	627
1991–92	101	126	227
1992–93	20	181	201
1993–94	459	200	659
1994–95	117	211	328
1995–96	94	669	763
1996–97	43	55	98
Total	2,867	4,855	7,722

Notes:

1. The above figures relate only to projects handled by Locate in Scotland (LIS) and The Scottish Office. The figures are based on information provided by the companies themselves at the time of the investment decision and take no account of subsequent developments. A few projects may not have proceeded and others may have been reduced in scale as a result of changes in the commercial environment. Equally, however, some projects may have led to more investment and more jobs than originally anticipated; and the figures take no account of the substantial number of new jobs created indirectly in supplier companies. Experience over a number of years indicates that, on average, around two-thirds of planned direct jobs are created.
2. Figures for years prior to 1991–92 relate to projects with a Glasgow postcode and may therefore include a few projects outwith the City of Glasgow Council area.

World Cup

Ms Roseanna Cunningham: To ask the Secretary of State for Scotland how many tickets to Scotland's matches in World Cup 1998 have been obtained by his Department; and to whom these tickets have been distributed. [36804]

Mr. Galbraith: Tickets have yet to be allocated, but it is hoped that it will be possible to secure one for each of Scotland's World Cup matches in France.

Autistic Children

Mrs. Ewing: To ask the Secretary of State for Scotland if he will list those councils which provide separate facilities for the secondary education of autistic children and in each case the number of *(a)* locations and *(b)* full-time teacher equivalents at each location. [36685]

Mr. Wilson: The annual School Census currently collects information on provision for special educational needs in a number of broad categories. Autistic pupils would be included under the category of "language of communication disorder". The format of the existing census form does not allow autism provision to be disaggregated.

Departmental Employees

Mr. Donohoe: To ask the Secretary of State for Scotland how many staff are employed within Scotland by his Department, or executive agencies responsible to his Department; and where those staff are located. [36214]

Mr. Dewar: The numbers of staff employed in The Scottish Office (including its Executive Agencies), together with details of their location, are shown in the table.

Staff in the Scottish Office located within Scotland, by council area permanent and casual staff, position as at 1 March 1998

FTE

Council	*The Scottish Office (excl SPS)*	*Scottish prison service*
Aberdeen City	229.8	159.5
Aberdeenshire	104.7	273.0
Angus	18.9	67.0
Argyll & Bute	37.8	—
Clackmannanshire	—	449.5
Comhairle nan Eilean Siar	30.9	—
Dumfries & Galloway	54.1	194.0
Dundee City	46.7	—
East Dunbartonshire	—	163.5
East Lothian	25.0	—
Edinburgh, City of	3,721.6	717.5
Falkirk	3.0	397.5
Fife	26.8	—
Glasgow, City of	244.2	576.5
Highland	161.4	105.0
Inverclyde	68.9	167.5
Moray	12.4	—
North Lanarkshire	—	620.0
Orkney Islands	33.8	—
Perth & Kinross	67.9	522.0
Scottish Borders	65.8	—
Shetland Islands	21.6	—
South Ayrshire	63.6	—
South Lanarkshire	33.0	78.5
Stirling	67.9	227.0
West Dunbartonshire	2.9	—
West Lothian	13.3	14.0
Total in Scotland	5,156.0	4,732.0

Local Enterprise Companies

Mr. Keetch: To ask the Secretary of State for Scotland what is the estimated cost to public funds of local enterprise companies in Scotland in 1998. [36861]

Mr. Wilson: The Scottish Enterprise and Highlands and Islands Enterprise budgets for 1998–99 are £455.262 million and £77.992 million respectively. The allocation of local enterprise company budgets is an operational matter for the enterprise bodies. I will ask the Chairmen to write to the hon. Member.

Pre-school Education

Mrs. McKenna: To ask the Secretary of State for Scotland if he will make a statement about the arrangements for funding pre-school education in school year 1998–99. [37185]

Mr. Wilson: Universal provision of education in the pre-school year is a key part of our drive to raise standards in education, to tackle social exclusion from the earliest age, and to provide integrated early years services to support working parents. It is also a crucial component of the Government's national childcare strategy.

Having considered the responses to the consultation paper on pre-school education which I issued last November, I now announce the detailed arrangements under which local authorities will lead the further expansion of pre-school education in the 1998–99 school session. Letters have been issued today to all local authorities and provider representative organisations explaining these arrangements in detail. The key points are as follows:

£46.6 million will be distributed as grant under the Education (Scotland) Act 1996 among local authorities for the first two terms of the 1998–99 school session, on the basis of the participation of eligible children in provision.

The latest GRO estimate of pre-school year children in 1998–99 stands at 61,371; and funding will be geared to cover this number of children. Estimated population figures for each authority, together with indicative grant figures, are today being issued to all authorities.

Local authorities will be funded at an enhanced rate of grant of £1,140 over the school year 1998–99 for every eligible child occupying a part-time education place of at least 412½ hours over the year, whether in their own centres or in a centre with which they are in partnership.

Local authorities and their prospective partners will be free to negotiate the price at which places will be purchased under partnership arrangements. The principles of 'best value', taking full account of quality as well as price, should obtain. As a guideline, and taking account of the need to ensure adequate remuneration for staff in partner centres, I suggest that a quality partnership place is unlikely to be obtained for less than £850 over the year, after allowing for the recharging of any quality support services. I intend to review in the autumn authorities' progress with partnerships.

I am introducing simplified eligibility rules for pre-school grant for ease of local authority administration. Greater latitude will be given to local authorities in the configuration of education hours, so that they may respond more fully to the needs of children and their parents.

I expect all authorities, and their partners, to strive to achieve fully loaded places of at least 412½ hours education by the end of the 1998–99 school session. Where places offer less education, grant will be proportionately reduced.

In some rural areas the cost of provision can be prohibitively high. I am keen to ensure that children from rural areas should have access to the same opportunities as other children and I am therefore making an additional, one-year grant of £4 million available to 24 authorities with gaps in provision in rural areas to assist them to complete provision in their area. These resources will be used to create new provision, taking account of the needs and preferences of children and their parents and ensuring so far as possible that existing provision in registered voluntary and private centres is not displaced or replicated.

TRADE AND INDUSTRY

Millennium Compliance

Mr. Gray: To ask the President of the Board of Trade what percentage of businesses her Department anticipates will fail to be millennium compliant by 2000; and what assessment she has made of the impact of single currency demands on programmers on millennium compliance. [27530]

Mrs. Beckett *[holding answer 5 March 1998]:* Action 2000 aims to ensure that all businesses realise the need to take action on millennium compliance in time. Enterprises working towards millennium compliance will, of course, need to take account of other information technology developments, including any relating to the launch of the single currency. The nature and extent of other work will vary very significantly between businesses and will depend on decisions taken by those businesses.

Green Transport

Mr. Baker: To ask the President of the Board of Trade when she appointed a Green Transport co-ordinator; and on what date the appointment took effect. [32475]

Mrs. Beckett *[holding answer 3 March 1998]:* The Guide to Green Transport Plans circulated last September by my hon. Friend the Minister for Transport in London encouraged Departments to appoint green transport co-ordinators. Since then the role of my green transport co-ordinator has been undertaken by one of my officials in Environment Directorate who is responsible for liaising with colleagues in other relevant Directorates.

Home Shopping

Mr. Kidney: To ask the President of the Board of Trade what assessment she has made of *(a)* the impact of electronic home shopping on agency and direct sales, *(b)* the need for protection against unfair sales pressures in the homes of consumers in respect of home shopping and *(c)* future price movements in the home shopping market. [36317]

Mr. Nigel Griffiths: Consumers must be protected against unfair sales pressure, particularly in their homes. I consider that existing provisions could be improved, and plan to publish a consultation paper setting out proposals to strengthen the consumer protection provided by the Consumer Protection (Cancellation of Contracts Concluded away from Business Premises) Regulations 1987. I shall also be consulting on the implementation of two EU Directives which provide protection for consumers using mail order, telephone sales, electronic commerce and other methods of distance selling. These are the Distance Selling Directive, which covers all organised methods of selling where the consumer and trader do not meet, up to and including the conclusion of the contract and has to be implemented by June 2000, and the Telecoms Protection Directive which protects consumers against unsolicited telephone calls and faxes and will be implemented this October.

While my right hon. Friend the President of the Board of Trade has not carried out any studies of future price movements in the home shopping market, the development of electronic commerce seems likely to be an important competitive element in retailing in the future.

Joint Environmental Markets Unit

Mr. Swinney: To ask the President of the Board of Trade what are the *(a)* running costs, *(b)* salary costs, *(c)* total Government assistance to and *(d)* location of the Joint Environmental Markets Unit. [36239]

Mrs. Beckett *[holding answer 27 March 1998]:* During 1997/98 the budgets for JEMU were as follows:

	£
Staff (shared by DTI/DETR)	380,000
Core sponsorship and export promotion	200,000
Technology Partnership Initiative	250,000
Publicity	150,000
Travel	20,000
Total	1,000,000

JEMU is located at 151 Buckingham Palace Road, London SW1W 9SS.

Mr. Swinney: To ask the President of the Board of Trade which companies were involved in Joint Environmental Markets Unit outward missions in 1996–97. [36238]

Mrs. Beckett *[holding answer 27 March 1998]:* Although the Joint Environmental Markets Unit did not itself organise any outward missions in 1996–97, the Unit supported environmental industry involvement in missions organised by the Overseas Trade Desks and others.

Joint Export Promotion Directorate

Mr. Swinney: To ask the President of the Board of Trade if she will list the *(a)* running costs and *(b)* salary costs in 1997–98 of the Joint Export Promotion Directorate. [36230]

Mrs. Beckett *[holding answer 27 March 1998]:* In 1997–98 the running costs and salary costs of the Joint Export Promotion Directorate (JEPD)—which is staffed by officials from my Department and the Foreign and Commonwealth Office—were £2,841,000 and £1,848,200 respectively.

British Overseas Trade Board

Mr. Swinney: To ask the President of the Board of Trade if she will list the members of the Area Advisory Groups of the British Overseas Trade Board. [36231]

Mrs. Beckett *[holding answer 27 March 1998]:* The information requested has been placed in the Library.

Employment Service

Mr. Swinney: To ask the President of the Board of Trade what percentage of Employment Service Agency Standards Office staff are based in London; what percentage of *(a)* salary and *(b)* running costs are incurred in London; and what are the total (i) salary and (ii) running costs. [36232]

Mrs. Beckett *[holding answer 27 March 1998]:* 60 per cent. of Employment Agency Standards staff are based in Greater London. A running cost budget of £470,000 is allocated to the Inspectorate for 1997–98 of which £270,000 is for salaries. 68 per cent. of salary and running costs are incurred in London. Some staff within this area perform duties outside it whilst others based outside conduct work within. London costs include the national telephone helpline and certain expenditure, for example publicity, targeted across the country.

Export Development Counsellors

Mr. Swinney: To ask the President of the Board of Trade if she will list the percentage of export development counsellors based in Scotland; and what are the running costs for this project for 1997–98. [36229]

Mrs. Beckett *[holding answer 27 March 1998]:* The 8 Export Partnership Counsellors in Scotland represent just under 10 per cent. of the total number of export counsellors in England and Scotland. Running costs for Export Development Counsellors in England form part of the Local Competitiveness Budget for Business Links and are not separately identified. The running costs for the Export Partnership Counsellor project in Scotland in 1997/98 amount to £200,000.

Newspaper Pricing

Mr. Baker: To ask the President of the Board of Trade what controls exist to prevent predatory pricing of newspapers. [37016]

Mrs. Beckett: Under current UK competition law, controls may be imposed on conduct which may amount to predatory pricing if there has been an investigation under the Fair Trading Act 1973 or the Competition Act 1980, and the conduct has been found to be against the public interest. Both Acts apply to the newspaper industry.

Advisory, Conciliation and Arbitration Service

Mr. Pike: To ask the President of the Board of Trade when she expects to receive the Annual report of the Advisory, Conciliation and Arbitration Service. [37211]

Mrs. Beckett: The ACAS Report for 1997 is being laid before both Houses of Parliament today. Copies are available from the Vote Office.

HOME DEPARTMENT

Non-custodial Sentencing

15. **Mr. Borrow:** To ask the Secretary of State for the Home Department what pilot schemes *(a)* have been implemented and *(b)* are proposed to improve the delivery of non-custodial sentencing. [35166]

Ms Quin: A Community Sentence Demonstration Project has been set up in Teesside and Shropshire. Several measures contained in the Crime (Sentences) Act 1997 relating to community sentences are being piloted for 18 months in Greater Manchester and Norfolk. They will be extended to additional Greater Manchester courts on 1 April.

The Government have introduced provision for a drug treatment and testing order in the Crime and Disorder Bill, which we expect to be piloted in the autumn this year and under the Bill, we hope to begin piloting new orders including the reparation order and the action plan orders.

We have also recently announced our decision, in principle, to extend the availability of electronic monitoring.

Rural Policing

21. **Mr. Yeo:** To ask the Secretary of State for the Home Department what recent representations he has received about the funding of police forces in rural areas in 1998–99. [35174]

Mr. Michael: Following the announcement of the provisional police revenue settlement for 1998–99, we received eight representations about the funding of police work in rural areas. Six argued in favour of additional resources for rural forces and two against.

31. **Mr. Evans:** To ask the Secretary of State for the Home Department what plans he has to increase the proportion of resources devoted to policing in rural areas. [35184]

Mr. Michael: The allocation of resources to urban and rural areas within any police force area is an operational matter for the Chief Constable to decide in conformity with the policing plan agreed with the police authority.

Human Rights (Jersey)

22. **Mr. Mitchell:** To ask the Secretary of State for the Home Department what proposals he has for safeguarding human rights in Jersey. [35175]

Mr. Mike O'Brien: Human rights in Jersey are a matter for the Insular Authorities, though Her Majesty's Government has overall responsibility for ensuring that those Authorities comply with the European Convention on Human Rights, which the United Kingdom has signed on behalf of Jersey.

Asylum Seekers

8. **Mr. Wilkinson:** To ask the Secretary of State for the Home Department what plans he has to relax the criteria for admission to the United Kingdom as a refugee in order to speed up the processing of applications by asylum seekers. [35157]

Mr. Mike O'Brien: We shall continue to apply the criteria for recognition as a refugee which are set out in the 1951 United Nations Convention relating to the Status of Refugees. We are considering a range of measures for speeding up the asylum process and will announce our conclusions in due course.

Mr. Allan: To ask the Secretary of State for the Home Department what estimate he has made of the number of those applying for asylum in 1997 who have not complied with the terms of their temporary admission and whom the Immigration Service has been unable to trace. [36517]

Mr. Mike O'Brien: As at 28 February 1998, approximately 1,290 persons who had applied for asylum in 1997, excluding dependants, were recorded as having breached the conditions of their temporary admission, temporary release or restriction order, or having lost contact with the Home Office.

Mr. Allan: To ask the Secretary of State for the Home Department if he will provide a breakdown of the numbers of asylum seekers currently detained under Immigration Act powers by *(a)* nationality, *(b)* gender, *(c)* place of detention, *(d)* length of detention and *(e)* stage of application and immigration status at the time of detention. [36518]

Mr. Mike O'Brien: The available information on those persons recorded as detained under Immigration Act powers as at 27 February 1998, and who had sought asylum at some stage, is given in tables 1 to 4.

Regrettably, a reliable breakdown by location of detention could be obtained only at disproportionate cost through the examination of individual case records.

Table 1: Number of people recorded as being detained [1,2] on 27 February 1998 who had sought asylum at some stage, by gender and immigration status

Gender	Port	Illegal entrants	Subject to deportation action	Total
Male	274	411	35	720
Female	18	11	3	32
Total	292	422	38	752

[1] Persons detained solely under the powers contained in Schedule 2 or 3 of the Immigration Act 1971.
[2] These figures include people who have been in detention for less than a month. Because of the delay in recording receptions into, and releases from, detention and the large number of persons detained for a short period, the figures should be used with caution.

Table 2: Number of people recorded as being detained [1,2] on 27 February 1998 who had sought asylum at some stage, by stage of application and immigration status

Stage of application	Port	Illegal entrants	Subject to deportation action	Total
Awaiting initial decision	127	252	6	385
Awaiting result of appeal	123	79	15	217
Awaiting result of further challenge or documentation for removal[3]	42	91	17	150
Total	292	422	38	752

[1] Persons detained solely under the powers contained in Schedule 2 or 3 of the Immigration Act 1971.
[2] These figures include people who have been in detention for less than a month. Because of the delay in recording receptions into, and releases from, detention and the large number of persons detained for a short period, the figures should be used with caution.
[3] Includes those persons awaiting the result of a further appeal/other challenge or awaiting removal pending documentation.

Table 3: Number of people recorded as being detained [1,2] on 27 February 1998 who had sought asylum at some stage, by length of detention[3] and immigration status

Length	Port	Illegal entrants	Subject to deportation action	Total
0–1 month	69	169	4	242
1–2 months	46	86	1	133
2–6 months	148	127	11	286
6–12 months	21	34	15	70
12 months+	8	6	7	21
Total	292	422	38	752

[1] Persons detained solely under the powers contained in Schedule 2 or 3 of the Immigration Act 1971.
[2] These figures include people who have been in detention for less than a month. Because of the delay in recording receptions into, and releases from, detention and the large number of persons detained for a short period, the figures should be used with caution.
[3] In some cases the date a person enters detention may be understated due to the method of recording.

Table 4: Number of people recorded as being detained[1,2] on 27 February 1998 who had sought asylum at some stage, by nationality and immigration status

Nationality	Port	Illegal entrants	Subject to deportation action	Total
India	15	84	1	100
Nigeria	49	29	8	86
Sri Lanka	11	61	2	74
Pakistan	19	43	2	64
Yugoslavia	6	36	0	42
Algeria	21	13	4	38
Albania	9	19	0	28
Turkey	11	16	0	27
China (Peoples Republic of)	7	15	1	23
Ghana	10	5	5	20
Kenya	16	2	2	20
Bangladesh	6	10	1	17
Angola	10	4	0	14
Romania	1	11	1	13
Russia	3	8	1	12
Uganda	8	3	0	11
Iran	7	0	0	7
Iraq	6	1	0	7
Poland	3	4	0	7
Somalia	4	3	0	7
Ivory Coast	4	2	0	6
Cyprus	5	1	0	6
Gambia	3	2	1	6
Jamaica	2	2	2	6
Zaire	6	0	0	6
Columbia	5	0	0	5
Sierra Leone	3	2	0	5
South Africa	2	2	1	5
Afghanistan	0	4	0	4
Lithuania	3	1	0	4
Morocco	0	3	1	4
Sudan	2	2	0	4
Bulgaria	1	2	0	3
Cameroon	3	0	0	3
Egypt	1	1	1	3
Togo	2	1	0	3
Ukraine (Ukranian SS)	0	3	0	3
Czech Republic	2	0	0	2
Ethiopia	1	1	0	2
Equatorial Guinea	2	0	0	2
Kazakhstan	0	2	0	2
Liberia	2	0	0	2
Libya	2	0	0	2
Niger	2	0	0	2
Slovakia	2	0	0	2
Tanzania	0	1	1	2
Thailand	0	2	0	2
Tunisia	0	1	1	2
Zimbabwe	1	1	0	2
Other	13	11	2	26
Nationality doubtful	1	8	0	9
Total	292	422	38	752

[1] Persons detained solely under the powers contained in Schedule 2 or 3 of the Immigration Act 1971.

[2] These figures include people who have been in detention for less than a month. Because of the delay in recording receptions into, and releases from, detention and the large number of persons detained for a short period, the figures should be used with caution.

Drug Abuse

23. **Mr. Barry Jones:** To ask the Secretary of State for the Home Department what progress has been made in countering drug abuse; and if he will make a statement. [35176]

Mr. George Howarth: A new Treatment and Testing Order, included as one of the measures in the Crime and Disorder Bill, will give courts the power to require drug misusing offenders to undergo treatment. The new Order will be rigorously enforced and include the use of drug testing to enable the courts to monitor the progress of offenders at review hearings.

In addition, Ministers are considering proposals from Keith Hellawell—the United Kingdom Anti-Drugs Co-ordinator for a new anti-drugs strategy which will be launched in the next few weeks.

Family Support Measures

25. **Mr. MacShane:** To ask the Secretary of State for the Home Department what measures he proposes to introduce in support of the family. [35178]

Mr. Michael: The Ministerial Group on the Family, which is chaired by my right hon. Friend the Home Secretary, is currently considering how best to increase the support available to families in a number of key areas, including improving the availability of parenting information and education and encouraging family-friendly employment policies.

Vulnerable Witnesses

26. **Mrs. Humble:** To ask the Secretary of State for the Home Department what plans he has to introduce further measures to protect *(a)* child witnesses and *(b)* vulnerable adults in the court system. [35179]

Mr. Michael: As I informed my hon. Friend when I met her and a constituent on 10 March, we intend to give greater protection to child witnesses and vulnerable adults. Our inter-departmental review of their needs is nearing completion. It is wide-ranging and is covering procedures from the investigation to the trial and beyond.

Prison Drug Tests

28. **Dr. Iddon:** To ask the Secretary of State for the Home Department if he will make a statement on the results of random drug test programmes in prisons. [35181]

Mr. George Howarth: Random mandatory drug test (MDT) results for April to December 1997 show a reduction from 19.9 per cent. to 17 per cent. testing positive for cannabis with a reduction from 5.4 per cent. to 4.1 per cent. positive for opiates. The Prison Service drug strategy review which incorporates research into MDT should provide a clearer picture on how these encouraging trends might be maintained.

Young Offenders' Institutions

29. **Dr. Cable:** To ask the Secretary of State for the Home Department what plans he has in relation to young offenders' institutions in London and the south-east. [35182]

Ms Quin: The Government are currently reviewing the juvenile secure estate as part of the Comprehensive Spending Review. The Prison Service also hopes in the coming months to seek planning permission for a 600 place young offender institution in the London area to accommodate increased numbers and relieve pressure in existing institutions.

Police Recruitment (Essex)

30. **Mr. Burns:** To ask the Secretary of State for the Home Department what money he has made available for the recruitment of extra police constables in Essex in 1997–98. [35183]

Mr. Michael: For 1997/98, Essex Police received £1.1 million in what was described by the previous Government as funding for extra officers. In fact, Ministers have no direct control over police numbers. Legislation passed by the previous Government in 1994 left it to individual chief constables to determine the number of officers in their force.

Young Offenders

32. **Mr. Hinchliffe:** To ask the Secretary of State for the Home Department what steps he is taking to ensure young persons are not held within the adult prison system. [35185]

Ms Quin: Provisional figures indicate there were 2,559 young people aged under 18 in prison custody on 31 January 1998. Two thousand, four hundred and fifty-three of these were young men, of whom all but 277 were held in prison establishments for young offenders, not in adult prisons. Of the 277 young men held in adult prisons, all but two were held in accommodation separate from adult prisoners. The Government are currently reviewing the secure estate for juveniles as part of their Comprehensive Spending Review.

There are no young offender institutions for young women which are entirely separate from adult prisons. However, by April this year over 83 per cent. of young women in prison will be held in entirely separate accommodation, mother and baby units or in 'open' prison conditions.

Mr. Ivan Lewis: To ask the Secretary of State for the Home Department what steps he will take to ensure that support and guidance is given to the parents of young offenders. [35167]

Mr. Michael: As part of our radical reform of the youth justice system, we will introduce a parenting order to encourage parents to accept their responsibilities for their children's behaviour. It will allow courts to direct that parents exercise control over children and require parents to receive training and guidance.

Prison Work

33. **Mr. Hanson:** To ask the Secretary of State for the Home Department what initiatives he is undertaking to encourage businesses to utilise the prison work force. [35186]

Ms Quin: The Prison Service is keen to encourage businesses to use the work force available in prisons because this will improve prison industrial and commercial practices, and will enhance the rehabilitative function of work in prisons.

It is developing prison industrial and commercial expertise by providing staff training on doing business in the private sector; and by helping prison workshops to attain BSI and ISO product and manufacturing quality accreditation.

It is seeking to develop the abilities of prisoners through the provision of a wide range of national vocational qualifications (NVQs) and construction industry training (last year prisoners were awarded 17,309 individual NVQ units and 1,800 full NVQs in 48 different skills; and 5.5 million vocational training and construction industry training places were provided); and through training for work through core educational curriculum.

It is supporting prisons' efforts to market themselves to businesses through the efforts of a central sales and marketing team and by offering enterprise partnerships in a variety of industrial, commercial and agricultural activities. The Service has at present 12 such partnerships in, or about to come into, operation.

Drug Addicts

34. **Mr. Gordon Marsden:** To ask the Secretary of State for the Home Department what proportion of people arrested by the police in the last year for which figures are available were addicted to heroin and other opiates. [35187]

Mr. George Howarth: The information is not recorded in the format requested. We hope to publish within the next few weeks the results of research conducted for the Home Office by Cambridge University, of a study of drug use by samples of people arrested in various cities. The research shows a strong link between drug use, including heroin, and crime.

Community Sentences

Mr. Edwards: To ask the Secretary of State for the Home Department what measures he plans to take to improve public confidence in community sentences. [35153]

Mr. Straw: The Crime and Disorder Bill contains proposals which will both increase the range of community sentences available to the courts and create a new framework for the effective supervision of community sentences for juvenile offenders. Confidence in community sentences will be further helped by implementing recommendations from Her Majesty's Inspectorate of Probation about supervision programmes which are effective in reducing repeat offending and via the existing Community Sentence Demonstration Projects.

Police Grant (Surrey)

Mr. Hawkins: To ask the Secretary of State for the Home Department what proposals he has to increase the police grant to Surrey. [35177]

Mr. Michael: The Government's proposals on the amount of police grant to be paid to Surrey Police Authority in 1998–99 were set out in the Police Grant Report (England and Wales) 1998–99 (HC 492) which was approved by this House on 4 February.

Football Violence

Mr. Sutcliffe: To ask the Secretary of State for the Home Department what steps he has taken to prevent possible violent conduct by football supporters during the World Cup. [35180]

Mr. Michael: My right hon. Friend the Home Secretary launched the United Kingdom Action Plan for the World Cup 1998 on 25 March, detailing the measures taken with police and football organisations and with French co-operation, to ensure that supporters with tickets enjoy a safe and secure World Cup.

Ms Samar Alami and Mr. Jawad Botmeh

Mr. Burden: To ask the Secretary of State for the Home Department what plans he has to review the *(a)* convictions, *(b)* length of sentences, *(c)* categorisation and *(d)* prison conditions for (i) Ms Samar Alami and (ii) Mr. Jawad Botmeh. [35716]

Ms Quin: Reviews of the convictions or sentences of Ms Alami and Mr. Botmeh are matters for the courts as I understand they have lodged appeals against their sentences.

Ms Alami and Mr. Botmeh are both category A prisoners and their security categorisation is subject to annual review by the Prison Service. They will next be reviewed in August.

Both prisoners are held in normal prison conditions appropriate to their security category. As with all sentenced prisoners, they are subject to incentives and earned privileges schemes under which their access to additional facilities are earned or lost according to their behaviour in prison.

Departmental Employees

Mr. Donohoe: To ask the Secretary of State for the Home Department how many staff are employed in Scotland by his Department, or executive agencies responsible to his Department; and where those staff are located. [36217]

Mr. Straw: The numbers and locations of Home Office staff employed in Scotland are as follows:

Area	*Number of staff*	*Unit*	*Location*
Home Office (excluding the Agencies)[1]	1	Animals Inspectorate	Argyll House, Dundee
	6	Animals Inspectorate	Overgate House, Dundee
	1	Animals, Byelaws, Coroners Unit (ABCU)	Argyll House, Dundee
	3	National Criminal Intelligence Service (NCIS)	Osprey House, Paisley
	[2]292	Criminal Injuries Compensation Authority (CICA)	Tay House, Glasgow
	9	Criminal Injuries Compensation Authority Panel (CICAP)	Tay House, Glasgow
	1	Gaming Board	Portcullis House, Glasgow
	3	After Entry & Appeals Directorate (Immigration and Nationality Department)	Farnborough House, Glasgow
	8	Immigration Service Ports Directorate	Aberdeen Airport
	8	Immigration Service Ports Directorate	Edinburgh Airport
	4	Immigration Service Ports Directorate	Glasgow
	33	Immigration Service Ports Directorate	Glasgow Airport
United Kingdom Passport Agency	375	United Kingdom Passport Agency, Glasgow	Milton Street, Glasgow

[1] The Prison Service, Forensic Science Service and Fire Service College have no staff employed in Scotland.
[2] This figure includes 282 staff seconded from the Scottish Office pool of employees.

Low Flying

Helen Jackson: To ask the Secretary of State for the Home Department what complaints were received by police forces relating to low-flying aircraft on 24 March 1997. [36403]

Mr. Michael: Information on complaints to the police of low-flying aircraft is not held centrally. I understand that on the evening of 24 March 1997, South Yorkshire Police received reports of a low-flying aircraft which was thought to have crashed. An investigation by the police and other authorities failed to find any trace of the aircraft.

Polygraph Machines

Mr. Nigel Jones: To ask the Secretary of State for the Home Department (1) what plans he has to extend the use of polygraph machines in criminal cases; [36422]

(2) in how many cases polygraph machines have been used since 1992. [36423]

Mr. Michael: The Government have no plans to extend the use of polygraph machines in criminal cases. The admissibility of evidence in criminal proceedings is a matter for the courts. In the case of Fennel *v* Property Maintenance Limited 1986 [*The Times*, 26 November 1986], it was held that as a matter of principle, evidence adduced by the administration of a mechanical test on a witness is not admissible in courts in England and Wales to show the veracity or otherwise of the witness.

Animal Experiments

Mr. Nigel Jones: To ask the Secretary of State for the Home Department if he will increase in real terms the budget for research into alternatives to animal testing. [36427]

Mr. George Howarth: We have already increased the budget from £182,000 in 1997–98 to £259,000 in 1998–99—an increase of 42 per cent. No decisions about funding in future years have yet been taken.

Mr. Hancock: To ask the Secretary of State for the Home Department what plans he has to reduce the use of primates for research. [36498]

Mr. George Howarth: We will continue to ensure that primates are used in scientific procedures only where this is fully justified and where the purposes of the programme of work cannot be achieved by methods not involving animals or by methods involving animals of other species.

Authority to use wild-caught primates will be given only where exceptional and specific justification can be established. Specific justification will also be required to use Old World (as opposed to New World) primates.

We announced in November that the use of Great Apes would not be authorised.

Most primate use in the United Kingdom is for safety testing of pharmaceuticals, not for research. We are encouraging regulators to review the need to use animals in regulatory safety testing.

Mr. Nigel Jones: To ask the Secretary of State for the Home Department how many cosmetic experiments were carried out in the United Kingdom on behalf of foreign companies during 1996. [36425]

Mr. George Howarth: This information is not collected.

Mr. Nigel Jones: To ask the Secretary of State for the Home Department if he will alter the terms of the Animals (Scientific Procedures) Act 1986 to allow publication of the names of companies commissioning cosmetic testing. [36426]

Mr. George Howarth: Section 24 of the Animals (Scientific Procedures) Act 1986 prevents the disclosure of information given in confidence. The Government have announced that they will be reviewing such statutory bars to decide whether they should remain or should be amended to bring them into line with the "substantial harm" and "public interest" tests proposed in the White Paper on Freedom of Information: "Your Right to Know" (Cm 3818). No decisions have yet been made concerning the 1986 Act.

Private Prisons

Mr. Cox: To ask the Secretary of State for the Home Department how many privately-run prisons there are in England and Wales; and if he will list them. [36580]

Ms Quin: There are seven privately-managed prisons in England and Wales:

Her Majesty's Prison Altcourse, Fazakerley, Liverpool.

Her Majesty's Prison Blakenhurst, Redditch, Worcestershire.

Her Majesty's Prison Buckley Hall, Rochdale, Lancashire.

Her Majesty's Prison Doncaster, South Yorkshire.

Her Majesty's Prison Lowdham Grange, Nottinghamshire.

Her Majesty's Prison Parc, Bridgend, Mid Glamorgan.

Her Majesty's Prison Wolds, Brough, North Humberside.

Drugs

Mr. Flynn: To ask the Secretary of State for the Home Department what procedures are followed for the collation of the NCIS UK drugs prices list. [36483]

Mr. Michael: The information in the Drug Prices Guide was collated from material supplied by dedicated points in 16 police forces in England, Wales and Scotland and by Her Majesty's Customs and Excise. The guide is intended to provide information that can be used by law enforcement officers who need to give expert witness in court on drug prices. It also provides general intelligence on price trends. As various factors are likely to affect prices locally, it should be seen only as a rough guide.

Blood Sports

Mr. Baker: To ask the Secretary of State for the Home Department, pursuant to his the answer of 24 March 1998, *Official Report*, columns *118–19*, if he will list the representations received by the Minister without Portfolio on blood sports and subsequently passed to him. [37036]

Mr. George Howarth: The Home Office has received in excess of 70,000 representations about hunting, both directly and via other Government offices, including the Office of Minister without Portfolio.

Records of individual letters for each addressee have not been kept.

Gaming Act

Mr. Singh: To ask the Secretary of State for the Home Department if he will make a statement on his Department's plans to reform the Gaming Act 1968. [35295]

Mr. George Howarth: The present controls meet their primary purpose of keeping gaming crime-free, though the Government are aware of calls to modernise them. We have not ruled that out, but would need to consider the timing, scope and resource implications of such an exercise.

Fraud

Mr. Sheerman: To ask the Secretary of State for the Home Department what proposals he has to modify extradition treaties to cover persons who commit major white collar fraud. [35152]

Mr. Michael: Most of the extradition arrangements define "an extradition crime" by the length of the sentence served, and white-collar crime needs no special provision. The most obvious exception is the 1976 United Kingdom/United States Treaty, which still relies on a list of extradition crimes. Amendments are necessary to the 1989 Extradition Act and longer-term, to the Treaty itself.

Tuberculosis

Dr. Fox: To ask the Secretary of State for the Home Department (1) how many cases of TB have been identified in each of the last three years among *(a)* those seeking asylum in the UK and *(b)* those seeking permanent settlement in the UK; [36019]

(2) what levels of TB immunisation have been identified in *(a)* those seeking asylum in the UK and *(b)* those seeking permanent settlement in the UK in each of the last three years. [36018]

Ms Jowell: I have been asked to reply.

Information is not routinely collected in the form requested. However, at Heathrow and Gatwick airports, where the majority of asylum seekers and immigrants arrive, and where facilities for the x-ray screening of new entrants are available, the following number of cases of active tuberculosis (TB) have been identified.

Year	*Asylum seekers*	*Immigrants*	*Total*
1995–96	30	4	34
1996–97	18	9	27
1997–98	20	25	[1]45

[1] Figures to mid-March only.

Immigrants from high prevalence areas for TB and asylum seekers are recognised as high risk groups for TB. We have a two pronged approach to prevention and control of TB in new immigrants to this country. The first is to screen those at highest risk at ports of entry, and the second is to offer more detailed screening, including skin testing, locally when they arrive at their destination. This second part of the procedure allows detection not only of active cases but also those who would benefit from the preventive measures such as chemoprophylaxis and those with negative skin tests to be protected by immunisation with Bacillus Calmette Guèrin. The Department and the Home Office are presently reviewing these procedures and looking at ways of improving screening for tuberculosis.

WALES

Smoke Alarms

Mr. Wigley: To ask the Secretary of State for Wales what assessment he has made of the advantages of making the installation of smoke alarms compulsory in local authority homes in Wales. [35583]

Mr. Win Griffiths: I believe the installation of smoke alarms in houses can be a major factor in reducing the risk of death or injury from fire. All local authorities in Wales are committed to fitting smoke alarms in all their housing stock. To date, 18 authorities have achieved this fully.

Of the remainder, two expect to complete by the end of the 1998–99 financial year; one by the end of 200–01; and one has a policy of installing smoke alarms during refurbishment works.

NHS Trusts

Mr. Gareth Thomas: To ask the Secretary of State for Wales if he will make a statement about the future of acute and community NHS trusts in Wales. [37187]

Mr. Win Griffiths: There are currently 25 NHS trusts in Wales providing acute, community and mental health services.

I am announcing today proposals for a reduced number of NHS trusts in Wales and there will be consultation on these proposals later this year. I am writing to all hon. Members representing constituencies in Wales with a copy of my announcement and the related press release. Copies will be placed in the Library.

Northern Ireland All-party Talks

Mr. Ancram: To ask the Secretary of State for Wales if, on his recent visit to the Northern Ireland All-Party Talks, he discussed the criteria and ground rules for a referendum on the outcome of the talks and the lessons which could be learned from the experience of the referendum in Wales in September 1997. [36785]

Mr. Ron Davies: No.

Mr. Ancram: To ask the Secretary of State for Wales if, on his recent visits to the Northern Ireland All-party Talks, he discussed *(a)* cross-border powers, *(b)* power-sharing, *(c)* weighted votes to protect minority interests and *(d)* parity of esteem for all traditions. [36784]

Mr. Ron Davies: No. The purpose of my visit was to explain Welsh devolution.

National Assembly

Mr. Ancram: To ask the Secretary of State for Wales if he will repay to Swansea the costs incurred by that city in bidding to be the location of the National Assembly for Wales. [36783]

Mr. Ron Davies: No.

Mr. Rhodri Morgan: To ask the Secretary of State for Wales, pursuant to his answer of 23 March 1998, *Official Report*, column 32, on the National Assembly, what consultations he has had with his departmental property management consultants concerning the continuation of the Crown & Co. contract for valuation, estates and property matters and as negotiating agents. [36793]

Mr. Ron Davies: None.

Crickhowell House

Mr. Rhodri Morgan: To ask the Secretary of State for Wales, pursuant to his answer of 19 March 1998, *Official Report*, column *733*, on civil servants, what is the grade of the civil servant who was involved in both the acquisition of the lease on Crickhowell House and in the siting of the National Assembly; and if he will indicate how much of that civil servant's time was spent on the siting of the National Assembly compared with the other civil servants involved in the exercise. [36795]

Mr. Ron Davies: One Grade 7 Civil Servant has had some involvement with both matters. Together with more senior officials, he was involved in the process of acquiring the lease of Crickhowell House, particularly in respect of assessing the proposal submitted to the Welsh Office by the Welsh Health Common Services Authority, and advising Ministers upon it. Decisions on such issues are made by Ministers, not Civil Servants. He did not play any part in the direct lease negotiations.

This official, and a number of others, have spent most of their time recently dealing with issues related to the provision of accommodation for the Assembly.

Mr. Rhodri Morgan: To ask the Secretary of State for Wales, pursuant to his answer of 19 March 1998, *Official Report*, column *734*, on Crickhowell House, when the defects period was originally set to expire; and if he will make a statement on previous negotiations to extend the defects liability. [36780]

Mr. Ron Davies: The defects liability period would have lasted for 12 months from the date of occupation. Extension has been by mutual agreement and remains in operation.

Mr. Rhodri Morgan: To ask the Secretary of State for Wales, pursuant to his answer of 19 March 1998, *Official Report*, column *734*, on Crickhowell House, if he has to refer prospective assignees or sub-lessees under the privity of contract provisions of the lease, for approval to the landlords before assignment or sub-letting; and, if an assignee or sub-lessee becomes insolvent or otherwise breaks the terms of the assignment or sub-lease, to whom the responsibility reverts. [36775]

Mr. Ron Davies: The landlord's consent is required for assignments and certain sub-lettings but such consent is not to be unreasonably withheld. The Secretary of State retains responsibility to the landlord for default by assignees and sub-tenants.

Mr. Rhodri Morgan: To ask the Secretary of State for Wales, pursuant to his answer of 19 March 1998, *Official Report*, column *734*, on Crickhowell House, if he will make a statement on the connection between the terms of his lease at Crickhowell House and the defects liability period; and what estimate he has made of the costs to his Department, if the defects liability period had expired (i) 12 months, (ii) 24 months, (iii) 36 months or (iv) 48 months after occupation of Crickhowell House. [36799]

Mr. Ron Davies: The provisions for a defect liability period are described in the original leases. There is no relation between the rent payable and extension of the period. No such estimates have been made.

Mr. Rhodri Morgan: To ask the Secretary of State for Wales, pursuant to his answer of 19 March 1998, *Official Report*, column *734*, on Crickhowell House, if he will list the principal reasons for the discussions between his Department and the landlords at Crickhowell House to extend the defects liability period beyond 31 March. [36798]

Mr. Ron Davies: There has been no discussion of the defects liability period between the Department and the landlords of Crickhowell House. Responsibility for the management of the building is with the Welsh Health Common Services Authority. They have been in negotiation with the landlord concerning defects which have been in process of rectification since the building was occupied. The defects liability period has been extended to cover those defects still outstanding by mutual agreement between WHCSA and the landlord.

Mr. Rhodri Morgan: To ask the Secretary of State for Wales, pursuant to his answer of 19 March 1998, *Official Report*, column *734*, on Crickhowell House, in what ways his privity of contract affects his ability to assign or sub-let the lease; if he will list the restrictions, contained in the lease, reducing his ability to sub-let to *(a)* other Government departments and *(b)* the private sector; and if he will make a statement. [36779]

Mr. Ron Davies: Generally there are no restrictions other than that it would be necessary to obtain the landlord's consent where occupation is by the Departments of Social Security or Education and Employment or the private sector.

Mr. Rhodri Morgan: To ask the Secretary of State for Wales, pursuant to his answer of 19 March 1998, *Official Report*, columns *732–33*, what the total cost to the reserves of the Welsh Health Common Services Authority of the void office space at Crickhowell House has been in each of the financial years since significant void space commenced; what steps have been taken to provide the resources to the authority to maintain reserves at an appropriate level for the authority; and if he will make a statement. [36794]

Mr. Ron Davies: The building was fully occupied until 1995/96. Since then the cost of void space has been £120,000 for the year 1996/97 and estimated to be £1,005,000 for the year 1997/98. The Authority have been able to meet these costs from accumulated reserves without the need for any additional resource allocations.

Cardiff Bay Development Corporation

Mr. Rhodri Morgan: To ask the Secretary of State for Wales, pursuant to his answer of 19 March 1998, *Official Report*, columns *733–34*, on Cardiff Bay Development Corporation (1) how much of the £1.4 million has been committed to date; [36796]

(2) if he will place a copy of the Scott Harbour rental agreement in the Library; what information he has on expenditure incurred under the Scott Harbour rental agreement; if the minimum rent guaranteed under the rental agreement includes a profit element; and what arrangements he has for policing the agreement in operation. [36797]

Mr. Ron Davies: Details of the Scott Harbour rental agreement and related information are an operational matter for the Corporation and I have asked the Chief Executive to reply. A copy of his answer will be placed in the Library. Policing the rental agreement is a matter for the Corporation and its auditors. This is consistent with the Department's strategic approach to sponsorship of the Corporation.

Out-of-town Developments

Sir Raymond Powell: To ask the Secretary of State for Wales what plans his Department has to examine the impact of out of town shopping developments on town centres. [37035]

Mr. Win Griffiths: Retail development and the future of town centres are matters kept under review. Following consultation in 1997 revised planning policy guidance which will underline the Government's commitments to a thriving retail sector and to encouraging successful town centres is being prepared.

EU Structural Funds

Mr. Gareth Thomas: To ask the Secretary of State for Wales what is the nature and source of the statistical information used by his Department in preparing NUTS designations for Objective 1 European structural funding for Wales. [36875]

Mr. Hain: The Nomenclature of Units of Territorial Statistics (NUTS) was established by the statistical office of the European Commission (Eurostat) to provide a breakdown of territorial units for the production of regional statistics for the European Union. The criteria used in subdividing national territory into regions are set out in the Eurostat publication *Regions, Nomenclature of Territorial Units for Statistics*, a copy of which is in the Library.

A revision of the UK NUTS classification started at the end of 1995 to take account of the use of Government Office Regions for the presentation of statistical information and of the Local Government Review which resulted in the creation of unitary authorities. In June 1996 the Office for National Statistics issued a consultation document which included more information on the criteria and other aspects of the revision. A copy of this document

Draft Proposals for the Nomenclature of Territorial Units (NUTS) is in the Library. The UK NUTS classification is currently being discussed by ONS and Eurostat.

Mr. Gareth Thomas: To ask the Secretary of State for Wales if he will make a statement on the role of his Department in the European Structural Funds Review. [36874]

Mr. Hain: The Welsh Office is closely involved in all aspects of the Structural Funds Review. We participate fully in all policy formulation and will be represented on the UK delegation which will negotiate and agree the Structural Funds Regulations.

Mr. Gareth Thomas: To ask the Secretary of State for Wales what is the timetable for preparation and submission of Welsh Office proposals relating to the European Structural Funds Review. [36876]

Mr. Hain: The draft Structural Funds Regulations for the period 2000–06 were published by the European Commission on 18 March. These will now be the subject of detailed negotiations with all 15 Member States before they are finally agreed. It is impossible at this stage to give any indication as to when the process will be completed. The Commission have proposed that the new map, which will result from criteria established in the Regulations, should be effective from 1 January 2000.

Local Government

Mr. Gareth Thomas: To ask the Secretary of State for Wales if he will list the GDP figures for each of the new Welsh unitary authorities. [36877]

Mr. Win Griffiths: The Office for National Statistics (ONS) publishes GDP figures for Wales annually and for the former eight counties every two years. I understand that ONS are currently working to produce estimates of GDP for areas in Wales which are aggregations of Unitary Authorities but have no plans to produce estimates for individual Authority areas.

EDUCATION AND EMPLOYMENT

Voluntary Sector

Jacqui Smith: To ask the Secretary of State for Education and Employment what discussions he has had with the voluntary sector on their involvement in the delivery of the New Deal. [35161]

Mr. Andrew Smith: I have had a number of discussions with the Voluntary sector on their involvement in development and delivery of New Deal. We have taken care to ensure that they have been represented both in national consultations on the design of New Deal and in local partnerships, which have planned and are now setting in place delivery arrangements. We value their support and will continue to work closely with them as New Deal is launched nationally.

Training and Enterprise Councils

Mr. Chaytor: To ask the Secretary of State for Education and Employment if he will make a statement on the total overpayments identified by the National Audit Office from his Department to training and enterprise councils, in each of the last five years. [36611]

Dr. Howells: The National Audit Office reported the following estimated overpayments to Training and Enterprise Councils in England in each of the last five years:

Year	*£ million*
1992–93	14.9
1993–94	6.6
1994–95	7.9
1995–96	9.4
1996–97	14.6

Mr. Keetch: To ask the Secretary of State for Education and Employment what has been the cost to public funds of training and enterprise councils and chambers of commerce training and enterprise in England and Wales in each year of their existence. [36872]

Dr. Howells: The statutory accounts for the Training and Enterprise Councils and Chambers of Commerce Training and Enterprise in England and Wales show total income to be as follows:

	£ million
1990–91	437
1991–92	1,438
1992–93	1,544
1993–94	1,595
1994–95	1,563
1995–96	1,454
1996–97	1,608

Autistic Children

Mrs. Ewing: To ask the Secretary of State for Education and Employment what assessment he has made of the 1997 European Directive on Autistic Children; what plans he has for its implementation; what is the estimated cost of its implementation; and if he will make a statement. [36686]

Ms Estelle Morris: There is no Directive on Autistic Children. The European Written Declaration on the Rights of People with Autism was adopted by the European Parliament on 9 May 1996. This called on member states, through appropriate legislation, to enhance the right to accessible and appropriate education. Under the Education Act 1996 schools and local education authorities are under a duty to identify children with special educational needs, including those with autism, and to provide an appropriate education for the individual child which gives him or her access to a broad and balanced curriculum.

Mrs. Ewing: To ask the Secretary of State for Education and Employment what representations he has received on the need for separate secondary education facilities for autistic children; and what proposals he has to ensure that local education authorities provide that provision. [36687]

Ms Estelle Morris: Some organisations with an interest in autism have argued that there is a need for more specialist provision at both the primary and secondary

phases. The Local Government Association has also discussed with the Department the issues facing local education authorities in providing for children with autism. The Department has consequently funded an urgent review of the research findings on educational programmes for children with autism, preparatory to research the Local Government Association will be commissioning on the comparative outcomes from these programmes. In the light of this work, we will consider what further guidance to offer on how best to meet the needs of children with a broad range of autistic disorders. We shall also be addressing this issue in the context of regional planning for SEN provision.

Training

Mr. Keetch: To ask the Secretary of State for Education and Employment how many trainees he estimates will take part in *(a)* national traineeships and *(b)* modern apprenticeship schemes in 1998. [36862]

Dr. Howells: Plans for England in 1998–99 are for about 125,000 people to enter National Traineeships and other work-based training for young people at NVQ level 2.

For Modern Apprenticeships, plans are for 72,500 young people to begin an apprenticeship in 1998–99; and for numbers to build up to an average of 136,000 in training.

In addition, some Modern Apprenticeship opportunities will be supported through the European Social Fund.

Mr. Keetch: To ask the Secretary of State for Education and Employment what proportion of the public money allocated for training and enterprise councils and to chambers of commerce training and enterprise in England and Wales will be spent on trainee allowances for people participating in training provided by an organisation other than the TEC or CCTE from which they receive their funding in the next 12 months. [36863]

Dr. Howells: The total budget for work-based training for adults in England for 1998–99 is £324.5 million of which £148.5 million (46 per cent.) is for trainee allowances.

For Work-based Training For Young People, we do not separately identify an allowances element within the budget. TECs and CCTEs are responsible for ensuring the cost of allowances and training can be met within the total resources available to them, including employer contributions. In most cases employer placement providers meet the cost of allowances.

Responsibility for training in Wales lies with my right hon. Friend the Secretary of State for Wales.

Mr. Keetch: To ask the Secretary of State for Education and Employment how much he estimates would be raised by the introduction of a training levy equivalent to 2 per cent. of companies' pay roll in a 12 month period. [36864]

Dr. Howells: This information is not collected by the Department and can be provided only at disproportionate cost.

Transsexuals

Mr. Keetch: To ask the Secretary of State for Education and Employment how many responses were received to the Department for Education and Employment consultation paper, "Legislation Regarding Discrimination on Grounds of Transsexualism in Employment"; how many responses were *(a)* in favour and *(b)* opposed to the proposals; and if he will make a statement. [36865]

Mr. Alan Howarth: Nearly three hundred responses have been received by the Department. The responses are from a range of individuals and groups, and contain a large number of views, not all of which concern matters within the responsibility of the Department. Analysis of the responses is now underway, and I shall make a further statement in the light of that analysis.

AGRICULTURE, FISHERIES AND FOOD

BSE

Mrs. McGuire: To ask the Minister of Agriculture, Fisheries and Food if he will make available the latest report evaluated by his Department on bovine spongiform encephalopathy. [37057]

Dr. John Cunningham: A further Report on BSE in Great Britain was placed in the Library of the House today.

The report outlines the measures which have been taken to protect public health since June 1997, including the Government's announcements on the White Paper on proposals for a new Food Standards Agency and the Public Inquiry into BSE and nvCJD. It also outlines the measures which have been taken to protect public health during the period under report, including legislation on Beef Bones and Specified Risk Materials. It summarises the results of action to enforce existing public health measures, and outlines the action which has been taken to set up a cattle tracing system. An update on the number of cases of nvCJD is included.

The Epidemiology section shows that the epidemic of BSE in the UK continues to decline. The number of clinically suspect cases of BSE reported in Great Britain has continued to fall and for the six months to 31 December 1997 was 36 per cent. less than for the same period in 1996 and 68 per cent. less than for the same period in 1995. A continued improvement is expected for the future. The section shows that almost two thirds of UK herds with adult breeding cattle have never had a case of BSE. Furthermore 84 per cent. of beef suckler herds have never had a case of BSE. Reported incidence also shows that herds with more than four cases of BSE account for nearly three quarters of all BSE cases, but represent only just over 10 per cent. of all herds.

There is a section on the protection of animal health covering the controls on animal feed and the selective cull.

The European perspective is reported in a section covering progress towards lifting the export ban, the European Parliament Temporary Committee of Inquiry and Commission proposals on Specified Risk Materials.

Agricultural Shows

Mr. Hoyle: To ask the Minister of Agriculture, Fisheries and Food what plans he has for exhibitions to promote British farm produce at agricultural shows. [33911]

Mr. Rooker: Over the next twelve months, the Department will be exhibiting at a number of venues across the country. Programmes are still to be finalised. When they are, I will write to my hon. Friend. A wide range of subjects will be covered, including the promotion of specialist and regional foods.

Central Science Laboratory

Mr. Charles Clarke: To ask the Minister of Agriculture, Fisheries and Food if he will list the food science research projects for which the Microbiology Group of the Central Science Laboratory bid in 1997–98 and which were deemed by the Independent Appraisal Panel to be of sufficient quality to merit his Department's funding. [36037]

Mr. Rooker: Eight projects on food microbiology submitted in 1997–98 by the Central Science Laboratory were deemed by the Independent Appraisal Panel to be of sufficient quality to merit Departmental funding. One of these was commissioned, namely "Preparation of validation samples for use in the evaluation of microbial methods for the examination of foods". The Department does not reveal details of the projects which are not funded for reasons of commercial confidentiality.

Mr. Charles Clarke: To ask the Minister of Agriculture, Fisheries and Food which specialists from the commercial sector were appointed to advise his Department on how best to achieve a secure future for the Central Science Laboratory; and if he will publish their advice. [35962]

Mr. Rooker *[holding answer 24 March 1998]:* PA Consulting Group was commissioned, as part of the 1996 Prior Options review, to provide independent management consultancy advice on the future of the Central Science Laboratory. It would not be appropriate to publish this advice, which was provided on a confidential basis.

Over-thirty-months Scheme

Mr. Nicholas Winterton: To ask the Minister of Agriculture, Fisheries and Food (1) what proposals he has to lift the over thirty months scheme for cattle entering the food chain; [35946]

(2) what representations he has received requesting the lifting of the over thirty months scheme for cattle entering the food chain; and if he will make a statement. [35945]

Mr. Rooker: The Government have no plans to lift the Over Thirty Months Scheme (OTMS) for cattle entering the food chain. We have received a number of representations about the OTMS, including some from producers requesting its full or partial removal.

The OTMS is a public health measure which we could lift only once the Spongiform Encephalopathy Advisory Committee has advised that it would be safe to lift the ban on the sale of beef from over thirty month animals. Furthermore, the effective operation of the OTMS is one of the conditions of the Florence Agreement for the lifting of the beef export ban.

Badgers

Mr. Nigel Jones: To ask the Minister of Agriculture, Fisheries and Food what assessment he has made of the effectiveness of badger control methods conducted in Eire. [36430]

Mr. Rooker: We have carefully studied the published work relating to badger control in Ireland, and continue to liaise closely with colleagues there.

Mr. Nigel Jones: To ask the Minister of Agriculture, Fisheries and Food what is the estimated cost of the proposed badger culling experiment, broken down to show each constituent element for *(a)* 1998 and *(b)* each subsequent year of the proposed experiment. [36431]

Mr. Rooker: The Government have indicated that we are disposed to accept the recommendations of the Krebs Report, subject to further consideration of public expenditure, legal and practical implications. We are currently considering the responses to the consultation exercise on the implementation of the recommendations and are awaiting the advice of the Expert Group on the design of the culling experiment. I am not able to estimate costs until we have decided how to proceed.

Mr. Nigel Jones: To ask the Minister of Agriculture, Fisheries and Food what records are maintained of the number of non-target species caught in snares set for badgers under his Department's tuberculosis control scheme. [36429]

Mr. Rooker: No animals from non-target species have been caught in snares set for badgers by the Department under the bovine tuberculosis control scheme.

Food Standards Agency

Mrs. Spelman: To ask the Minister of Agriculture, Fisheries and Food if he will place in the Library an organisational chart showing how different parts of the Food Standards Agency relate to each other. [36614]

Mr. Rooker: No decisions have yet been taken on the internal organisation of the Food Standards Agency, which cannot come into being until Parliament has approved the necessary legislation.

Mrs. Spelman: To ask the Minister of Agriculture, Fisheries and Food how much of the current spending on food safety by his Department will be transferred to the proposed Food Standards Agency; and if he will list those areas of work which will be transferred to the Food Standards Agency. [36617]

Mr. Rooker: The intention is that the work currently carried out in the MAFF/DH Joint Food Safety and Standards Group and the associated research, together with the Meat Hygiene Service, should transfer to the Agency. Final decisions on the precise responsibilities of the Agency will be taken in the light of the response to consultation on the White Paper *The Food Standards Agency: A Force for Change* (CM3830).

The White Paper indicated that where responsibility transfers to the Agency, the associated budgetary resources will also transfer. However the White paper also made clear that the Government intend to consult on proposals for new charges which would allow a greater proportion of the costs of food safety work to be passed from the taxpayer to the food industry. Decisions on the amount of funds to be transferred by the Department to the new Agency will be taken after this further consultation exercise.

Mrs. Spelman: To ask the Minister of Agriculture, Fisheries and Food (1) what plans he has to modify his original proposals on the Food Standards Agency before the draft legislation is published; [36615]

(2) if he will publish a summary of his conclusions following the consultation exercise on the Food Standards Agency. [36616]

Mr. Rooker: Public consultation on the White Paper *The Food Standards Agency: A Force for Change* closed in mid-March. Around 950 responses have been received and are currently being analysed. The Government will report in due course on its conclusions, which will be reflected in the draft legislation.

Mrs. Spelman: To ask the Minister of Agriculture, Fisheries and Food (1) which Acts of Parliament will require amendment to accommodate the Food Standards Agency; [36612]

(2) which areas of the proposed Food Standards Agency will be defined in new *(a)* primary and *(b)* secondary legislation. [36613]

Mr. Rooker: The Government are currently considering what legislative provisions will be necessary to bring the proposed Food Standards Agency into being. A draft Bill will be published in due course for public consultation.

Genetically Modified Foods

Mr. Baker: To ask the Minister of Agriculture, Fisheries and Food what decisions were reached by the Advisory Committee on Novel Foods and Processes at its meeting on 19 March in respect of *(a)* herbicide resistant GM cotton seed and *(b)* peeled and comminuted GM tomato products; and if he will make a statement. [36878]

Mr. Rooker: When the Advisory Committee on Novel Foods and Processes (ACNFP) met on 19 March it considered that further information was required before it could complete its assessment of oil obtained from genetically modified (GM) herbicide tolerant cottonseed. The Committee was however satisfied as to the safety of peeled and comminuted GM tomato products and will be finalising its report to the EC Commission on these shortly. This will be published and a copy made available in the Library of the House.

Dairy Industry

Ms Walley: To ask the Minister of Agriculture, Fisheries and Food (1) what assessment he has made of the impact on farmers in North Staffordshire of the latest Milk Marque selling round; what estimate he has made of the impact of this round on milk prices in April; and if he will make a statement; [37044]

(2) what assessment he has made of the competitiveness of United Kingdom manufacturing capacity for butter powder relative to other EU member states; and if he will make a statement; [37046]

(3) if he will make a statement on the United Kingdom's manufacturing capacity for butter powder. [37045]

Mr. Rooker: At the request of the Director General of Fair Trading, the Monopolies and Mergers Commission are currently examining the supply of raw milk in Great Britain. Issues such as these may be considered in the course of that inquiry.

Ms Walley: To ask the Minister of Agriculture, Fisheries and Food if he will make a statement on the future of the milk quota system. [37041]

Mr. Rooker: The Commission's Agenda 2000 proposals in the dairy sector include: the extension of milk quotas for a further 6 years until 2006; a reduction of 15 per cent. in support prices over 4 years; the introduction of a direct payment or dairy cow premium; and an average 2 per cent. increase in milk quota at Community level.

These proposals, which will be the subject of careful negotiation, would represent some improvement over current arrangements, but do not go far enough.

Ms Walley: To ask the Minister of Agriculture, Fisheries and Food what measures he proposes to assist the United Kingdom dairy industry in export markets. [37042]

Mr. Rooker: Our noble Friend the Parliamentary Secretary recently organised a cheese seminar attended by leading figures from the dairy industry to consider ways in which they could develop the United Kingdom's export potential.

Ms Walley: To ask the Minister of Agriculture, Fisheries and Food how much milk was *(a)* produced and *(b)* consumed in the United Kingdom in the last year for which figures are available. [37043]

Mr. Rooker: The figures for 1997 are:

United Kingdom milk production, supply and utilisation: 1997[1]

	Million litres
Gross production of milk from the dairy and beef herds[2]	14,415
Imports of raw milk[3]	131
Exports of raw milk[3]	267
Total supply	14,280
Utilisation by dairies for drinking milk[4]	6,749
Utilisation by dairies for manufacturing	7,113
Dairy wastage and stock change	112
Other uses[5]	306
Total domestic use	14,280

[1] Provisional

[2] Includes 7 million litres of milk from the beef herd. Excludes suckled milk.

[3] Milk imported or exported as packaged drinking milk is excluded.

[4] Represents consumption of drinking milk in the UK, as little is imported or exported. In 1997 imports of packaged drinking milk were 89 million litres, exports were 80 million litres.

[5] Includes farmhouse consumption, milk fed to stock and on farm waste. Excludes suckled milk.

Agriculture Prices

Ms Walley: To ask the Minister of Agriculture, Fisheries and Food if he will list the average price obtained by farmers in the United Kingdom for *(a)* lamb, *(b)* beef and *(c)* milk for each year since 1990; and if he will make a statement. [37040]

Mr. Rooker: The table gives the prices requested. Sheep prices are for Great Britain, cattle and milk prices are for the United Kingdom.

Annual average prices

Year	Finished cattle (p per kg liveweight) all clean cattle[1]	Finished sheep (p per kg estimated dressed carcase weight)[1]	Milk price (p per litre)[2]
1990	106.3	174.5	18.6
1991	106.9	148.2	19.5
1992	109.4	182.1	20.4
1993	127.9	219.0	21.9
1994	122.0	236.9	22.2
1995	122.8	236.4	25.0
1996	104.5	283.1	25.0
1997	95.4	256.0	22.0

[1] Based on prices collected weekly by the Meat and Livestock Commission.

[2] Until October 1994, data on milk prices were sourced from the Milk Marketing Boards.

Source:

From November 1994 for Great Britain and January 1995 for Northern Ireland, milk prices are derived from surveys conducted by MAFF, SOAEFD and DANI.

DEFENCE

MOD Police

Mr. Kidney: To ask the Secretary of State for Defence, pursuant to his answer of 27 January 1998, *Official Report*, column *185*, on Ministry of Defence Police, if he will ensure that sufficient information about transfers of personnel is published in the Force Orders to satisfy requirements of openness and scrutiny without disclosing details that are private to the individual officers. [35917]

Dr. Reid: This is a matter for the Chief Constable of the Ministry of Defence Police Agency. I have asked the Chief Constable to write to my hon. Friend.

Letter from Walter Boreham to Mr. David Kidney, dated 30 March 1998:

I am replying to your Question to the Secretary of State for Defence about Ministry of Defence Police Force Orders, as this falls into my area of responsibility as Chief Constable/Chief Executive of the Ministry of Defence Police Agency.

I am satisfied that the publication in my weekly Force Orders of the names of officers posted, the Stations between which they are being moved and the dates of transfer, both respects the privacy of the individuals in personal matters and is open and subject to scrutiny.

Mr. Key: To ask the Secretary of State for Defence if the reforms to the police complaints and discipline procedures announced by the Secretary of State for the Home Office apply to the Ministry of Defence Police; and if he will make a statement. [36442]

Dr. Reid *[holding answer 26 March 1998]:* The Ministry of Defence Police are a civilian police force, constituted under the Ministry of Defence Police Act 1987. Their officers have the same powers and privileges in the Defence environment as their Home Department colleagues in the community at large.

The Ministry of Defence Police complaints and discipline procedures mirror those of Home Department Police Forces. I will consider the reforms announced by my right hon. Friend the Secretary of State for the Home Department on 23 March 1998, *Official Report*, columns *21–37*, and will discuss with the Chief Constable of the Ministry of Defence Police the introduction of any necessary parallel changes to the Ministry of Defence Police regulations.

Mr. Dalyell: To ask the Secretary of State for Defence what requirement is placed on the MoD police in Scotland, who demand items during the course of investigations of the homes of personnel, to supply a receipt for those items which they have taken into custody. [35133]

Dr. Reid *[holding answer 19 March 1998]:* The Ministry of Defence Police is a civilian police force constituted under statute by the Ministry of Defence Police Act 1987. The Chief Constable is independent of Ministerial, Departmental and political influence in the exercise of his constabulary powers. In specific cases questions about procedural applications in the exercise of the constabulary responsibilities of the Ministry of Defence Police are a matter for the Chief Constable.

In England and Wales, police procedures in respect of property taken from others in the course of an investigation are controlled by the Police and Criminal Evidence Act 1984. Paragraph 6.8 of Code B of the Codes of Practice requires police, on request, to provide a list or description of the property within a reasonable time to the person who had control of it. Ministry of Defence Police use a 'best practice' policy and normally provide a list of property, so taken, at the time of seizure.

The Police and Criminal Evidence Act 1984 does not apply within the Scottish legal system. There are no provisions or requirements within the Scottish legal system to provide a receipt to the owners of property taken into police possession. When operating in Scotland, Ministry of Defence Police are required to use the documentary systems and procedures adopted by all Scottish Police Forces. It would not, therefore, be appropriate for the Ministry of Defence Police to use the supporting forms which are used by them in England and Wales.

Departmental Art Collection

Mr. Cohen: To ask the Secretary of State for Defence, pursuant to his answer of 17 March 1998, *Official Report*, column *542*, where the 17 missing works of art were found and what are their current locations; if he will list the locations of the 21 works of art otherwise accounted for; and how many works of art remain unaccounted for. [36157]

Mr. Spellar: The following lists the works of art that have been found and those that have been otherwise accounted for.

The following Government Art Collection works of art, which were lost while on loan to my Department, were found and returned to the Government Art Collection.

GAC 1556 Encampment of English Forces, Portsmouth was found in Archway Block, Old Admiralty Building, Whitehall.

GAC 11683 Rydal Water was found in First Avenue House, London.

GAC 12881 Broadgate, Leicestershire

GAC 12896 New Park, Surrey

GAC 13707 Soho or King's Square were found in Main Building, Whitehall.

GAC 5634 Still Life with Thrush

GAC 5779 Platylobium

GAC 5780 La Dillenne

GAC 10898 Fishing Boats on Beach

GAC 10899 Fishing Boats were found in 14 Kingston House North, London.

The following works of art from my Department's collection were found and have since been allocated to new borrowers within my Department.

MOD 4872 House in New Street.

MOD 4873 Ruins of the Old Gun House were found in Main Building, Whitehall.

MOD 4197 View of Attack on Gibraltar by Land and Sea was found in St. George's Court, London.

MOD 10792 St. Michael's Mount was found in Victory Building, Portsmouth.

MOD 4332 Vice Admiral Sir Thomas Hardy was found in Metropole Building, Whitehall.

The following works of art from my Department's collection will remain in the locations where they were found until they are required elsewhere.

MOD 4107 T Class Submarine at Periscope was found in Medway Building, Gosport.

MOD 4276 Sir William Burnett was found in the Royal Navy Trophy Centre store.

The following works of art had been listed as missing and were accounted for as part of the process of looking for missing works of art.

GAC 4030 Scromerston

GAC 4033 Dilston Hall

GAC 4035 Langley Castle

GAC 4053 Langley Castle were found to be in the possession of their owners, Greenwich Hospital.

GAC 7959 Sir Charles Inigo Thomas had been returned to the lender's widow in 1985 and was listed as missing in error on the list of missing works provided to my Department by the Government Art Collection.

MOD 4430 Seascape has been identified as a work in the collection of the Hydrographic Agency which should not have been included in the list of missing works.

The following were included in the first issue of the memorandum on missing works in December 1994 but omitted from the second issue in September 1996 on the advice of the Government Art Collection.

GAC L349 Cromer a/pb

GAC 615 First Viscount Nelson

GAC 8236 Lithograph VII 13/75

GAC 8262 Two Horsemen

GAC 10980 Perspective View of the Admiralty Office

GAC 3238 London from Greenwich

GAC 789 Dover Castle

GAC 4034 Dilston Hall

GAC 8753 Admiralty House 1970

GAC 14788 The Tower from the West

GAC 12096 A Farmhouse near a River.

The following have been removed from the list of missing works of art by my works of art staff, on the grounds that the works of art to which these records refer should not have been included on my Department's inventory.

MOD 7606 Cartoon from the Sun

MOD 4274 Roll of Honour RN Medical Officers and Nursing Staff 1914–1920

MOD 4280 Crest Nil Illigitimi Carborundum

MOD 4115 Hat and Figure.

Since my reply to my hon. Friend's previous question, my works of art staff have removed one more record from the list of missing works, a print, *MOD 4333 Admiral Dundas*, which had been found in Metropole Building, Whitehall but was not positively identified until recently.

166 of the 204 works of art listed in the memorandum issued in December 1994 remain unaccounted for.

Future Infantry Soldier Technology

Mr. Matthew Taylor: To ask the Secretary of State for Defence what progress has been made by the Defence Evaluation and Research Agency in developing the future infantry soldier technology; at which of his Department's establishments work on this project has been carried out; when this work started; how many reports on the progress of this project have been written; what are the security classifications of each report; and how much money has so far been spent on this project. [35361]

Mr. Spellar: This is a matter for the Chief Executive of the Defence Evaluation and Research Agency (DERA). I have asked the Chief Executive to write to the hon. Member.

Letter from John Chisholm to Mr. Matthew Taylor, dated 30 March 1998:

I have been asked to reply to your question about the Future Infantry Soldier Technology as this matter falls within my area of responsibility as Chief Executive of the Defence Evaluation and Research Agency.

The Future Infantry System Technology (FIST) programme was established in Autumn 1994. DERA is highly focused to meeting the needs of its customer on what is a most demanding systems project. There are three main thrusts to the programme: research on technologies likely to benefit the individual soldier, development of the systems engineering approach to soldier modernisation, and operational analysis studies and trials to establish the operational requirement.

The initial aim of the FIST programme was to demonstrate the potential of technology to enhance soldier effectiveness. Experimental hardware was designed and developed by a small team within the Guns Department at DERA Fort Halstead, with extramural support from Pilkington Optronics, to determine the feasibility of possible sub-systems. Test and trials of this early equipment, many highly successful, were undertaken during 1995 and in the summer and autumn of 1996.

A Technical Demonstrator (TD) programme, in place since April 1997, has built on the success of earlier hardware trials. This is a jointly funded programme between MOD and a UK consortium led by Pilkington Optronics. Separate from the TD, a systems engineering approach, identified as necessary by DERA/MOD to underpin cost effective procurement, has been adopted for the FIST research programme. A research strategy has been developed, linking study methodologies to trials and other analysis.

The current FIST research programme covers operational modelling and field trials. The trials provide data for validation of the models being used to examine the operational need and identify capability deficiencies. Operational analysis supports the formulation of the Staff Target and will lead to cost effectiveness analysis to support the decisions of the Equipment Approval Committee. The FIST programme also includes work on human factors, which are particularly important in relation to the individual soldier's effectiveness on the battlefield.

This overall approach, now well advanced, has put the UK into a leading position in NATO. Industry will now be best placed to offer a real alternative to the Land Warrior programme (US). In addition, the UK (including a representative from DERA) is playing a leading role in NATO Land Group 3 Working Group III on Soldier Modernisation, which aims to produce a NATO approach to the issue. DERA is also an active participant in other international groups.

The cost of the FIST Technology Research Programme up to the end of FY96/97 was £1.9M. The cost for FY97/98, including the part funding of the TD, will be £3.3M. This cost is split between the Applied Research Programme (£2.3M) and the consortium (£1M). The operational analysis costs were £850K for trials for the period FY96/97 to FY97/98 and £1M for operational studies for the period FY94/95 to FY97/98.

Direction and tasking for the project is given to DERA by the Director of Operational Requirements (Land) through the medium of the Applied Research Package. Within DERA the project is led and managed by the Guns Department at DERA Fort Halstead. Support on operational analysis, including trials, is provided at DERA Fort Halstead and DERA Farnborough. Human factors support is provided at Farnborough. External support is provided by the Defence Clothing and Textile Agency at Colchester. The military team advising the project is based at Warminster (Infantry Trials and Development Unit and Headquarters Infantry). The programme maintains essential external links with the Defence Clothing and Textile Agency, Headquarters Infantry and the Infantry Trials and Development Unit.

Progress reports are issued on a quarterly basis, each report being classified UK RESTRICTED. Thirteen other reports have been issued on FIST—seven on the technical aspects, three on operational trials and three on operational analysis. All are classified UK RESTRICTED. Progress is also monitored by the Dismounted Close Combat Committee meetings, chaired by Director of Operational Requirements (Land) (two meetings per year) and previously the Research Strategy meeting which ran from 1995 until 1997, chaired by Director of Science (Land) (two meetings per year). Minutes of these meetings are classified UK RESTRICTED.

I hope this information is helpful.

Departmental Employees (Scotland)

Mr. Donohoe: To ask the Secretary of State for Defence how many staff are employed in Scotland by his Department, or executive agencies responsible to his Department; and where those staff are located. [36216]

Mr. Spellar: The information requested is given in the table:

Permanent UK based MoD civilian personnel deployed in Scotland—1 January 1998[1]

Local Authority area	*Total*	*Staff employed by agencies*	*Other MoD staff*
All areas	9,866	2,414	7,453
Aberdeenshire	82	—	82
Angus	121	9	112
Argyll & Bute	18	16	2
Borders	1	—	1
City of Aberdeen	96	79	17
City of Dundee	60	36	24
City of Edinburgh	362	89	273
City of Glasgow	1,836	273	1,563
Dumbarton & Clydebank	3,314	683	2,631
Dumfries & Galloway	69	44	25
East Dumbarton	6	—	6
East Lothian	154	7	147
Falkirk	3	—	3
Fife	1,224	283	940
Highland	77	24	53
Inverclyde	54	16	38
Midlothian	84	70	14
Moray	648	28	620
North Ayrshire	615	51	565
North Lanarkshire	2	—	2
Orkney	5	5	—
Perthshire & Kinross	440	379	61
Renfrewshire	25	22	3
Shetland	51	13	38
South Ayrshire	59	18	41
South Lanarkshire	7	—	7
Stirling	355	261	94
West Lothian	3	—	3
Western Isles	96	9	87

[1] Figures are given in terms of full time equivalence (FTE). This means that part time staff are counted as the proportion of full-time hours worked. Hence, totals may not equal the sum of the parts due to rounding. Casual staff are excluded from this table.

Low Flying Training

Helen Jackson: To ask the Secretary of State for Defence (1) what complaints were received by the RAF concerning low-flying aircraft relating to 24 March 1997; [36407]

(2) if RAF/NATO military aircraft were engaged on an exercise over Northern England between 9.30 and 10.30 pm on 24 March 1997; [36404]

(3) for what reasons the RAF imposed an air exclusion zone around Howden reservoir on the morning of 25 March 1997; [36408]

(4) what reported sightings of UFOs were received from the *(a)* public and *(b)* police from the South Yorkshire/Derbyshire area on 24 and 25 March 1997. [36402]

Mr. Spellar: A number of military aircraft were booked to carry out low flying training in northern England on the evening of 24 March 1997. The Ministry of Defence received 13 complaints about aircraft activity for that date from locations across the UK. No reported sightings of "UFOs" on 24 or 25 March 1997 were received by my Department. A Temporary Danger Area was established on 25 March, centred on Howden Reservoir, to allow an RAF Search and Rescue helicopter,

in response to a request for assistance from South Yorkshire Police, to carry out a search of the area without disturbance by other military aircraft. Such Danger Areas are routinely established for Search and Rescue operations.

Beyond Visual Range Air-to-air Missiles

Mr. Hancock: To ask the Secretary of State for Defence (1) how many BVRAAM Eurofighter EF2000 will carry in its active air superiority role; [35364]

(2) how many units of the beyond visual range air-to-air missiles (SR Air 1239) are to be purchased; and when it is expected to enter service. [35359]

Mr. Spellar: No decision has yet been taken on the quantity of Beyond Visual Range Air-to-Air Missiles, BVRAAM, to be procured, or when they will enter service. These decisions will be informed by the outcome of the current project definition and risk reduction phase. It is planned that Eurofighter will carry up to 6 BVRAAM in a variety of configurations.

Sonic Booms (Sheffield)

Helen Jackson: To ask the Secretary of State for Defence if an RAF/NATO aircraft was responsible for the two sonic booms above Sheffield detected by Edinburgh University Seismology Unit at 21.52 and 22.06 on 24 March 1997. [36405]

Mr. Spellar: We have no record of sonic events being generated by RAF or NATO aircraft for the evening of 24 March 1997.

Private Schooling

Mrs. Ewing: To ask the Secretary of State for Defence if he will list the private schools which educated service personnel's children at public cost and the number of such pupils and the cost per pupil at each school in the last year for which figures are available. [36693]

Dr. Reid: The names of boarding schools at which service children are educated at public expense are contained in the Ministry of Defence Admissible Schools List. The list includes both private schools and state maintained boarding schools, and a copy of the list was placed in the Library in November 1996. The list is currently being updated and a copy will be placed in the Library shortly. The average cost per pupil at each school is not held centrally and could be obtained only at disproportionate cost, however the total cost to my Department of education allowances during financial year 1996–97, the last year for which figures are available, was £87.5m and the average number of children for who the allowance was claimed in the same year was 9,833. The overall average cost per pupil was £8,899.

Cadet Forces

Mrs. Ewing: To ask the Secretary of State for Defence (1) what was the *(a)* cost and *(b)* strength of each university OTC in the last year for which figures are available; and what percentage of OTC members took commissions in the (i) regular and (ii) territorial forces in that year; [36692]

(2) how many young people are currently involved in university cadet forces; what is the average numbers of cadet units per university OTC; what was the cost of *(a)* Army, *(b)* Navy and *(c)* Air Force cadets in the last year for which figures are available; and what percentage of last year's intake became members of the regular forces. [36696]

Dr. Reid: I will write to the hon. Member and a copy of my letter will be placed in the Library.

Executive Agencies

Mr. Hancock: To ask the Secretary of State for Defence (1) when the Defence Evaluation and Research Agency became operational; what targets have been set for it; what evaluation of it there has been; when he expects further evaluation to take place; and if he will make a statement; [13656]

(2) when the Queen Victoria School became operational as a defence agency; what evaluation of it there has been; when he expects further evaluation to take place; and if he will make a statement; [13336]

(3) when Service Children's Education became operational as a defence agency; what evaluation of it there has been; when he expects further evaluation to take place; and if he will make a statement; [13376]

(4) when the Defence Postal and Courier Service became operational; what evaluation of it there has been; when he expects further evaluation to take place; and if he will make a statement; [13340]

(5) what evaluation of the Defence Secondary Care Agency there has been; when he expects further evaluation to take place; and if he will make a statement; [13652]

(6) when the RAF Signals Engineering Establishment became operational as a defence agency; what targets it has been set; what evaluations of it there has been; when he expects further evaluation to take place; and if he will make a statement; [13332]

(7) when the Defence Transport and Movements Executive became operational; what targets have been set for it; what evaluation of it there has been; when he expects further evaluation to take place; and if he will make a statement; [13658]

(8) what targets have been set for the Defence Vetting Agency; what evaluation of it there has been; when he expects further evaluation to take place; and if he will make a statement; [13338]

(9) what evaluation of the Medical Supplies Agency there has been; when he expects further evaluation to take place; and if he will make a statement; [13650]

(10) when the Naval Aircraft Repair Organisation became operational; what evaluation of it there has been; when he expects further evaluation to take place; and if he will make a statement; [13653]

(11) what evaluation he has made of the Defence Analytical Services Agency; when he expects further evaluation to take place; and if he will make a statement; [13163]

(12) when the RAF Personnel Management Agency became operational; what targets have been set for it; what evaluation of it there has been; when he expects further evaluation to take place; and if he will make a statement; [13333]

(13) when the *(a)* Army Base Storage and Distribution Agency, *(b)* Army Individual Training Organization, *(c)* Armed Forces Personnel Administration Agency, *(d)* Army Base Repair Organization, *(e)* Army Personnel Centre and *(f)* Army Technical Support Authority became operational; what targets have been set for each; what evaluation of each body's work has taken place; when he expects further reviews to take place; and if he will make a statement; [13167]

(14) when the Naval Bases and Supplies Agency became operational; what targets have been set for it; what evaluation of it there has been; when he expects further evaluation to take place; and if he will make a statement; [13659]

(15) when the Defence Intelligence and Security Centre became operational; what evaluation of it there has been; when he expects further evaluation to take place; and if he will make a statement; [13339]

(16) what evaluation of the Disposal Sales Agency there has been; when he expects further evaluation to take place; and if he will make a statement; [13651]

(17) what evaluation of the Defence Bills Agency his Department has made; when he expects further evaluation to take place; and if he will make a statement; [13164]

(18) when the Defence Clothing and Textile Agency became operational; what evaluation of it there has been; when he expects further evaluation to take place; and if he will make a statement; [13378]

(19) what evaluation of the Ships Support Agency there has been; when he expects further evaluation to take place; and if he will make a statement; [13330]

(20) when the Defence Animal Centre became operational; what evaluation of its work his Department has made; when he expects further evaluation to take place; and if he will make a statement; [13165]

(21) when the RAF Training Group Defence Agency became operational; what targets have been set for it; what evaluation of it there has been; when he expects further evaluation to take place; and if he will make a statement; [13331]

(22) when the Military Survey Defence Agency became operational; what evaluation of it there has been; when he expects further evaluation to take place; and if he will make a statement; [13654]

(23) when the Logistic Information Systems Agency became operational; what evaluation of it there has been; when he expects further evaluation to take place; and if he will make a statement; [13655]

(24) when the RAF Logistics Support Services became operational as a defence agency; what targets have been set for it; what evaluation of it there has been; when he expects further evaluation to take place; and if he will make a statement; [13335]

(25) when the RAF Maintenance Group Defence Agency became operational; what evaluation of it there has been; when he expects further evaluation of it to take place; and if he will make a statement; [13334]

(26) when the *(a)* Joint Air Reconnaissance Intelligence Centre, *(b)* Duke of York Royal Military School and *(c)* Hydrographic Centre of the Royal Navy became operational as defence agencies; what evaluation he has made of their work; when he expects further reviews to take place; and if he will make a statement; [13168]

(27) what evaluation of the Defence Dental Agency there has been; when he expects further evaluation to take place; and if he will make a statement; [13375]

(28) when the Defence Estate Organisation became operational; what targets have been set for it; what evaluation of it there has been; when he expects further evaluation to take place; and if he will make a statement; [13657]

(29) pursuant to his answer to the hon. Member for Newcastle-under-Lyme (Mrs. Golding) of 10 July 1997, *Official Report*, columns *527–28*, what evaluation of the Medical Training Organisation there has been; and when he expects further evaluation to take place; [13661]

(30) when the Pay and Personnel Agency became operational; what evaluation of it there has been; when he expects further evaluation to take place; and if he will make a statement; [13337]

(31) when the Naval Recruiting and Training Agency became operational; what evaluation of it there has been; when he expects further evaluation to take place; and if he will make a statement; [13515]

(32) when the Naval Manning Agency became operational; what evaluation of it there has been; when he expects further evaluation to take place; and if he will make a statement; [13649]

(33) what targets have been set for the Defence Codification Agency; what evaluation of it there has been; when he expects further evaluation to take place; and if he will make a statement. [13377]

Mr. Spellar *[pursuant to his reply, 6 November 1997, c. 311–16]:* I regret there were some minor errors in the original table, the correct version of which is reproduced below.

The key targets for 1997–98 for 2 further Agencies, the Army Base Storage and Distribution Agency (ABSDA) and the Defence Transport and Movements Executive (DTMX) have since been published and their information is included in the corrected table.

Agency	*Date of launch*	*Date of evaluation*[1] *(a) last (b) next due*	*Key targets published in Official Report*[2] *(a) date (b) column*
Armed Forces Personnel Administration Agency	1 April 1997	(b) 2002	(a) 20 February 1997 (b) 720–721
Army Base Repair Organisation	1 April 1993	(a) Ongoing	(a) 10 February 1997 (b) 6–7
Army Base Storage and Distribution Agency	4 April 1995	(b) 2000	(a) 28 November 1997 (b) '695
Army Training and Recruiting Agency	[4]1 July 1997	(b) 2002	(c) 1 July 1997 (d) 72
Army Personnel Centre	2 December 1996	(b) 2001	(a) 2 December 1996 (b) 529–530
Army Technical Support Agency	16 October 1995	(b) 2000	(a) 18 March 1997 (b) 505–506
Defence Animal Centre	1 July 1993	(a) Ongoing	(a) 31 July 1997 (b) 464
Defence Analytical Services Agency	1 July 1992	(a) Ongoing	(a) 1 July 1997 (b) 72/73
Defence Bills Agency	1 January 1996	(b) 1998	(a) 31 July 1997 (b) 465–466
Defence Codification Agency	17 June 1996	(b) 1999	(a) 6 November 1997 (b)'319
Defence Clothing and Textiles Agency	22 November 1994	(b) 1999	(a) 31 July 1997 (b) 464
Defence Dental Agency	1 March 1996	(b) 2001	(a) 10 July 1997 (b) 529
Defence Estate Organisation	17 March 1997	(b) 2002	(a) 18 March 1997 (b) 514
Defence Evaluation and Research Agency	[4]4 April 1995	(b) 2000	[6]—
Defence Intelligence and Security Centre	1 October 1996	(b) 2001	(a) 31 July 1997 (b) 462
Defence Vetting Agency	1 April 1997	(b) 2002	(a) 20 March 1997 (b) 857–858
Defence Postal and Courier Service Agency	1 July 1992	(a) Ongoing	(a) 3 July 1997 (b) 257–258
Defence Secondary Care Agency	30 April 1996	(b) 2001	(a) 10 July 1997 (b) 529
Defence Transport and Movements Executive	4 April 1995	(b) 2000	(a) 28 November 1997 (b)'695
Disposal Sales Agency	3 October 1994	(b) 1999	(a) 30 July 1997 (b) 356
Duke of York's Royal Military School	1 April 1992	(a) Ongoing	(a) 30 July 1997 (b) 353–354
Hydrographic Office	[5]1 April 1996	(b) 2001	(a) 25 November 1997 (b) '500
Joint Air Reconnaissance Intelligence Centre	19 April 1996	(b) 2001	(a) 31 July 1997 (b) 463–464
Logistic Information Systems Agency	21 November 1994	(b) 1999	(a) 3 July 1997 (b) 257
Logistic Support Services	9 December 1996	(b) 2001	(a) 9 December 1996 (b) 17–18
Medical Supplies Agency	29 February 1996	(b) 1999	(c) 10 July 1997 (d) 528
Defence Medical Training Organisation	1 April 1997	(b) 2001	(a) 10 July 1997 (b) 527–528
Meteorological Office	[5]1 April 1996	(b) 2001	(a) 19 June 1997 (b) 265
Military Survey	2 April 1991	(a) Ongoing	(a) 31 July 1997 (b) 463
Ministry of Defence Police	1 April 1996	(b) 2001	(a) 27 October 1997 (b) 662
Naval Aircraft Repair Organisation	1 April 1992	(a) 1996	(a) 22 July 1997 (b) 528–529
Naval Bases and Supply Agency	11 December 1996	(b) 2001	(a) 28 October 1997 (b) 792–793
Naval Manning Agency	1 July 1996	(b) 2001	(a) 30 July 1997 (b) 354–355
Naval Recruiting and Training Agency	1 April 1995	(b) 2000	(a) 30 July 1997 (b) 355–356
Pay & Personnel Agency	1 February 1996	(b) 2001	(a) 23 June 1997 (b) 354
Queen Victoria School	1 April 1992	(a) Ongoing	(a) 30 July 1997 (b) 355
RAF Maintenance Group	2 April 1991	(a) 1994	(a) 31 July 1997 (b) 465
RAF Personnel Management Agency	1 February 1997	(b) 2002	(a) 30 January 1997 (b) 350–351
RAF Signals Engineering Establishment	22 November 1994	(b) 1999	(a) 6 November 1997 (b) '319
RAF Training Group	1 April 1994	(b) 1999	(c) 20 March 1997 (d) 859–860
Service Children's Education	1 April 1996	(b) 2001	(a) 30 July 1997 (b) 354
Ships Support Agency	11 December 1996	(b) 2001	(a) 31 July 1997 (b) 461–462
Specialist Procurement Services	1 June 1997	(b) 2002	(a) 3 June 1997 (b) 121–122

[1] Evaluation is taken to mean the periodic review of the Agency, which involves a performance evaluation, the re-visiting of the Prior Options process, and the re-issue of the Framework Document. Initial Policy was this should take place at not more than 3 year intervals, but this was later extended to 5 years, with some specified exceptions. As the process takes a period of some months, only the year in which the review is expected to take place is given. Where the first review is described as "ongoing" the second review would normally be expected to take place 5 years after the re-issue of the Framework Document.

[2] The Date and column at which the Key Targets for FY1997–98 were published in the Official Report. For the sake of clarity and completeness this information has been included for all the Department's Agencies, although the hon. Member's questions did not ask this in all cases.

[3] Not published at the time of the original answer.

[4] Formerly Army Individual Training Organisation.

[5] Date of Launch as a Trading Fund; all were previously Agencies.

[6] The 1997–98 Key Targets for this Agency have not yet been published in the Official Report.

Note:

Although the review for this agency was begun in 1994, and the Evaluation and prior options papers completed, the revised Framework document has still not been issued.

SOCIAL SECURITY

Lone Parents

Mr. Duncan Smith: To ask the Secretary of State for Social Security if those lone parents currently claiming the lone parent rates of *(a)* family premium, *(b)* child benefit, *(c)* housing benefit and *(d)* council tax benefit will be paid the increases in these benefits announced in the Budget. [37022]

Mr. Field: Lone parents who are currently receiving the higher lone parent rates of family premium in Income Support, Jobseeker's Allowance, Housing Benefit and Council Tax Benefit, and the higher rate of Child Benefit, will continue to receive the higher rates. Those current lone parents with children under 11 who are receiving any of the income-related benefits will also receive the £2.50 increase in the under 11 child allowance rate.

The increases in the family premium and Child Benefit announced in the Budget will be paid to lone parents who are not already receiving the higher lone parent rates, and to all couples with children. The Government believe it is right to increase support for all families with children, and the measures we announced in the Budget will help tackle child poverty. The increase in the under 11 child allowance will protect vulnerable families with young children. These families can face particular difficulties as the need to balance the dual responsibilities of parenting and working can restrict their opportunities to maximise income from work.

Mr. Duncan Smith: To ask the Secretary of State for Social Security what are the average initial *(a)* salary and *(b)* weekly earnings for those lone parents who have obtained employment through the New Deal for Lone Parents on taking up work in each of the control areas. [37023]

Mr. Field: The full, independent evaluation of the New Deal for Lone Parents, which will report in autumn 1999, will contain information on the average earnings of lone parents who have participated in the programme and found jobs.

In the meantime, administrative data do not enable the calculation of robust average salaries or weekly earnings.

Welfare Reform

Mr. Duncan Smith: To ask the Secretary of State for Social Security when the Green Paper on Welfare Reform was delivered to the printers. [37021]

Mr. Field: It was delivered to the printers on 24 March 1998.

Social Security Appeals

Helen Jones: To ask the Secretary of State for Social Security, pursuant to her answer of 17 March 1998, *Official Report*, column *530*, on social security appeals, what is the average waiting time from the date the appeal is lodged for an appeal to be dealt with by the ITS; and how many appeals have currently been waiting for more than three months to be heard. [36608]

Mr. Denham: The Independent Tribunal Service (ITS) report that the current average waiting-time for an appeal to a Social Security Appeal Tribunal to be dealt with is approximately 28 weeks.

ITS advise that statistics are not currently available for the number of appeals that have been waiting for more than three months to be heard.

Disability Living Allowance

Mr. Kirkwood: To ask the Secretary of State for Social Security, pursuant to her answer of 17 March 1998, *Official Report*, columns *536–38*, how many life awards of disability living allowance were made in each quarter since May 1993 at the *(a)* higher, *(b)* middle, *(c)* lower rates of the care component and *(d)* higher and *(e)* lower rate of the mobility component. [36100]

Mr. Denham: The information is set out in the table.

Life awards of disability living allowance

		Care component			*Mobility component*		
3 months ending	*All rates*	*Higher*	*Middle*	*Lower*	*All rates*	*Higher*	*Lower*
May 93	23,200	9,000	4,700	9,500	27,900	21,100	6,800
August 93	20,200	8,800	4,100	7,300	23,900	19,100	4,800
November 93	18,500	8,500	3,700	6,300	21,900	17,200	4,700
February 94	20,100	8,900	4,100	7,100	25,800	21,200	4,600
May 94	23,400	10,300	5,300	7,800	29,600	24,200	5,400
August 94	24,100	9,700	5,500	8,900	30,700	24,700	6,000
November 94	23,700	9,200	4,800	9,700	29,100	23,700	5,400
February 95	25,200	9,100	6,500	9,600	31,600	25,600	6,000
May 95	28,100	10,200	6,800	11,200	33,300	26,300	7,000
August 95	27,800	10,600	6,600	10,600	33,900	26,600	7,200
November 95	34,700	11,600	8,400	14,700	40,800	33,100	7,700
February 96	29,300	10,200	7,500	11,500	32,700	26,800	5,900
May 96	30,100	10,500	7,100	12,500	33,500	27,800	5,800
August 96	27,600	9,300	6,000	12,300	31,500	26,000	5,500
November 96	30,500	9,800	7,000	13,700	33,200	26,900	6,300
February 97	24,000	8,400	5,200	10,500	24,500	20,100	4,400
May 97	22,300	8,700	4,700	9,000	24,000	19,700	4,300
August 97	22,700	8,300	4,800	9,600	24,300	19,800	4,500
November 97	21,200	7,500	4,400	9,300	22,500	18,700	3,700

Notes:
1. Figures relate to awards made on initial claim.
2. Owing to rounding the figures may not sum.

Source:
Analytical Services Division: 5 per cent. data.

Mr. Kirkwood: To ask the Secretary of State for Social Security, pursuant to her answer of 17 March 1998, *Official Report*, columns *536–38*, what information is available about the numbers of life awards for *(a)* the mobility component and *(b)* the care component of disability living allowance, in each quarter from April 1992 to February 1993; and how many awards were made in that period. [36099]

Mr. Denham: The information is not available in the format requested. Such information as is available is set out in the tables.

Life awards of disability living allowance

April 92 to February 93	All rates	Care component: Higher	Middle	Lower
5 months ending August 92	53,800	16,100	9,900	27,700
3 months ending November 92	35,200	12,100	9,200	13,900
3 months ending February 93	26,800	10,300	6,500	10,000
Whole period	115,800	38,500	25,700	51,600

April 92 to February 93	All rates	Mobility: Higher	Lower
5 months ending August 92	70,800	45,700	25,100
3 months ending November 92	48,800	35,400	13,400
3 months ending February 93	36,300	26,800	9,600
Whole period	156,000	107,800	48,200

Notes:
1. Figures relate to awards made on initial claim, review or appeal.
2. Owing to rounding the figures may not sum.

Source:
Analytical Services Division: 5 per cent. data.

All awards of disability living allowance

April 92 to February 93	All rates	Care component: Higher	Middle	Lower
5 months ending August 92	83,000	22,000	22,300	38,800
3 months ending November 92	61,000	17,700	19,800	23,500
3 months ending February 93	47,900	14,600	15,300	17,900
Whole period	191,800	54,200	57,400	80,200

April 92 to February 93	All rates	Mobility: Higher	Lower
5 months ending August 92	104,000	72,500	31,500
3 months ending November 92	78,800	59,800	19,000
3 months ending February 93	58,800	44,700	14,200
Whole period	241,700	177,000	64,700

Notes:
1. Figures related to awards made on initial claim, review or appeal
2. Owing to rounding the figures may not sum.

Source:
Analytical Services Division: 5 per cent. data.

Mr. Fitzpatrick: To ask the Secretary of State for Social Security how many disability living allowance awards of *(a)* the lower rate of the mobility component and *(b)* the lower rate of the care component were made in each year since 1992. [36348]

Mr. Denham: The information is set out in the tables.

Initial awards of Disability Living Allowance (DLA)

Year	Lower rate of mobility	Lowest rate of care
1992–93[2]	128,213	128,297
1993–94[2]	41,720	56,239
1994–95	41,336	61,014
1995–96	48,802	66,738
1996–97	48,206	71,861
1997–98[3]	41,928	58,221

Notes:
1. Figures relate to awards made on initial claim.
2. Includes top up claims.
3. Figures relate to the 11 months ending 28 February 1998.

Source:
Analytical Services Division: 100 per cent. data.

The figures provided above relate to initial claims to the benefit. Figures for all awards of these components of DLA, to include those where another component has already been awarded, are given below.

Awards of lower rate mobility and lowest rate care components of DLA

Year[2]	Lower rate of mobility	Lowest rate of care
1992–93[3]	131,500	137,500
1993–94[3]	66,900	87,400
1994–95	67,800	90,600
1995–96	74,300	100,300
1996–97	73,900	101,700
1997–98[4]	53,100	68,900

Notes:
1. Rounded figures relate to awards of a component due to initial claims, renewal claims, reviews or appeals.
2. Figures relate to the 12 months ending February 1998.
3. Includes top up claims.
4. Figures relate to the 9 months ending 30 November 1997.
5. Figures rounded to the nearest hundred.

Source:
Analytical Services Division: 5 per cent. data.

Mr. Fitzpatrick: To ask the Secretary of State for Social Security how many awards are currently being paid from *(a)* the Independent Living (Extension) Fund and *(b)* the Independent Living (1993) Fund. [36349]

Mr. Denham: The number of awards paid from the Independent Living (Extension) Fund is 10,647 and from the Independent Living (1993) Fund 4,012.

Notes:
1. These figures are correct as of 24 March 1998.
2. Figures are for the UK.

Mr. Fitzpatrick: To ask the Secretary of State for Social Security how many and what proportion of people in receipt of disability living allowance aged between 18 and 65 years have earnings from employment. [36347]

Mr. Denham: There are 1,344,000 Disability Living Allowance recipients aged between 18–65 years[1]. The proportion with earnings from employment[2] is 9 per cent.

Notes:
This includes people from their 18th birthday up to but not including the 65th birthday.
The figure is rounded to nearest 1,000.

Source:
[1] 5 per cent. data.
[2] Family Resources Survey 1995/96.

Mr. Fitzpatrick: To ask the Secretary of State for Social Security how many life awards of disability living allowance are currently in payment. [36350]

Mr. Denham: Out of a total of 1,956,000 awards of Disability Living Allowance in payment, 1,439,000 are life awards.

Notes:
1. The figures quoted relate to 30 November 1997.
2. Figures are rounded to the nearest 1,000.

Source:
Analytical Services Division 5 per cent. data.

National Insurance

Mr. Gibb: To ask the Secretary of State for Social Security what estimate she has made of the cost of aligning the employee national insurance contribution lower earnings limit with the income tax personal allowance set out in paragraph 3.31 of the Financial Statement and Budget Report. [36310]

Mr. Denham: I refer the hon. Member to the reply I gave to the hon. Members for Northavon (Mr. Webb) and for Havant (Mr. Willetts) on 23 March 1998, *Official Report*, column *70*.

Mr. Flynn: To ask the Secretary of State for Social Security what effect the changes announced in his Budget will have on the income of the National Insurance Fund for 1999–2000. [35922]

Mr. Denham: The proposed changes to employer's National Insurance contribution from April 1999 are revenue neutral for employers as a whole. The changes to employees' contributions will reduce contribution revenue to the National Insurance Fund by £1.2 billion in 1999–2000; a £1.4 billion full year effect.

Source:

Government Actuary's Department.

Mr. Webb: To ask the Secretary of State for Social Security if it is her policy to maintain the contributory principle in the benefit system for the long term. [36022]

Mr. Denham: We are modernising National Insurance contributions to encourage employers to take on staff and to make work pay for employees. My right hon. Friend the Chancellor of the Exchequer announced a series of changes to promote these aims in the Budget on 17 March. Changes to the National Insurance scheme provide an opportunity to update the contributory principle. We will examine the link between paying contributions and earning entitlement to benefits with a view both to simplifying further the administration of the scheme for employers, and emphasising the link between work and earning benefit entitlement.

Benefit Integrity Project

Ms Walley: To ask the Secretary of State for Social Security if she will review her policy in respect of the Benefit Integrity Project; and if she will make a statement. [35550]

Mr. Denham: It is right to ensure that people who are in receipt of benefit are entitled to it and that they remain so. The Benefit Integrity Project is designed to help ensure that payments of Disability Living Allowance (DLA) are correct.

Since taking office last year, we have made a number of improvements to the way in which the Project operates. Most recently, on 9 February, we introduced an extra safeguard to help ensure that we get decisions right and restore confidence.

At a meeting with the Disability Benefits Consortium on 23 March, it was agreed that people aged 65 or over would no longer be involved in the Project. In addition, we agreed to work together to look at ways of improving Project literature and staff training; and at extending the categories of people who need not be contacted directly as part of the Project.

This demonstrates our determination to be fair and be seen to be fair; and our commitment to keeping under review the way in which the Project operates.

Housing Benefit

Dr. Iddon: To ask the Secretary of State for Social Security how many people *(a)* under 25 years old, *(b)* in receipt of other benefits and *(c)* in total were in receipt of housing benefit broken down by (i) rent allowances and (ii) rent rebates in each of the past 10 years; and if she will estimate the equivalent figures for the next three years. [35706]

Mr. Field: The information is not available in the format requested. Such information as is available is set out in the tables.

Housing benefit recipients, May 1990 to May 1996—Great Britain

	Local authority tenants	*Private tenants (including housing associations)*	*All cases*
May 1990			
Aged under 25 years old	216	241	457
In receipt of other benefits	2,858	892	3,750
All housing benefit recipients	2,913	1,066	3,979
May 1991			
Aged under 25 years old	229	187	416
In receipt of other benefits	2,874	1,027	3,901
All housing benefit recipients	2,936	1,084	4,019
May 1992			
Aged under 25 years old	255	215	470
In receipt of other benefits	2,974	1,237	4,211
All housing benefit recipients	3,030	1,289	4,318
May 1993			
Aged under 25 years old	238	268	506
In receipt of other benefits	2,991	1,424	4,415
All housing benefit recipients	3,044	1,478	4,521
May 1994			
Aged under 25 years old	224	290	514
In receipt of other benefits	2,965	1,569	4,535
All housing benefit recipients	3,016	1,634	4,650
May 1995			
Aged under 25 years old	206	302	507
In receipt of other benefits	2,910	1,694	4,604
All housing benefit recipients	2,964	1,769	4,734
May 1996			
Aged under 25 years old	192	299	491
In receipt of other benefits	2,843	1,795	4,639
All housing benefit recipients	2,898	1,878	4,776

Notes:

1. Information is not available for years prior to 1990.
2. Recipients may be a single person or a couple.
3. The figures for under 25 years old include benefit units where the claimant and/or partner is aged under 25.

Source:

Housing Benefit Management Information System, 1 per cent. annual sample inquiry taken at the end of May in each year shown.

Estimated numbers all housing benefit recipients 1997–98, 1998–99, 1999–2000 averages for year

(000)

	Local authority tenants	*Private tenants (including housing associations)*	*All cases*
1997–98	2,791	1,921	4,712
1998–99	2,736	1,997	4,733
1999–2000	2,718	2,098	4,816

Notes:

1. Estimates are not available for under 25s or those in receipt of other benefits.
2. Recipients may be a single person or a couple.

Source:

1997 Departmental Report—Revised Table 6.

Focus Groups

Mr. Mullin: To ask the Secretary of State for Social Security how much her Department *(a)* has spent since 1 May and *(b)* is planning to spend on focus groups. [34970]

Mr. Field: The Department has commissioned £367,254 worth of focus group research since 1 May 1997 (including VAT) although not all this work is yet completed: Further such research will be conducted in future, but costs are not available until contracts are let.

Group 4

Mr. Livingstone: To ask the Secretary of State for Social Security if she will make a statement on procedures by which a contract for security services in her Department was awarded to Group 4; and what assessment she made of the application of TUPE regulations to this contract. [36024]

Mr. Field: Under the previous administration's market testing programme 1992–95, the Department awarded two contracts to Group 4 for accommodation and office services, including security services. In both instances, the terms and conditions of the TUPE regulations applied.

From 1 April 1998, Group 4 will provide all security services to the Department under the PRIME contract. The PRIME contract, which will transfer the ownership and management of the Department's Estate, was awarded to PPM (Partnership Property Management), following a tender exercise in which they were fully evaluated in line with this Government's new strengthened criteria and concern for staff issues. In appointing Group 4 as their sub-contractor to deliver security services, PPM worked in close partnership with the Department to ensure our new criteria were fully met.

Staff transferring to Group 4 will not only have their employment rights fully protected by the TUPE regulations but, by virtue of arrangements made with PPM, will also be entitled to join a new pension arrangement which has been certified by the Government Actuary as being comparable with the Principal Civil Service Pension Scheme.

Mortgage Interest

Mr. Öpik: To ask the Secretary of State for Social Security what the mortgage interest payment arrangements are for people claiming benefits and paying an endowment mortgage; and if she will make a statement. [36075]

Mr. Field: Income Support and income based Jobseeker's Allowance payable to home-buyers include help with the interest payable on mortgages. No help is provided for capital repayments or, in the case of interest-only mortgages, with the investment vehicles such as endowment policies. Help is calculated using the standard interest rate.

Income Support

Mr. Webb: To ask the Secretary of State for Social Security what is her estimate of the number of pensioners who are entitled to income support but who do not take it up; and, of those, how many are *(a)* receiving either housing benefit or council tax benefit and *(b)* receiving neither housing benefit nor council tax benefit. [36023]

Mr. Denham: It is estimated that around 1 million pensioners are entitled to Income Support but do not take it up. Of these, it is estimated that:

a) around 540,000 (54 per cent.) are receiving Housing Benefit, Council Tax Benefit or both;

b) around 460,000 (46 per cent.) are receiving neither Housing Benefit nor Council Tax Benefit.

Source:

Family Resources Survey 1995–96.

Postage

Mr. Steen: To ask the Secretary of State for Social Security what was the total cost of postage for her Department in each of the last 12 months. [36781]

Mr. Field: The information is set out in the table.

Total postage cost for each of the last 12 months

£

	Total
March 97	11,073,491.66
April 97	4,110,712.35
May 97	6,539,872.96
June 97	5,812,208.36
July 97	6,324,068.40
August 97	579,897.75
September 97	11,086,529.97
October 97	6,646,988.28
November 97	5,921,549.93
December 97	5,881,278.02
January 98	6,157,441.48
February 98	7,858,027.01
Total	77,992,066.17

Note:

The apparent unevenness of expenditure between August and September 97 is due to the timing of payments rather than any significant change in consumption.

Winter Fuel Payments

Mr. Burns: To ask the Secretary of State for Social Security (1) how many letters the Benefits Agency and the DSS have received from members of the public about the winter fuel payments scheme; [36511]

(2) how many calls the Winter Fuel Payments Telephone Hotline has received to the latest available date; [36513]

(3) if she will provide a breakdown of the nature of the calls received by the Winter Fuel Payments Hotline.[36514]

Mr. Denham: Winter Fuel payments are one of a number of initiatives the Government have taken to help vulnerable people, especially the elderly, keep warm in the winter. A total of £400 million has been committed for this winter and next, to help pensioners with fuel bills to pay. This is the first time any Government have provided additional help with heating costs to all pensioners receiving a retirement pension or one of a number of other qualifying benefits.

The making of this winter's payments has been an enormous and unprecedented exercise. In order to establish all eligible pensioners, correctly identify pensioner households, and determine the amount each should receive, it was necessary to correlate data in around 15 million computer records, involving 15 qualifying benefits, across nine computer systems. Overall, almost ten million payments will have been made to over seven million pensioner households by the end of March.

So far, within the Department's Headquarters, around 400 letters have been received direct from members of the public and a further 150 from hon. Members regarding the scheme.

The administration of winter fuel payments is a matter for Peter Mathison, Chief Executive of the Benefits Agency. He will write to the hon. Member.

Letter from Peter Mathison to Mr. Simon Burns, dated 27 March 1998:

The Secretary of State for Social Security has asked me to reply to your recent parliamentary questions asking how many letters the Benefits Agency (BA) and the DSS have received from members of the public about the winter fuel payments; how many calls the Winter Fuel Payments Telephone Hotline has received to the latest available date; and if she will provide a breakdown of the nature of the calls received by the Winter Fuel Payments Hotline.

The making of almost 10 million winter fuel payments to over seven million pensioner households before the end of March 1998 has been a challenging task for the Benefits Agency. This will have been achieved whilst maintaining normal benefit business.

Around one and a half million of the poorest pensioners, those receiving Income Support or income-based Jobseeker's Allowance, received their payment of £50 during January. Other eligible pensioners are entitled to a payment of £20 or £10. Where they live alone, are the only eligible pensioner in a household, or are of no fixed abode, they are entitled to £20; otherwise, they are entitled to £10.

The information requested relating to the number of letters received by the BA from members of the public about Winter Fuel Payments is not available at present. We are currently compiling statistics on the number of enquiries received about Winter Fuel Payments, in addition to the statistics collated by the Winter Fuel Helpline. As the payments exercise is still ongoing, it is anticipated that the information will be available some time after the end of April. I will provide the number of enquiries received once the information is available.

Between 5 January and 20 March 1998 the Winter Fuel Payment Helpline has received a total of 136,284 customer calls. Of these calls 116,273 relate to payment queries, 4,486 relate to non-payment queries and there have been 15,525 miscellaneous queries which relate to all other aspects of winter fuel help.

I hope you find this reply is helpful.

Housing Benefit (Fraud and Error)

Mr. Love: To ask the Secretary of State for Social Security what are *(a)* the known costs to the social security housing benefit account of (i) established fraud, (ii) suspected fraud, (iii) claimant error and (iv) official error over the last five years and *(b)* the projected costs in these categories for the current year; and if she will make a statement. [35093]

Mr. Denham: The information is not available in the format requested. Such information as is available is set out in the table.

£ million

	1992–93	*1993–94*	*1994–95*	*1995–96*
Housing Benefit: Fraud	Note 1	18.5	38.0	43.2
Housing Benefit: Claimant error	37.3	42.7	49.5	47.2
Housing Benefit: "Other"	5.7	5.5	Note 1	Note 1
Housing Benefit: Local Authority error (no costs met by Department of Social Security after 31/3/93)	3.4	0	0	0
Housing Benefit: Departmental error (recovered amount only is shown)	0.3	0.3	1.3	0.3

Notes:

1. Included in "Housing Benefit Claimant Error".
2. Except where otherwise annotated, the figures in the table show the costs to the Department of Social Security of Housing Benefit payments made incorrectly by local authorities in Great Britain because of established fraud or error. The level of subsidy paid by the Department varies according to the category of incorrect payment.
3. Local authority audited final subsidy claims for the financial year 1996/97 are not yet available.

Source:

Local authority audited final subsidy claims.

The first Housing Benefit review, in 1995, estimated the overall cost of incorrectness in housing benefit to be around £1 billion: this estimate includes confirmed and suspected fraud, as well as claimant and official error. The Department is currently conducting a further review to update that estimate.

HEALTH

Community Hospitals

Mr. Woodward: To ask the Secretary of State for Health how many proposals for the closure of community hospitals have been referred to him since 1 May 1997; how many he has refused; and in which locations. [34444]

Mr. Milburn: *[holding answer 13 March 1998]:* Four community hospitals in Cornwall have been referred to my right hon. Friend the Secretary of State. The hospitals concerned are located in Saltash, Fowey, St. Ives and Poltair. No decision has yet been taken on the future of these hospitals.

Mr. Nicholls: To ask the Secretary of State for Health when he will make a decision on plans put forward by the Cornwall Health Authority to close community hospitals in Cornwall; what powers he has to vary or reject proposals put forward by health authorities to close community hospitals; and if he will make a statement. [36516]

Mr. Milburn: *[holding answer 27 March 1998]:* My right hon. Friend the Secretary of State will be taking a decision shortly on the proposals for service changes put forward by the Cornwall and Isles of Scilly Health Authority.

Myalgic Encephalomyelitis

Mr. Blizzard: To ask the Secretary of State for Health (1) what his policy is for the provision of practical help to those who suffer from ME; [35874]

(2) what research he has *(a)* commissioned and *(b)* evaluated relating to the diagnosis and treatment of ME; and if he will carry out further research into this illness; [35876]

(3) what training programmes *(a)* have been carried out and *(b)* are planned to assist doctors in the diagnosis and treatment of ME. [35875]

Ms Jowell: Unfortunately, the causes of chronic fatigue syndrome/myalgic encephalomyelitis (CFS/ME) are not understood, nor is there a generally agreed method of treatment. Treatment to relieve the various symptoms is, therefore, a matter for individual doctors to decide in consultation with their patients. The National Health Service provides a wide range of services to which sufferers from CFS/ME have access, and such patients are seen within a wide range of hospital specialties. Patients can discuss the options available to them with their general practitioner, and they may also request an assessment of their needs by local authority social services departments.

The training of doctors is a matter for the medical schools in collaboration with the General Medical Council's Education Committee, the relevant Medical Royal Colleges (MRC) and, in the case of general practice, the Joint Committee on Postgraduate Training for General Practice. All of these have a vested interest in ensuring that doctors are equipped to deal with the problems they will encounter in practice—both in hospital and in general practice. It is not however practicable or desirable for the Government to prescribe the exact training that any individual doctor will receive.

A number of research projects into ME/CFS have been carried out or are currently underway. These are:

"The role of noradrenaline in the neuropsychological pathogenesis of the chronic fatigue syndrome (ME)", funded by the MRC and costing £37,000, is being undertaken by Dr. R. K. Morriss at the University of Manchester.

"Rehabilitation in the chronic fatigue syndrome (ME)—a controlled trial of cognitive-behavioural therapy", now completed and funded by the Department for £59,034.

"Should General Practitioners manage chronic fatigue syndrome (ME)? A controlled trial", an ongoing research project funded by the NHS Research and Development Programme for £64,433.

The Department has also funded a £65,000 project which considered whether a particular type of psychological treatment was effective in reducing disability in CFS/ME patients and a £60,000 project which is looking at whether general practitioners are best placed to manage CFS/ME patients.

In addition, the NHS Standing Group on Health Technology has recently identified the latest series of priority areas for which it anticipates commissioning primary research or systematic reviews. One of the topics identified is Management Strategies for chronic fatigue syndrome/ME.

Wheelchair Vouchers

Mr. Best: To ask the Secretary of State for Health how many wheelchair vouchers have been issued using the sums distributed to health authorities since April 1996; and what the target number of wheelchair vouchers for the four year programme is. [35920]

Mr. Boateng: The number of vouchers issued for wheelchair services from April 1997 to March 1998 is forecast to be 1,238, with 418 issued between April 1997 to December 1997. This information was not available before April 1997 because the voucher scheme has been phased in since 1996. No targets have been set for the uptake of vouchers over the four year period. Our objective is to extend choice to service users and uptake will therefore depend on how many wheelchair users choose the vouchers option.

Disabled People

Mr. Fitzpatrick: To ask the Secretary of State for Health how many disabled people currently receive direct payments from their local authority, by local authority area. [36353]

Mr. Boateng: The Department has carried out a survey of all English local authorities to monitor the implementation of the Direct Payments Act during its first year. Officials are analysing the responses to the survey. Copies of the report will be placed in the Library when it is available.

Tuberculosis

Dr. Fox: To ask the Secretary of State for Health what levels of immunisation against TB have been achieved in each of the last three years. [36017]

Ms Jowell: The number of Bacillus Calmett Guèrin vaccinations is given in the table:

000

Year	*Number of BCG vaccinations*
1994–95	[1]317
1995–96	576
1996–97	483

[1] The school BCG programme for 1994–95 was delayed as a result of the measles/rubella immunisation campaign.

Source:

KC 50

Department of Health: Statistics Division SD2B.

BCG immunisation is given to school children between the ages of 10 and 14 years as part of the schools programme and at birth to children at higher risk from tuberculosis as part of the selective neonatal programme and opportunistically. It is not, therefore, possible to give an exact figure for the percentage of children immunised.

Dr. Fox: To ask the Secretary of State for Health how many cases of *(a)* TB and *(b)* drug resistant TB have been reported in the UK in each of the last three years. [36014]

Ms Jowell: The numbers of notifications of tuberculosis (TB) in the United Kingdom are published in the Annual Abstract of Statistics. Data on TB that is resistant to one or more of the antibiotics normally used to treat TB (drug resistant TB) and on multi-drug resistant TB, i.e. TB that is resistant to isoniazid and rifampicin, the two most effective drugs for treating TB, are collated by the Public Health Laboratory Service on behalf of the United Kingdom Mycobacterial Resistance Network. Information for the years 1994 to 1997 is given in the table.

UK notifications

Year	TB[1]	Laboratory isolates: TB resistant to one or more anti-TB drugs[2]	Laboratory isolates: Multi-drug resistant TB
1994	6,228	206	43
1995	6,174	212	49
1996	6,238	241	60
1997	[3]6,430	not available yet	not available yet

[1] Annual Abstract of Statistics.
[2] Includes multi-drug resistant cases.
[3] Provisional; it is usual for the final figure to be lower than the provisional figure.
Sources:
Scottish Health Service Health Service Common Services Agency; Department of Health and Social Services (Northern Ireland); Office for National Statistics and Public Health Laboratory Service.

Mr. Love: To ask the Secretary of State for Health how many cases of tuberculosis have been recorded in each regional health authority in each of the last 10 years. [36169]

Ms Jowell: The information requested is in the table.

Tuberculosis (all forms)—Notifications Annual totals by Region, England and Wales, 1988–1997

Health region	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997[1]
Anglia and Oxford	268	264	261	268	270	284	256	278	333	319
North Thames	1,304	1,444	1,310	1,525	1,743	1,650	1,759	1,797	1,802	1,986
North West	715	683	743	662	763	787	654	630	581	615
Northern and Yorkshire	625	662	642	725	659	721	584	641	614	617
South and West	296	266	228	227	247	275	273	278	266	282
South Thames	552	569	642	596	625	698	694	642	707	751
Trent	529	492	452	448	421	518	459	506	535	484
West Midlands	671	843	732	819	869	788	730	654	655	610
England	4,960	5,223	5,010	5,270	5,597	5,721	5,409	5,426	5,493	5,664

[1] Provisional figures; it is usual for final figures to be lower than provisional figures.
Source:
Notifications of Infectious Diseases database, held within Communicable Disease Surveillance Centre

Notifications of TB in England and Wales fell from 49,358 cases in 1950 to their lowest level of 5,085 in 1987. There was a small increase in cases in the early 1990s, but figures have now levelled out. This success is against a worldwide resurgence in TB which is having a small but important impact on trends in the United Kingdom. The UK has an excellent record of TB control and we are determined this should remain the case.

Vaccinations

Mr. Kidney: To ask the Secretary of State for Health if he plans to make students pay the full cost of vaccinations required for overseas visits. [35893]

Ms Jowell: Currently some vaccines against infectious disease are provided free for travellers as a matter of public health policy, others are not. Broadly speaking, those vaccines provided free offer protection against diseases which might be spread on return to the United Kingdom. Immunisation in these cases benefits not only the recipient but also the community at large, since each individual immunisation contributes to the general control of disease. We recognise that inconsistencies and ambiguities have arisen over the years in the arrangements for travel vaccines and the way they are interpreted and are seeking to resolve these anomalies as part of an ongoing, internal review. It would be wrong to pre-empt any recommendations the review might make but it will take into consideration data from a number of sources and bear in mind advice we receive from a wide cross-section of interest groups, including the views expressed by student unions.

Alcohol Consumption

Dr. Harris: To ask the Secretary of State for Health if the evidence submitted to the Sensible Drinking Review has been published. [36195]

Ms Jowell: No. Details of the persons and organisations who submitted written evidence to the review, as well as those of the experts who gave oral evidence to the Inter-Departmental Working Group, can be found in the report "Sensible Drinking", copies of which have been placed in the Library of the House.

Dr. Harris: To ask the Secretary of State for Health which organisations were involved in the consultation process for unit labelling of alcoholic products; and if he will separately identify those involved in the format and design of the labels. [36206]

Ms Jowell: The announcement in October 1997 by some of the United Kingdom's largest drinks companies that they would be introducing a voluntary scheme of unit labelling on their packaged products explicitly to support the Government's Sensible Drinking message was an initiative taken by the companies themselves. The companies involved in the scheme are: Seagram, Allied Domecq, Whitbread, Diageo and Bacardi-Martini.

Children in Care

Mr. Shaw: To ask the Secretary of State for Health what assessment he has made of the number of children in the care of local authorities who have been refused as patients by general practitioners. [36308]

Mr. Boateng: The information requested is not available centrally.

Child Minders

Mr. Heathcoat-Amory: To ask the Secretary of State for Health how many registered child minders there are at the present time. [36138]

Mr. Boateng: There were 102,600 registered child minders in England at 31 March 1996 (the latest date for which figures are available). It is intended to publish figures for 1997 in May this year.

Departmental Staff (Scotland)

Mr. Donohoe: To ask the Secretary of State for Health how many staff are employed in Scotland by his Department, or executive agencies responsible to his Department; and where those staff are located. [36627]

Ms Jowell: No staff of the Department or its agencies are employed in Scotland.

Private Health Care

Mr. Nicholls: To ask the Secretary of State for Health if he will make a statement in the role of the section within the Department of Health which deals with the independent health sector. [36469]

Mr. Milburn: This section acts as a liaison point between the Department and the independent health sector. It holds information on the sector and provides briefing to Ministers when required. It has responsibility for matters relating to the registration and inspection of independent hospitals and clinics.

Mr. Nicholls: To ask the Secretary of State for Health what estimate he has made of the expenditure on acute care in the private sector in each of the last three years. [36465]

Mr. Milburn: "Laing's Review of Private Healthcare 1997" estimates that the value of the private acute healthcare market in the United Kingdom was £2,009 million in 1994, £2,153 million in 1995 and £2,350 million in 1996.

Private Medical Insurance

Mr. Nicholls: To ask the Secretary of State for Health what is his policy on encouraging more people to take out private medical insurance. [36476]

Mr. Milburn: We have no plans to encourage more people to take out private medical insurance.

Waiting Lists

Mr. Letwin: To ask the Secretary of State for Health what is the current total number of man-months of patient waiting time on NHS waiting lists. [36606]

Mr. Milburn *[holding answer 27 March 1998]:* On 31 December 1997 1,262,000 patients were awaiting admission to National Health Service hospitals in England with an average waiting time of 4.6 months. This implies an estimated total of 5,802,000 months waited by patients.

Health Service Budget

Mr. Malcolm Bruce: To ask the Secretary of State for Health what is his estimate of the percentage change in the real budget for the National Health Service in *(a)* 1997–98 and *(b)* 1998–99. [36371]

Mr. Milburn: The real growth in National Health Service total net spending is estimated to be 2.2 per cent. in 1997–98 and 2.3 per cent. in 1998–99.

Northern and Yorkshire NHS Executive

Mr. Hinchliffe: To ask the Secretary of State for Health if he will instruct the Regional Director of the Northern and Yorkshire NHS Executive to respond to the letters of 11 September and 9 January by the hon. Member for Wakefield on behalf of a constituent. [36981]

Mr. Milburn: The Regional Office are unable to trace the original correspondence and have contacted my hon. Friend's office to resolve the matter.

Committee on Medical Aspects of Food and Nutrition Policy

Mr. Jack: To ask the Secretary of State for Health if he will make a statement on Professor Phillip Jones's membership of COMA. [36982]

Ms Jowell: Professor Philip James of the Rowett Institute, Aberdeen was appointed as a member of Committee on Medical Aspects of Food and Nutrition Policy on 31 December 1989. His term of appointment is due to end on 31 December 1998.

TREASURY

Environmental Assessments

Mr. Dafis: To ask the Chancellor of the Exchequer if he will publish his environmental assessments of Budget measures which were not included in Table 5.3 of the "Financial Statement and Budget Report". [36048]

Dawn Primarolo: Table 5.3 of the "Financial Statement and Budget Report" incorporates an assessment of the environmental impact of the Budget measures, where these have been identified as significant. The non-inclusion of a measure will generally reflect the fact that the environmental impact is considered to be small.

Working Families Tax Credit

Mr. Paterson: To ask the Chancellor of the Exchequer if he will set out the methods by which working families tax credit will be assessed, indicating who will carry out each stage of this task; what estimate he has made of *(a)* how long this will take in each case and *(b)* how much extra cost will fall on the employer in each case. [35891]

Dawn Primarolo *[holding answer 23 March 1998]:* The detailed design of the Working Families Tax Credit—and plans for its implementation—will be developed in the next few months. Those involving payment through the wage packet will be the subject of consultations with organisations representing employers and other appropriate bodies. A regulatory assessment will be published when detailed administrative arrangements have been settled.

Mr. Webb: To ask the Chancellor of the Exchequer what methods he will employ to maximise take-up of the working families tax credit; and what level of take-up he is aiming to achieve once the system is established. [35770]

Dawn Primarolo *[holding answer 23 March 1998]:* We will seek to ensure that as many families as are entitled receive the credit and we are considering how best to achieve this.

Mr. Webb: To ask the Chancellor of the Exchequer if the working families tax credit will make any distinction between married and cohabiting couples. [35769]

Dawn Primarolo *[holding answer 23 March 1998]:* When the Working Families Tax Credit is introduced in October 1999, it will build on Family Credit which does not currently distinguish between married and unmarried couples.

Sir Teddy Taylor: To ask the Chancellor of the Exchequer if his estimate of the extra expenditure which will stem from the working families tax credit takes account of the consequential reductions in applications for housing benefit and council tax benefits; and if he will make a statement. [35936]

Dawn Primarolo *[holding answer 24 March 1998]:* Estimates of the Exchequer cost of the new Working Families Tax Credit appeared in line 1 of table C.1 of the "Financial Statement and Budget Report" (HC 620). These represent the net cost of replacing Family Credit with the WFTC. They therefore take into account consequential changes to entitlement to Housing Benefit and Council Tax Benefit.

Mr. Lilley: To ask the Chancellor of the Exchequer if couples will be able to opt to receive child care tax credits paid direct by the Inland Revenue to the non-employed mother. [36358]

Dawn Primarolo: The child care tax credit will be one of the elements comprising the Working Families Tax Credit, and couples will be able to choose which of them is to receive the WFTC.

Mr. Kenneth Clarke: To ask the Chancellor of the Exchequer how payments made by the Inland Revenue under the working families tax credit scheme will be classified for public accounting purposes; how they will be classified for the purpose of calculating the PSBR and the control total; and if he will make a statement on the rationale and analysis behind the proposed classification. [36247]

Dawn Primarolo: The treatment of the Working Families Tax Credit (WFTC) in the national accounts is for the ONS who will be able to classify it once details are settled.

For the purposes of the "Financial Statement and Budget Report" (FSBR), in calculating General Government Expenditure and Receipts the scoring of the WFTC has been assumed to follow that of MIRAS, a scheme similar in some key aspects bearing on classification. Under this treatment, tax credit payments in excess of an individual's income tax liability are treated as part of General Government Expenditure. Regardless of their classification in the national accounts, WFTC payments will count to the PSBR.

The Control Total treatment of the WFTC has yet to be decided and the FSBR treatment should not be taken as an indication of future Control Total treatment. The projections of the Control Total in the FSBR implicitly include WFTC up to the level of the family credit expenditure that it replaces.

In Table B8 of the FSBR, WFTC is classified as an income tax credit and is deducted from gross income tax receipts in calculating net taxes and social security contributions. A corrected version of this table was published in the reply I gave to my hon. Friend the Member for East Ham (Mr. Timms) on 27 March 1998, *Official Report*, column *348*.

Mr. Gibb: To ask the Chancellor of the Exchequer if the child care tax credit will be accounted for as *(a)* tax forgone or *(b)* public expenditure. [36309]

Mr. Lilley: To ask the Chancellor of the Exchequer if the amount paid by the Inland Revenue to couples who opt to receive working families tax credit paid direct to the non-employed mother will be classified in the public accounts as *(a)* public expenditure and *(b)* negative taxation. [36365]

Dawn Primarolo *[holding answer 26 March 1998]:* All payments of Working Families Tax Credits (WFTC) have been classified as income tax credits in Table B8 of the "Financial Statement and Budget Report" (FSBR), and deducted from gross income tax receipts in calculating net taxes and social security contributions.

The treatment of the WFTC in the national accounts is for the ONS who will be able to classify it once details are settled.

For the purposes of the FSBR, in calculating General Government Expenditure and Receipts the scoring of the WFTC has been assumed to follow that of MIRAS, a scheme similar in some key aspects bearing on classification. Under this treatment, tax credit payments in excess of an individual's income tax liability are treated as part of General Government Expenditure. Most payments to couples who opt to receive WFTC paid direct to the non-employed mother are likely to be treated in this way.

Mr. Lilley: To ask the Chancellor of the Exchequer if he will estimate in each year to 2001–02 the total value of payments of working family tax credits and child care tax credits which will be classified as negative taxation in the public accounts. [36368]

Dawn Primarolo *[holding answer 26 March 1998]:* Payments of Working Families Tax Credit (WFTC) are classified in the "Financial Statement and Budget Report" (FSBR) as income tax credits and are deducted from gross income tax receipts in calculating net taxes and social security contributions. Unfortunately, the figures for income tax credits were shown incorrectly in table B8 published in the FSBR. A corrected version was shown in the answer I gave to the hon. Member for East Ham (Mr. Timms) on 27 March 1998 *Official Report*, column *348*. The sums included for WFTC in the income tax credits line in the corrected version are (£ billion):

Year	*£ billion*
Up to 1998–99	0
1999–2000	2.0
2000–2001	5.0
2001–2002	5.6

The treatment of the WFTC in the national accounts is for the ONS, who will be able to classify it once details are settled.

For the purposes of the FSBR, the national accounts scoring of the WFTC has been assumed to follow that of MIRAS, a scheme similar in some key aspects bearing on classification. Under this treatment, tax credit payments in excess of an individual's income tax liability are treated as part of General Government Expenditure. The FSBR projections assume that around 80 per cent. of WFTC will score in this way.

The childcare tax credit is an integral part of the Working Families Tax Credit (WFTC) and so has been included in the numbers above.

Earnings Top-up

Sir Teddy Taylor: To ask the Chancellor of the Exchequer if the earnings top-up system operating in particular areas of low income will be reviewed in consequence of the introduction of the working families tax credit. [35937]

Mr. Field *[holding answer 24 March 1998]:* I have been asked to reply.

Earnings Top-up is a pilot scheme running in eight areas. It is aimed at helping people without dependent children enter and remain in work. The pilots were introduced in October 1996 and are due to conclude in October 1999.

The pilots will be evaluated and a decision on the future of Earnings Top-up will be taken in the light of the evaluation evidence and the circumstances of the time.

Public Sector Pay

Mr. Simon Hughes: To ask the Chancellor of the Exchequer if he will estimate the additional cost to public funds of implementing the public sector pay awards in full in April in each of *(a)* 1996, *(b)* 1997 and *(c)* 1998, (i) in the NHS alone and (ii) across all public services affected. [36625]

Mr. Darling: For groups covered by the pay review bodies, the information is as follows.

£ million

Year	*Additional cost of implementing in full*	
	NHS	*Total*
1996	37	149
1997	115	263
1998	205	413

Earnings

Mr. Duncan Smith: To ask the Chancellor of the Exchequer how many people earn over £450 per week and what proportion this represents of the United Kingdom workforce; and what proportion of those earning over £450 per week earn *(a)* under £500, *(b)* under £550, *(c)* under £600, *(d)* under £650, *(e)* under £700, *(f)* under £750, *(g)* under £800 and *(h)* over £800. [36361]

Dawn Primarolo *[holding answer 26 March 1998]:* The information requested falls within the responsibility of the Chief Executive of the Office for National Statistics. I have asked him to arrange for a reply to be given.

Letter from Tim Holt to Mr. Iain Duncan-Smith, dated 30 March 1998:

As Director of the Office for National Statistics (ONS), I have been asked to reply to your parliamentary question on weekly earnings.

The latest information, from the New Earnings Survey 1997, is contained in the attached table.

Employees on adult rates, whose pay for the survey pay-period was unaffected by absence—Great Britain—April 1997

Gross weekly earnings, per cent. earning

	Full-time	*Part-time*	*All*
Greater than £450	23.3	1.1	18.3
Less than £500	27.0	29.4	27.0
Less than £550	45.9	51.1	46.0
Less than £600	49.4	63.6	59.4
Less than £650	68.1	72.3	68.2
Less than £700	75.0	77.4	75.0
Less than £750	79.8	80.8	79.9
Less than £800	83.4	83.1	83.4
Greater than/equal to £800	16.6	16.9	16.6

Capital Gains Tax

Mr. Gibb: To ask the Chancellor of the Exchequer how many possible rates of capital gains tax will apply following the changes proposed in the Budget. [36322]

Mr. Geoffrey Robinson *[holding answer 26 March 1998]:* As at present, there will be three possible rates of capital gains tax: 20 per cent., 23 per cent. and 40 per cent.

Child Care (Grandparents)

Sir Raymond Powell: To ask the Chancellor of the Exchequer if he will make grandparents looking after grandchildren subject to the same tax treatment as child minders. [36752]

Dawn Primarolo: All people providing child-minding services for payment are liable to income tax on the profits from that activity. Thus grandparents who are paid to look after their grandchildren will be taxable on their profits in the same way as other childminders.

Public Opinion Research

Mr. Gibb: To ask the Chancellor of the Exchequer if he will list the contracts for public opinion research his Department has awarded since 10 February indicating *(a)* the name of the firms, *(b)* the purposes, *(c)* the cost and value, *(d)* the duration and *(e)* the names of other firms which bid for each contract. [36714]

Mr. Geoffrey Robinson *[holding answer 27 March 1998]:* Since 10 February contracts have been awarded to Fishburn Hedges to advise on presentational aspects of the individual savings account, and to Ogilvy & Mather for similar work on the Working Families Tax Credit. The cost of both projects was approximately £40,000 each. The contracts were let on 26 February following a competitive tender and all work was completed by March 16. The names of companies who bid unsuccessfully for the contracts are covered by commercial confidentiality.

Savings Ratio

Mr. Gibb: To ask the Chancellor of the Exchequer if he will estimate the effect on consumer spending of a 2 per cent. fall in the savings ratio. [36713]

Mr. Geoffrey Robinson *[holding answer 27 March 1998]:* A 2 percentage point fall in the saving ratio would imply that consumer spending would rise around 2 per cent. more than personal disposable income over the period during which the fall in the saving ratio occurred.

Contingency Reserve

Mr. Malcolm Bruce: To ask the Chancellor of the Exchequer what is his latest estimate of the planned size of the contingency reserve in 1997–98 and 1998–99; and if he will make a statement. [36452]

Mr. Darling: The latest figures for the Reserve were published on Budget day in the "Financial Statement and Budget Report", table B18: Control Total by Department.

New Development (Brownfield Land)

Mr. Loughton: To ask the Chancellor of the Exchequer which measures in the Budget were intended to promote the Government's policy to encourage 60 per cent. of new development to take place on brownfield land. [36787]

Mr. Darling: The Government's approach to reducing the need for development to spread into the countryside was set out in the statement made to the House by my right hon. Friend the Deputy Prime Minister on 23 February 1998, *Official Report*, columns 21–25. The use of economic instruments in planning policy is being explored as part of the Comprehensive Spending Review.

Christian Aid Jubilee 2000 Campaign

Mr. Page: To ask the Chancellor of the Exchequer what estimate he has made of the cost of administering the Christian Aid Jubilee 2000 campaign. [36379]

Mrs. Liddell: The cost to date of dealing with the Christian Aid Postcard Campaign has been around £6,000.

EU Budget Rebates

Mr. Mitchell: To ask the Chancellor of the Exchequer what representations he has received from other member states of the European Union concerning the current system of budget rebates for the United Kingdom and the date when the current period of that arrangement expires. [37212]

Mrs. Liddell: My right hon. Friend has not received any formal representations on this subject from any other Member State, though we understand that a number of other countries have asked the Commission to propose a rebate system which would also apply to them.

The UK's abatement remains in force indefinitely. The unanimous agreement of Member States including the UK would be required to amend the legislation governing our abatement. As the Government have frequently made clear, the UK abatement remains fully justified. We cannot see circumstances in which it would not continue to be warranted in its present form.

Fuel Tax (Charities)

Dr. Lynne Jones: To ask the Chancellor of the Exchequer if he will extend the fuel tax rebate to charitable organisations offering door-to-door transport services to people with extra mobility needs, operating under section 19 licences. [36592]

Ms Glenda Jackson: I have been asked to reply.

There are no current plans to extend the scope of Fuel Duty Rebate beyond registered local bus services.

Mail Order Sales

Mr. Kidney: To ask the Chancellor of the Exchequer if he will list for 1997 the gross *(a)* total United Kingdom mail order sales, *(b)* United Kingdom mail order sales split between agency sales and direct sales and *(c)* United Kingdom electronic home shopping market sales, expressing the gross figures in each case as a percentage of total non-food sales. [36304]

Dawn Primarolo: The information requested falls within the responsibility of the Chief Executive of the Office for National Statistics. I have asked him to arrange for a reply to be given.

Letter from Tim Holt to Mr. David Kidney, dated 30 March 1998:

As Director of the Office for National Statistics (ONS), I have been asked to reply to your parliamentary question on mail order sales in the United Kingdom.

The latest information available, from the annual inquiry into retail trades, is for 1996 and shows that in the United Kingdom, the total retail turnover generated by mail order sales was £7,700 million. This represents 7% of total non-food sales.

There is no equivalent information on the mail order split between agency sales and direct sales or on electronic home shopping sales.

Written Answers to Questions

Tuesday 31 March 1998

DEFENCE

Armed Forces Personnel Administration Agency

Shona McIsaac: To ask the Secretary of State for Defence what performance targets have been set for the Armed Forces Personnel Administration Agency for 1998–99. [37359]

Dr. Reid: Key Targets have been set for the Chief Executive of the Armed Forces Personnel Administration Agency for the financial year 1998–99. The targets build upon progress made by the Agency since it formed on 1 April 1997 and are as follows:

1. Pay, allowances and pensions payments

   Whilst making 100% of payments of pay, allowances and pensions by the due date, the number of errors per 1,000 payments not to exceed 5.

2. Accuracy of personnel records and liabilities data

   Establish a plan with customers to validate the completeness and accuracy of the record of service data, to assist in the further development of unit based systems and introduce sampling methods to assess future accuracy by December 1998.

3. Currency of personnel records and liabilities data

   Update all personnel records and liabilities data within 3 days of valid input.

4. Responsiveness

   Resolve 85% of inquiries, written or through official help desks, within 10 working days, across all services, where information and/or authority is within AFPAA's control.

5. Customer satisfaction

   To set measures for customer satisfaction by December 1998.

6. Efficiency.

   To reduce the average unit costs to deliver AFPAA services by 3% this year.

Racial Equality

Mr. Rapson: To ask the Secretary of State for Defence what measures he is taking to promote greater racial equality in the armed forces following the decision of the Commission for Racial Equality to abandon legal action against the Household Cavalry. [37360]

Dr. Reid: The decision by the Commission for Racial Equality on 25 March 1998 to abandon altogether the question of legal action against the Household Cavalry was most welcome. It reflects, quite rightly, the considerable efforts which have been made over the last two years, across all three Armed Services and including the Household Cavalry, following general criticisms of racial equality policies. To achieve this progress has required considerable determination which Sir Herman Ouseley, the CRE's Chairman has described as a 'model of leadership in action'. My right hon. Friend the Secretary of State for Defence and I are delighted with the excellent progress which has now enabled the Commission to recognise the Armed Forces' willingness to make real, permanent progress; I congratulate the Services for what has been achieved.

It is essential that the commitment to change is maintained. For this reason we have agreed a five year "Partnership Agreement" with the Commission and I am placing a copy in the Library. The Agreement is comprehensive and reflects the considerable challenges which lie ahead for the Armed Forces as they seek to put in place and develop, through the strong leadership now being demonstrated, robust racial equality policies. The Agreement, which includes meeting challenging ethnic minority recruitment targets and developing monitoring and evaluation of personnel policies, will require rigorous application. We will be looking to build upon the constructive cooperation we have had with the CRE. We know that the Services are determined to address the Partnership Agreement with vigour and we shall be fully supportive of their efforts.

RNAD Trecwn

Sir Raymond Powell: To ask the Secretary of State for Defence, pursuant to his answer of 12 March 1998, *Official Report*, column *325*, what area of land at RNAD Trecwn, Pembroke, was disposed of; how much was received for it; in which publications its sale was advertised; how many bids were received for its purchase; and which bidder was successful. [36768]

Mr. Spellar: The area of land sold at RNAD Trecwn, Pembrokeshire was 431 hectares. Advertisements were placed in the Estates Gazette, Leisure Week, the Irish Times, Cork Examiner, Western Mail, Property Week, and the Financial Times. Ten bids were received and a preferred purchaser was identified. When the purchaser subsequently withdrew in September 1997, the site was re-offered to the underbidders by formal tender. These bids were submitted and the successful bidder was Omega Pacific Limited. The sale was completed on 21 January 1998.

I am withholding details of the bid received under exemption 14 of the Code of Practice on Access to Government Information.

Arms Exports

Mr. Hancock: To ask the Secretary of State for Defence what estimate he has made of the value of exports to *(a)* Bahrain, *(b)* Kuwait, *(c)* the United Arab Emirates, *(d)* Qatar and *(e)* Oman of (i) land systems and equipment; (ii) air systems and equipment, (iii) naval systems and equipment and (iv) services and consulting in each of the last five years. [34758]

Mr. Spellar: The information requested relates to the procurement of defence equipment and services by foreign governments. Details have been provided to the Ministry of Defence either directly by those governments or voluntarily by British companies under commercial confidentiality constraints.

Officials are currently reviewing whether the information may be released under the Code of Practice on Access to Government Information. I will write to the hon. Member as soon as that review has been completed. A copy of my letter will be placed in the Library of the House.

In the interim, I can advise that the UK reports the annual export of major weapons systems to the United Nations Register of Conventional Arms which was established in 1992. This information is provided voluntarily by industry on the understanding that, by virtue of its inclusion in the UN Arms Register, it will be made public. The table shows the UK's return for the countries specified according to UN Register category. Categories I, II and III are land systems, category IV and V and VII are air systems and category VI is a naval system. The UK's 1997 return to the Register will be available in May.

UN Register category/ Importing state	*1992*	*1993*	*1994*	*1995*	*1996*
I. Battle tanks					
Oman	—	—	—	12	6
II. Armoured combat vehicles					
Kuwait	—	—	—	66	116
Oman	—	—	4	3	51
III. Large calibre artillery systems					
—	—	—	—	—	
IV. Combat aircraft					
Oman	—	1	12	4	—
UAE	—	16	2	4	—
V. Attack helicopters	—	—	—	—	—
VI. Warships					
Oman	—	—	—	—	1
VII. Missiles and missile launchers					
UAE	398	328	195	—	—

Low Flying

Mr. Martlew: To ask the Secretary of State for Defence if he will make a statement on the pattern of military low flying activity in the United Kingdom during 1997. [37361]

Mr. Spellar: Military low flying training continues to be a necessary contribution to our defence capabilities. The amount carried out in 1997 was about 5 per cent. lower than in 1996, measured in terms of hours booked, reflecting current requirements and commitments. The distribution across the country has not changed significantly. We try to spread the activity as widely as possible, but a variety of operational, geographic and climatic constraints inevitably mean that some areas continue to see a greater intensity than others.

I have today placed in the Library of the House a paper giving a detailed account of the pattern of activity. Further copies can be obtained from the following address:

Secretariat (Air Staff) 2
Ministry of Defence
Room 8247
Main Building
Whitehall
London SW1A 2HB.

Jaguar Aircraft (Italy)

Mr. Ainger: To ask the Secretary of State for Defence what plans he has for the re-deployment of the Royal Air Force aircraft at Gioia del Colle in Italy; and if he will make a statement. [37510]

Mr. George Robertson: The six RAF Jaguars currently based at Gioia del Colle in Italy and their supporting RAF Tristar tanker based at Ancona will be redeployed to the UK on 6 April. This results from our assessment that it is no longer necessary to have the Jaguars based in Italy on a full time basis given the improving situation in Bosnia. The Jaguars will, however, remain on short notice to resume participation in operations over Bosnia if required.

TREASURY

NHS Funding

Mr. Maples: To ask the Chancellor of the Exchequer if he will set out the basis on which *(a)* the £300 million for winter pressures in the NHS and *(b)* the £500 million additional NHS funding announced in the Budget were allocated between England, Scotland, Wales and Northern Ireland. [36149]

Mr. Darling *[holding answer 25 March 1998]:* £190 million of the £300 million allocated for winter pressures in the NHS was divided up according to the long standing Barnett formula. A further £80 million was allocated directly to the Department of Health to meet specific pressures in England. The remainder was found by the Department of Health through administrative savings.

All of the £500 million additional NHS funding announced in the Budget was divided up in accordance with the Barnett formula.

These amounts are in addition to the £1.2 billion that the Chancellor of the Exchequer announced in his Budget in July 1997 which were also allocated in accordance with the Barnett formula.

Road Fuel Duty

Mr. Heathcoat-Amory: To ask the Chancellor of the Exchequer what is the actual and estimated yield from duty on road fuel for the years *(a)* 1997–98, *(b)* 1998–99 and *(c)* 1999–2000; and what the figure would be if the duty increased had been in line with the RPI. [35866]

Dawn Primarolo *[holding answer 23 March 1998]:* The latest estimates of revenue from road fuel duties are £18.9 billion in 1997–98 and £21.2 billion in 1998–99.

If the duty rates had increased in July 1997 and March 1998 in line with the 12 month RPI for September 1997 and September 1998 respectively, the estimates would have been £18.4 billion in 1997–98 and £19.6 billion in 1998–99.

Mr. Nicholas Winterton: To ask the Chancellor of the Exchequer by what additional amount the retail prices index has risen since 1992 as a result of the imposition of petrol and diesel fuel excise duty increases compared with the increase that would have occurred if the duty increases had been limited to the RPI. [35512]

Dawn Primarolo: HM Customs and Excise estimate that the cumulative increase in the RPI as a result of increases in petrol and diesel duty rates since 1992 (including the 1992 increase) has been 1.36 per cent. Had the duty increases been limited to increases in RPI, the cumulative impact would have been 0.58 per cent. The additional amount is therefore 0.78 per cent.

Public Bodies

Mr. Burns: To ask the Chancellor of the Exchequer if he will publish *(a)* the number of places on each of his Department's non-departmental public bodies, *(b)* the number of places that are currently unfilled on each non-departmental public body, *(c)* the total number of members that have resigned since 1 May 1997, *(d)* the total number that have retired since 1 May 1997, *(e)* the total number that have not had their contracts renewed since 1 May 1997, *(f)* the total number that have remained in place since 1 May 1997 and *(g)* the total number that have been appointed since 1 May 1997. [35272]

Mrs. Liddell *[holding answer 19 March 1998]:* The information for the bodies listed in "Public Bodies", and for other NDPBs to which Treasury Ministers make appointments, is as follows:

Body	*Places (a)*	*Currently unfilled (b)*	*Resigned since 1 May 1997 (c)*	*Retired since 1 May 1997 (d)*	*Contracts not renewed since 1 May 1997 (e)*	*Remained in place since 1 May 1997 (f)*	*Total number appointed since 1 May 1997 (g)*
Armed Forces Pay Review Body	8	0	0	0	0	8	0
Bank of England (Court of)	18	1	2	1	0	14	3
Board of Banking Supervision	9	0	1	0	0	6	2+(1[1])
Doctors' and Dentists' Remuneration Review Body	8	1	1	0	0	7	0
Financial Services Tribunal	20	0	0	0	0	20	0
Nurses', Midwives', Health Visitors and Professions Allied to Medicine Review Body	8	1	1	0	0	7	0
Pharmacists' Review Panel	3	0	0	0	0	3	0
Policyholders Protection Board	5	0	0	0	1	4	1+(2[1])
Retail Price Index Advisory Committee[2]	26	—	—	—	—	—	—
Royal Mint Advisory Committee	11	0	0	2	0	9	2+(1[1])
School Teachers' Review Body	9	2	0	0	0	7	0
Senior Salaries Review Body	10	1	0	0	0	9	0
Statistics Advisory Committee (ONS)	20	0	2	0	0	18	2
VAT and Duties Tribunals[3]	108	0	3	0	4	105	3

[1] Re-appointments
[2] RPI Advisory Committee is an ad-hoc committee—last convened in 1994.
[3] The figures for the VAT and Duties Tribunals reflect a reduction in the number of appointments.

Taxation

Mr. Willetts: To ask the Chancellor of the Exchequer (1) pursuant to Table 3.3, Effects of Budget on number of families with high marginal deduction rates, in his Financial Statement and Budget report (HC620), if he will publish equivalent figures for families facing marginal deduction rates of *(a)* 50 per cent. or more and *(b)* 40 per cent. or more; [35528]

(2) pursuant to Table 3.3 of the Red Book, how many people have a marginal deduction rate of 68.5 per cent. or more on current arrangements; and how many will have a deduction rate of 68.5 per cent. or more under his proposals. [35862]

Mr. Heathcoat-Amory: To ask the Chancellor of the Exchequer if he will estimate how many families will face a marginal deduction rate of between 50 per cent. and 60 per cent. *(a)* before and *(b)* after the introduction of working families tax credit. [36101]

Mr. Duncan Smith: To ask the Chancellor of the Exchequer how many families under the working families tax credit will have a marginal deduction rate of 50 per cent. or more; and how many currently have marginal deduction rates of 50 per cent. or more. [36416]

Dawn Primarolo: *[holding answers 20, 23, 24 and 26 March 1998]:* The data requested are given in the table. It shows that the Budget has taken an important step towards tackling the unemployment and poverty traps. In-work incomes have increased, and the level at which families with 2 children start to pay effective income tax has risen from 25 per cent. to 50 per cent. of average earnings. The number of families facing very high marginal deduction rates has been reduced significantly. In those cases where families may face a higher MDR, they will still be better off.

Effect of Budget on number of families with marginal deduction rates of 40 per cent. or more[1]

(000)

Marginal deduction rate	*Before Budget*	*After Budget*
100 per cent. or more	5	0
90 per cent. or more	130	20
80 per cent. or more	300	200
70 per cent. or more	740	260
68.5 per cent. or more	760	810
60 per cent. or more	760	1,010

Effect of Budget on number of families with marginal deduction rates of 40 per cent. or more[1]

(000)

Marginal deduction rate	*Before Budget*	*After Budget*
50 per cent. or more	760	1,080
40 per cent. or more	800	1,120

[1] Figures are for families in receipt of income-related benefits or the WFTC where at least one partner works 16 hours or more, and are based on 1997–98 caseload and take-up rates.

The figures do not take account of changes to National Insurance contributions, which will reduce MDRs for those just below the Lower Earnings Limit.

Departmental Staff

Mr. Donohoe: To ask the Chancellor of the Exchequer how many staff are employed in Scotland by his Department, or executive agencies responsible to his Department; and where those staff are located. [36215]

Mrs. Liddell: The Treasury, the Office for National Statistics and the Royal Mint employ no staff in Scotland. The numbers and location within Scotland of the staff of Customs and Excise, the Inland Revenue, the Valuation Office and National Savings on 1 March 1998 are given in the table.

Area	*Number*
Customs & Excise	
Aberdeen	203
Ayr	29
Campbeltown	1
Coatbridge	26
Dumbarton	29
Dundee	150
Dumfries	7
Edinburgh	340
Elgin	18
Fort William	1
Glasgow	379
Grangemouth	44
Greenock	126
Inverness	14
Islay	3
Kirkwall	3
Lerwick	12
Oban	5
Paisley	16
Prestwick	29
Stornaway	5
Ullapool	3
Wick	5
Total	1,449
Inland Revenue[1]	
Aberdeen	140
Ayr	59
Buckie	15
Coatbridge	27
Cumbernauld	1,058
Dumbarton	21
Dumfries	51
Dundee	106
Dunfermline	30
Dunoon	18
East Kilbride	1,358
Edinburgh	1,228
Falkirk	30
Galashiels	19
Glasgow	654
Greenock	37
Hamilton	37
Hawick	15
Inverness	87
Irvine	35
Kirkcaldy	35
Motherwell	32
Paisley	43
Perth	25
Peterhead	23
Rothesay	13
Stirling	48
Wick	26
Total	5,270
Valuation Office	
Aberdeen	12
Dumfries	7
Edinburgh	35
Glasgow	29
Inverness	11
Total	94
National Savings	
Glasgow	1,730

[1] Excluding the Valuation Office.

European Central Banks

Mr. Mitchell: To ask the Chancellor of the Exchequer if he will list for each member state of the European Union *(a)* the current functions performed in whole or in part by their central bank, *(b)* for each function, those bodies or persons responsible for decisions in respect of each and *(c)* to whom such bodies or persons are currently accountable. [37215]

Mrs. Liddell: The EMI convergence report, published in March 1998 in accordance with Article 109j(1) of the EC Treaty, provides a detailed account of the statutory duties of member states' national central banks and the extent of legal convergence with the Treaty.

Debt Management

Mr. Caplin: To ask the Chancellor of the Exchequer what progress he has made in transferring debt management responsibilities to the Treasury; and if he will make a statement. [37451]

Mrs. Liddell: The United Kingdom Debt Management Office (DMO) will be launched as an Executive Agency on 1 April 1998. From that date it will take over as the Government's agent for operations in the gilts market. Copies of the DMO Framework Document have been placed in the libraries of both Houses.

I have set the following targets for the DMO for 1998–99:

1. To ensure full compliance with the Government's remit for the issuance of debt to finance the Central Government Borrowing Requirement as set out in the Debt Management Report, published on 19 March, within the tolerances and subject to the review triggers notified separately to the Office.

2. To reduce the maximum time taken to issue the results of conventional gilt auctions from 45 minutes to 40 minutes whilst achieving complete accuracy.

3. To establish the system for managing the Exchequer's aggregate cash position which achieves cost-effective financing and is error free, properly conducted, legally sound and subject to minimal credit risk (to the satisfaction of an external assessor) by January 1999.

4. To achieve complete accuracy, within agreed accounting tolerances, in the recording of transactions, the money delivered to the NLF and the reports of the Debt Management Account.

5. To acknowledge all letters from the public within two weeks and for at least 95 per cent. to be sent a substantive reply within four weeks.

6. To achieve less than 12 breaches of the operational market notice (excluding any breaches which the Treasury accept were beyond the control of the office).

7. To ensure that the qualifications that the NAO have made in respect of the Gilt-Edged Official Operations Account are satisfactorily addressed in the running and presentation of the Debt Management Account.

Pensioners (Medical Insurance)

Mr. Loughton: To ask the Chancellor of the Exchequer how many pensioners currently hold private medical insurance policies; and what the figure was in April 1997. [37049]

Mrs. Liddell: The information requested falls within the responsibility of the Chief Executive of the Office for National Statistics. I have asked him to arrange for a reply to be given.

Letter from Tim Holt to Mr. Tim Loughton, dated 31 March 1998:

As Director of the Office for National Statistics (ONS), I have been asked to reply to your recent question requesting figures for the number of pensioners holding private medical insurance policies.

The most recent estimate available is from the 1996–97 Family Expenditure Survey, which is based on information collected from April 1996 to March 1997. This shows that among those households headed by a pensioner, seven per cent. included one or more people who made payments into a private medical insurance scheme.

Working Families Tax Credit

Mrs. Fyfe: To ask the Chancellor of the Exchequer what steps the Inland Revenue takes in circumstances where *(a)* a husband and wife cannot agree who should receive the working families tax credit and *(b)* one spouse claims the other is receiving the tax credit but keeping it to him or herself. [34887]

Mr. Webb: To ask the Chancellor of the Exchequer where both members of a couple request that the working families tax credit be paid directly to them, which party's wishes will take precedence. [36093]

Mr. Heathcoat-Amory: To ask the Chancellor of the Exchequer who will receive the working families tax credit in the event that a couple cannot agree on which of them should receive it. [36039]

Mr. Lilley: To ask the Chancellor of the Exchequer in what circumstances couples who are unable to agree as to how working families tax credit should be paid will receive the credit *(a)* via the pay packet of the person in paid employment and *(b)* paid direct to the non-employed mother. [36363]

Dawn Primarolo *[holding answer 17, 24 and 26 March 1998]:* From April 2000 the Working Families Tax Credit will generally be paid through the wage packet. Couples will be able to choose which partner should receive the credit. The details of the new scheme, including the rules for dealing with particular situations, such as disagreements between partners, will be developed by the Inland Revenue over the coming months. Although the resolution of particular disagreements would, of course, depend on the specific facts of the case, the present presumption is that, where the couple disagree about which of them is to receive the credit, it would normally be paid to the partner who mainly cared for the children.

NORTHERN IRELAND

Peace Process

Mr. Maginnis: To ask the Secretary of State for Northern Ireland if she intends to agree to a political settlement involving those parties with paramilitary links without those parties and the paramilitary organisations with which they are linked being committed to the Mitchell Principles and demonstrable progress being made along the parallel track which deals with disarmament. [35657]

Marjorie Mowlam *[holding answer 23 March 1998]:* All parties involved in the talks process have affirmed their total and absolute commitment to the Mitchell Principles. As my right hon. Friend the Prime Minister made clear on 15 September 1997 in a joint statement with the Taoiseach both Governments would like to see the decommissioning of some paramilitary arms during the negotiations and believe this could be a major contribution to confidence-building and momentum towards agreement. There is no legal or technical obstacle to decommissioning. It should commence now.

CULTURE, MEDIA AND SPORT

British Amateur Rugby League Association

Helen Jones: To ask the Secretary of State for Culture, Media and Sport if he will review the appropriateness of Government support for the British Amateur Rugby League Association, with particular reference to the association's rules on out of district transfers. [36609]

Mr. Banks *[holding answer 30 March 1998]:* Central Government support for sport is channelled through the UK and English Sports Councils. As independent bodies established by Royal Charter, it is for the sports councils to determine what funding they make available to sports governing bodies.

I have no power to intervene in the day-to-day affairs of properly constituted governing bodies of sport. I recognise that regional boundary areas can cause some problems, but it is for British Amateur Rugby League Association (BARLA) to establish and implement rules and regulations which they consider to be in the best interests, both for individual players and for the game as a whole.

Sport Governing Bodies

Mr. Jim Murphy: To ask the Secretary of State for Culture, Media and Sport, pursuant to his answer of 26 February 1998, *Official Report*, column *322*, what was the level of public funding to each of the sports organisations in the last year for which figures are available. [33544]

Mr. Banks: I am placing copies of this information in the Libraries of the House.

Holidays

Mr. Fearn: To ask the Secretary of State for Culture, Media and Sport how many days' holiday he estimates were taken in the United Kingdom by UK residents in *(a)* 1995, *(b)* 1996 and *(c)* 1997. [36859]

Mr. Tom Clarke: According to the United Kingdom Tourist Survey, UK residents spent 302.1 million nights away from home on holiday in the United Kingdom during 1995, and 295.8 million nights in 1996. Information for 1997 is not yet available.

Museums and Galleries

Mr. Swinney: To ask the Secretary of State for Culture, Media and Sport if he will state the *(a)* percentage and *(b)* total amount of grant in aid awarded to museums and galleries in (i) London, (ii) England and (iii) Scotland. [36130]

Mr. Fisher *[holding answer 26 March 1998]:* Information for 1997–98 is in the following table. These figures exclude spending on museums and galleries by local authorities and universities and do not therefore reflect the true geographic balance of public resources.

	Grant-in-aid in 1997–98 (£ million)	*Percentage of total*
London[1]	185.20	77.5
of which:		
DCMS[2]	184.70	
MGC[3]	0.50	
England (excluding London)	21.40	9.0
of which:		
DCMS[2]	15.30	
MGC[3]	6.10	
Scotland	32.30	13.50
of which:		
MGC[3]	0.02	
SO[4]	32.30	
Total	238.9	100.0

[1] The data for London include the national museums and galleries situated there.
[2] Department for Culture, Media and Sport (excluding MGC).
[3] Museums and Galleries Commission (grant-in-aid from DCMS). This figure is not yet final.
[4] Scottish Office.

The picture is somewhat distorted as most national museums and galleries are in London, accounting for £175.8 million (73.4 per cent. of the total). This is inevitable as London is our capital city. Removing this figure from the calculation results in a more even distribution of funding.

Ministerial Meetings

Mr. Randall: To ask the Secretary of State for Culture, Media and Sport how many meetings have been requested with his Department's Ministers by *(a)* Labour and *(b)* Conservative hon. Members; and how many meetings have been granted in each category. [31297]

Mr. Chris Smith: My Department does not maintain a record of meetings requested by hon. Members, although it is overwhelmingly our general policy to accede to them. I and my ministerial colleagues have had a number of formal meetings with hon. Members, individually and collectively, from all sides of the House. We also make ourselves available for informal discussions in the House and at the Department, personally and by telephone.

Tourism

Mr. Fearn: To ask the Secretary of State for Culture, Media and Sport what steps he is taking to promote awareness of tourism careers in schools. [36977]

Mr. Tom Clarke: It is important that students, careers advisers and parents are aware of the range of career opportunities there are in tourism. With that in mind, I was very pleased recently to launch Springboard UK, which is receiving pump-priming funding through the Government's Sector Challenge competition. Springboard will provide a national network of one-stop shop careers advice centres, and will work through schools, colleges and universities to ensure that students, teachers and career advisers have access to up-to-date information about the career opportunities in this fast growing sector.

Mr. Fearn: To ask the Secretary of State for Culture, Media and Sport if he will make a statement on the change in the total number of jobs in tourism-related industries in the year to December 1997 in *(a)* London and *(b)* the north-west of England. [36853]

Mr. Tom Clarke: The total number of employees in employment in tourism related industries fell between December 1996 and December 1997 by *(a)* 5.5% in London and *(b)* 6.4% in the north-west of England. This compares with a fall of 1.3% in Great Britain overall.

Party Conferences

Mr. Hoyle: To ask the Secretary of State for Culture, Media and Sport what evaluation he has made of the impact on the tourism industry of the hosting of annual party conferences in Blackpool. [36963]

Mr. Tom Clarke: None. However, the Government fully recognise the importance of the contribution which the business and conference sector makes to the wider tourism and hospitality industry. An industry-led working group is looking at what action might be taken to enhance that contribution. Its findings will inform my Department's forthcoming strategy for the sustainable growth of tourism.

INTERNATIONAL DEVELOPMENT

Development Awareness Working Group

Mrs. Fyfe: To ask the Secretary of State for International Development what the purpose is of the Development Awareness Working Group; and if she will list the members. [37167]

Clare Short: As set out in their recent White Paper on International Development, the Government attach great importance to increasing Development Awareness in the United Kingdom, and have now established a Development Awareness Working Group, chaired by my hon. Friend the Parliamentary Under-Secretary of State for International Development. This will hold its first meeting today. The Group will advise DFID on the planning and implementation of its strategy on development awareness.

The initial membership of the Group will be:

Tany Alexander, One World Week

Douglas Bourn, Development Education Association

Tim Brighouse, Chief Education Officer, Birmingham City Council

Paddy Coulter, International Broadcasting Trust

Liz Cumberbatch, Workers' Education Association

Bisi Adeleye Fayemi, Akina Mama Wa Afrika

John Fisher, Transport and General Workers Union

Jaya Graves, Southern Voices

Lisbeth Grundy, Council for Environmental Education

Judith Hemery, Central Bureau for Educational Visits and Exchanges

Phil Hope, MP

Dr. Kim Howells MP, Parliamentary Under-Secretary of State, DfEE

Elenid Jones, Christian Aid, Cardiff

Robin Lloyd-Jones, Scottish Forum for Development Education in Schools

Stephen MacCloskey, Coalition of Aid and Development Agencies, Belfast

Jane Nelson, The Prince of Wales Business Leaders Forum

Ashok Ohri, Organisation and Social Development Consultants Ltd.

Dan Rees, Voluntary Service Overseas

Tony Robinson

Scot Sinclair, Development Education Centre, Birmingham

Jon Snow

John Sutton, CBE, General Secretary, Secondary Heads Association

Derek Walker, Worldaware

Tom Wylie, National Youth Agency.

Sir Alastair Goodlad: To ask the Secretary of State for International Development if she will publish the Development Awareness Working Group Strategy document. [37107]

Mr. Foulkes: The first meeting of the Development Awareness Working Group will consider an outline strategy paper which details our initial thinking at this stage. The paper will be developed in the light of the advice of the Group. Copies of the outline paper are however being placed this week in the libraries of both Houses as well as on the Department for International Development's internet site.

Know How Fund

Sir Alastair Goodlad: To ask the Secretary of State for International Development if she will make a statement on the amount her Department will spend in *(a)* 1997–98 and *(b)* 1998–99 through the Know How Fund; and which countries will receive such funding. [36846]

Mr. Foulkes: Expenditure through the Know How Fund in 1997–98 is estimated to be £90 million.

In 1998–99 expenditure is expected to be in the region of £80 million.

The Know How Fund provides support to the following countries:

Latvia

Lithuania

Estonia

Bulgaria

Hungary

Poland

Romania

Czech Republic

Slovak Republic

Albania

Macedonia

Slovenia

Croatia

Bosnia

Federal Republic of Yugoslavia

Kazakhstan

Belarus

Georgia

Armenia

Ukraine

Russian Federation

Azerbaijan

Moldova

Turkmenistan

Uzbekistan

Tajikstan

Kyrgyzstan.

Strategy Papers

Sir Alastair Goodlad: To ask the Secretary of State for International Development when her Department's Country Strategy Papers will be made publicly available. [37081]

Mr. Foulkes: Existing Country Strategy Papers (CSPs) are available now. However, following the White Paper on International Development new papers are being prepared for all those bilateral country programmes over £10 million and other significant development programmes. These will be prepared over the next year and they will become publicly available as they are finalised. The first papers will be available in the Summer.

Departmental Employees

Mr. Donohoe: To ask the Secretary of State for International Development how many staff are employed

in Scotland by her Department, or executive agencies responsible to her Department; and where those staff are located. [36210]

Mr. Foulkes: The Department currently employs 406 permanent and pensionable staff and 21 casual staff in Scotland. All these staff are located at the Department for International Development, East Kilbride.

Asia Europe Meeting

Sir Alastair Goodlad: To ask the Secretary of State for International Development what subjects she proposes to raise at the Second Asia Europe Meeting. [36845]

Mr. Fatchett: I have been asked to reply.

The agenda of the Second Asia-Europe Meeting (ASEM 2) will be finalised by the Leaders themselves on the eve of the Summit. We expect ASEM 2 to have a wide-ranging political dialogue. The Asian financial crisis will be a priority in our economic discussions. The Summit will also produce outcomes in areas that matter to the peoples of our two regions, particularly education, child welfare and environment.

FOREIGN AND COMMONWEALTH AFFAIRS

Mr. Hans Koschnik

Mr. Brazier: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the role of Mr. Hans Koschnik in the European Commission; what budget he has been allocated; and to which Directorate General he has been allocated. [36975]

Mr. Doug Henderson: I understand that Mr. Hans Koschnik is not employed by the European Commission.

Land Mines

Mr. Drew: To ask the Secretary of State for Foreign and Commonwealth Affairs when the Government intend to complete the ratification of the Ottawa Treaty on the banning of land mines. [36835]

Mr. Fatchett: We intend to ratify the Ottawa Convention as soon as the Parliamentary schedule allows for the passage of the necessary legislation.

EU Presidency (Children)

Mrs. Gorman: To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant to his answer to the hon. Member for Ludlow (Mr. Gill) of 13 March 1998, *Official Report*, column *402*, what discussions he held with the Department for Education and Employment on the use of schoolchildren to promote the United Kingdom's presidency of the European Union prior to launch; and what subsequent representations he has received from that department. [37007]

Mr. Doug Henderson: As I said in my answer to the hon. Member the Member for Ludlow (Mr. Gill) on 13 March 1998, *Official Report*, column *402*, the intention behind the activities for young people which we have organised is not to use children to promote the Presidency, but to encourage them to become involved.

We have worked closely with the Department for Education and Employment from the outset in considering how to involve young people in the Presidency. Our two Departments, for example, jointly produced the schools pack—Partners In Europe. There was also a joint launch of various activities and competitions for young people during the Presidency, notably the DfEE's "Celebrating Europe" and the FCO's "Ambassador for a Day" competitions. We remain in close touch with the Department for Education and Employment about these activities.

Mrs. Gorman: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the use of children to launch events commemorating the UK Presidency of the European Union in British embassies in EU countries. [36976]

Mr. Doug Henderson: One British embassy in another EU country invited children to an event marking the start of our Presidency of the EU. Our Embassy in Stockholm organised a tea-party to which the Ambassador invited his EU colleagues, asking them to bring a child who would like to "represent" the younger generation of their country. The children were not used to launch the event, but were invited to attend and meet their ambassadors and one other.

Other than this specific event, many of our embassies in the EU regularly involve local school children in debates, competitions, open days and so on, to help increase their understanding of modern Britain and to explain where Britain stands on a range of issues. At the moment, these obviously include the Presidency.

In addition, all our EU embassies are finding attachments for the prize winners in the FCO's Ambassador for a Day competition.

Kashmir

Mr. Malins: To ask the Secretary of State for Foreign and Commonwealth Affairs what is Her Majesty's Government's policy towards territorial issues in Kashmir; and what steps he has taken to resolve disputes in this area. [36999]

Mr. Fatchett: I refer the hon. Member to the reply I gave to my hon. Friends the Members for Peterborough (Mrs. Brinton) and for Luton, North (Mr. Hopkins) on 28 October 1997, *Official Report*, columns *795–96*. We shall continue to encourage the governments of India and Pakistan in their dialogue.

Algeria

Mr. Stunell: To ask the Secretary of State for Foreign and Commonwealth Affairs what representations he has received in respect of human rights abuses in Algeria from *(a)* non-Governmental organisations and *(b)* members of the public; and if he will make a statement. [36855]

Mr. Fatchett: I met representatives of the United Nations Association, Amnesty International, the Refugee Council and the Medical Foundation for the Victims of Torture on 25 February to discuss their concerns about the human rights situation in Algeria. I will meet them again today (31 March) along with a representative of Human Rights Watch. My right hon. Friend the Foreign

Secretary and I receive a large number of letters from members of the public about Algeria which reflect similar concerns.

We continue to be concerned about allegations of human rights violations in Algeria, and raise these concerns as part of our ongoing dialogue with the Algerian Government.

Mr. Stunell: To ask the Secretary of State for Foreign and Commonwealth Affairs what action he has initiated as President of the EU Foreign Affairs Council in respect of human rights in Algeria; and if he will make a statement. [36973]

Mr. Fatchett: In January 1998, I led an EU troika to Algeria. During that visit and subsequently, we have continued to encourage the Algerians to accept a visit by UN Special Rapporteurs to Algeria as well as allow greater access for the international media.

We continue to be concerned about the allegations of human rights violations in Algeria, and raise these concerns as part of our ongoing dialogue with the Algerian Government.

ATTORNEY-GENERAL

Crown Prosecution Service

Mr. Edward Davey: To ask the Attorney-General how many people are currently employed by the Crown Prosecution Service, broken down to show the number of *(a)* lawyers and *(b)* civil servants, by grade. [36305]

The Attorney-General: As at 28 February 1998, the Crown Prosecution Service employed 2,094 lawyers and 3,995 administrative staff. By level, these staff are broken down as:

Staff	*People in post*	*Full time equivalent*
Lawyers level		
Senior civil service	40	40
Level E	125	124
Level D	221	214.5
Level C	1,675	1,542.5
Legal trainees	33	32
Total	2,094	1,953
Administrators level		
Senior civil service	6	6
Level E	20	20
Level D	31	31
Level B	1,535	2,247
Level A	2,403	1,426
Total	3,995	3,730

SCOTLAND

Car Parking

Mr. Baker: To ask the Secretary of State for Scotland what plans he has *(a)* to reduce the number of car parking spaces available for use by staff and *(b)* to introduce charges for staff using workplace car parking spaces. [32461]

Mr. Dewar *[holding answer 3 March 1998]:* Car parking for use by staff of my Department is kept under regular review. In the last 12 months, 82 car parking spaces in Edinburgh city centre have been given up.

Our proposals for a sustainable, effective and workable transport policy appropriate to the needs of Scotland will be set out in the forthcoming UK and Scottish Integrated Transport White Papers. Against that background, my Department is considering how best to develop Green Transport Plans for its key office buildings. We will consider in that context whether to review the feasibility and appropriateness of any further reductions in workplace car parking spaces and the introduction of charges for their use by staff.

Teachers

Mr. Gorrie: To ask the Secretary of State for Scotland if he will list the measures relating to the work of secondary teachers in Scotland which his Department has implemented in the last 10 years. [35838]

Mr. Wilson *[holding answer 27 March 1998]:* Over the last 10 years, numerous statements of policy on school education and substantial guidance have been issued to education authorities and schools. It is not possible, without disproportionate cost, to identify all measures which may have related, to a greater or lesser extent, to the work of secondary teachers. Scottish Office Education Department Circular No. 5/1995 covering guidance on education provision following local government reorganisation is already in the Library. I have today arranged for a supplementary list of school education circulars, covering the period for 1995 to the present date, to also be placed in the Library.

Boundary Walls

Mr. Donohoe: To ask the Secretary of State for Scotland what action the Government propose to take in response to the Scottish Law Commission report on Boundary Walls (HC584); and if he will make a statement. [37341]

Mr. Dewar: The Government have decided to accept the recommendations contained in the Scottish Law Commission Report on Boundary Walls. The Commission have concluded that the existing law is clear and seems widely accepted since there has been no recent case law and little pressure for change. The law provides for the maintenance of a boundary wall as a whole while at the same time allowing each owner to make full use of this own section of the wall. The Commission have therefore recommended that there is no need for legislation to either re-state or amend the present law.

GPs (Deprivation Payments)

Ms Squire: To ask the Secretary of State for Scotland if he will make a statement on the criteria for deprivation payments to GPs, with particular reference to the criteria used to decide the percentage of a GP's list attracting deprivation payments; and what reviews he has undertaken or plans of the criteria relating to that percentage. [36716]

Mr. Galbraith: For the purposes of the deprivation payments scheme in Scotland, the Jarman Index is applied to enumeration districts. Scotland uses 7 variables of the index: unemployment; numbers of elderly people living alone; household overcrowding; under 5s; single parent households; residents in ethnic minority households; and numbers who have moved house. The application of the index results in a score being given for each enumeration district which are then classified as areas of high, medium or low deprivation. A score of 50 or more indicates an area of high deprivation, 40 or more an area of medium deprivation and 30 or more an area of low deprivation. Each Health Board when calculating deprivation payments looks at each patient on a GP's medical list and pays the GP the relevant amount for the enumeration district in which the patient lives.

There are no plans to review the deprivation payment scheme in Scotland at present.

Ms Squire: To ask the Secretary of State for Scotland what is the current level of deprivation payments to GPs; and what increases in that level are planned. [36717]

Mr. Galbraith: The estimated amount payable in respect of deprivation payments in Scotland for the financial year ending 31 March 1998 is £4.976 million. The estimated amount payable for the financial year 1998–99 is approximately £5.1 million.

Ms Squire: To ask the Secretary of State for Scotland what sums will be paid as deprivation payments to GPs in the *(a)* West Fife, *(b)* Central Fife and *(c)* North-east Fife localities in the forthcoming financial year. [36718]

Mr. Galbraith: The information requested is shown in the table.

Projected deprivation payments (£s)[1] to GPs in Fife Health Board in financial year ending 31 March 1999, by locality

	Total Payment	*Payment by level of deprivation*		
		High	*Medium*	*Low*
Fife Health Board	257,738	66,369	74,166	117,203
West Fife	97,724	29,286	25,413	43,025
Central Fife	136,923	32,646	41,254	63,023
North-East Fife	23,091	4,438	7,499	11,154

[1] Payments have been estimated using the number of patients as at 1 April 1997 in areas classified as deprived and the appropriate fees for 1998/99.

Cairngorms Partnership

Mr. Swinney: To ask the Secretary of State for Scotland, pursuant to his answer of 17 March 1998, *Official Report*, column *576*, for what reasons the Cairngorms Partnership stipulates that members of its advisory board appointed by local authorities should be the convenor of the local authority. [37108]

Mr. Macdonald: The Chairman of the Cairngorms Partnership has invited representatives at the highest level from those agencies with a key role to play in implementation of the Management Strategy, including the Convenors of the relevant local authorities, to form an Advisory Board. Membership of the Board is a matter for the Chairman of the partnership.

LORD CHANCELLOR'S DEPARTMENT

Executive Agencies

Mr. Coleman: To ask the Parliamentary Secretary, Lord Chancellor's Department what are the key performance targets for Her Majesty's Land Registry, the Public Record Office, the Public Trust Office and the Court Service executive agencies for 1998–99. [37453]

Mr. Hoon: The following tables set out the key performance targets that the Lord Chancellor has set for Her Majesty's Land Registry, the Public Record Office, the Public Trust Office and the Court Service for 1998–99.

HM Land Registry Key performance indicators and targets 1998–99

Indicator	*Target*
Financial	
Return on average capital employed	3%
External Financing Limit	£0
Efficiency[1]	
Cost per unit in real terms	£25.87
Cost per unit in cash terms	£30.21
Charter Standards	
Speed	
Percentage of office copy and official search applications handled within two working days *and*	98%
Percentage of office copies and official searches processed in 3 working days	100%
Percentage of all registrations processed in 25 working days	80%
Accuracy	
Percentage of registrations handled free from any error	98.50%
Percentage of customers responding to the Annual Survey who perceive the accuracy of registrations to be excellent or good	Better than 90%
Development of Land Registration	
Implementation of concessionary fees under the Land Registration Act 1997	1 April 1999
Percentage of computerised titles in the Land Registry	94%
Percentage of computerised titles plans in the Land Register	29%
Number of scanned pages of filed documents (millions)	4.30m
Number of Direct Access service account holders at the end of the year	1,500
Implementation and evaluation of the National Land Information Service Bristol Conveyancing Pilot	by 31 March 1999

[1] Land Registry measures its efficiency through reductions in cost per unit in real terms against a unit cost baseline of 1992–93 when it was first set up as a trading fund. The inflation factor for the cost per unit in cash terms is derived from the GDP indices announced by HM Treasury in March 1998.

Note:

Fuller details of the agency's targets are given in its Business Plan, which is available from Her Majesty's Land Registry.

Public Record Office Key performance indicators and targets 1998–99

Indicator	*Target*
Efficiency	
Unit costs of key activities:	
(a) selecting and preserving the public records	Reduce to £101.53 per metre
(b) giving access to records	Reduce to £7.83 per information transaction
Backlog of records in departments reported as being over 30 years old and awaiting review	Reduce from 2070 metres (assessed in January 1998) to 1340 metres
Provision of acceptable storage conditions i.e. meeting the preservation and environmental standards recommended by *BS 5454:1989 Recommendations for storage and exhibition of documents (BSI 1989)*	Increase the proportion of records stored to the standards from 88.12% to 88.29%
Management efficiency in running support services and projects	Reduce the running costs of the Office's support services as a proportion of overall running costs from 8.46% to 8.37%
Quality of Service	
The achievement of Charter Standards	
(a) Charter Standard targets for answering letters, delivering documents to users and reprographic services	Achieve 98.5% against the targets
(b) User satisfaction survey	Achieve assessment of excellent on 56% of survey forms returned
Effectiveness	
Performance in achieving specified milestones towards strategic objectives in the light of emerging government policies	(a) Implement the recommendations of the Scoping Study of records management in government to the timetable established (b) Increase revenue by 3.3% against the 1997–98 target (c) Produce a new edition of the *Public Record Office Guide*

Note:
Fuller details of the agency's targets are given in its Business Plan, which is available from the Public Record Office.

Public Trust Office Key performance indicators and targets 1998–99

Indicator	*Target*
1. To carry out accounting transactions within target times	To bring to account at least 99% of receipts and payments transactions within turnaround targets by volume weighted performance
2. To achieve investment targets	(a) To pay interest on the special rate account at an annual rate at or above the average of the agreed comparator, and to pay at least 75% of that rate on basic rate accounts. (b) To ensure that 90% of all funds which have a Dedicated Investment Portfolio[1] have a formal investment review[2] at least once a year
3. To achieve Charter Standards	To achieve 98% of Charter Standards
4. To meet the unit cost target	To operate within a unit cost of £195.09
5. Percentage of full costs recovered	To ensure that 100% of full costs are recovered

[1] A Dedicated Investment Portfolio is one which has been constructed to accommodate the specific requirements of the client and has a sufficiency of funds and duration to allow it to be adjusted in line with stockmarket or client circumstances. The two investment KPIs cover around 80% of total funds held by the Public Trust Office.
[2] The investment review is complemented by the Public Trust Office policies of unitising smaller funds, and benchmarking larger portfolios against stock exchange models.
Note:
Fuller details of the Office's performance targets are given in its Business Plan, which is available from the Public Trust Office.

Court Service
Key performance indicators and targets 1998–99

Indicator	*Target*
Quality of Service	
1. Quality of service provided to court users	82%
County Courts	
2. Percentage of administrative work in the civil courts dealt with within target time	95%
Crown Court	
3. Percentage of Crown Court cases that commence within target	80%
Unit Costs	
4. Unit cost of a case in the Crown Court	£1,997.00
5. Unit cost of an item of originating process in the civil courts	£99.00
Cost Recovery	
6. Percentage of the cost of the civil court arecovered through fees	96%

Note:
Fuller details of the agency's targets are given in the *Court Service Plan, April 1998-March 2001* which is available from the Court Service Headquarters.

HOME DEPARTMENT

Phoenix Data Quality

Mr. Cranston: To ask the Secretary of State for the Home Department if he will make available the Police Research Group's report, Phoenix Data Quality. [37335]

Mr. Straw: Yes. I am placing a copy of the report in the Library today.

Animal Procedures Committee

Ms Keeble: To ask the Secretary of State for the Home Department when he will appoint new members to the Animal Procedures Committee. [37336]

Mr. George Howarth: I am pleased to announce the appointment of four new members with effect from 1 April:

Dr. David Clark, head of Unilever's Environmental Safety Laboratory;

Dr. Maggy Jennings, head of the Research Animals Department at the Royal Society for the Protection of Cruelty to Animals;

Dr. Gill Langley, scientific adviser to the Dr. Hadwen Trust for Humane Research; and

Professor John Martin, Professor of Cardiovascular Medicine at University College London.

I expect to make further appointments later in the year.

Home Detention Curfew

Mr. Hutton: To ask the Secretary of State for the Home Department which prisoners will be released on home detention curfew. [37337]

Ms Quin: Most prisoners serving sentences of between three months and four years will be eligible for consideration for release on home detention curfew. To be released, they must first pass a risk assessment and have a suitable release address.

The detail of the risk assessment is still being worked out and will need to balance properly any potential risk posed by the prisoner's release on home detention curfew against the risks involved in retaining prisoners in custody until their automatic release date when the curfew is not available.

Prisoners will be assessed on the basis of their potential threat to the public and the probability of their reoffending or failing to comply with their conditions of curfew. Prisoners who have demonstrated a successful record of temporary release would normally be expected to be suitable for release on home detention curfew. The risk assessment will also make clear, however, that prisoners convicted of offences to which Part I of the Sex Offenders Act 1997 applies will not be released upon home detention curfew, save where there are exceptional circumstances, as this group of prisoners present a particular type of risk. We will, of course, keep this policy under review.

Police Information Technology Organisation

Angela Smith: To ask the Secretary of State for the Home Department if he will make a statement on the arrangements for responding to parliamentary questions and correspondence from hon. Members relating to the work of the Police Information Technology Organisation following its change in status on 1 April. [37338]

Mr. Michael: With the implementation, on 1 April 1998, of the remaining provisions of Part IV of the Police Act 1997, the Police Information Technology Organisation (PITO), hitherto part of the Home Office, will become an executive Non-Departmental Public Body (NDPB). As an NDPB, PITO will henceforth be independent of the Home Office although, as the responsible Minister, my right hon. Friend will be accountable to Parliament for the overall efficiency and effectiveness with which the Organisation carries out its statutory functions.

In recognition of PITO's new independent status, hon. Members are invited to write direct to the Organisation's Chairman, Sir Trefor Morris, if they have any questions or concerns about the information technology or procurement activities undertaken by PITO on behalf of the police service or other customers, or about its administration. Sir Trefor's address is: Police Information Technology Organisation, Room 504, Horseferry House, Dean Ryle Street, London SW1P 2AW.

My right hon. Friend and I will naturally continue to be responsible for answering Parliamentary Questions, unless they relate solely to PITO's activities in Scotland, in which case the Secretary of State for Scotland would be responsible. Advice on the administration and/or activities of PITO may be sought from the Organisation in order to answer Parliamentary Questions. Where an hon. Member asks a Parliamentary Question on matters concerning the day-to-day operation of the Organisation, my right hon. Friend or I will usually reply to the effect that the Chairman will write direct to the hon. Member concerned.

Turning to Ministerial correspondence, if either my right hon. Friend or our Scottish Office counterparts, receive correspondence from hon. Members about matters which fall within PITO's area of responsibilities, we will normally reply to the effect that the correspondence has been forwarded to the Chairman with a request that he replies personally to the hon. Member concerned. Hon. Members will continue to receive a full Ministerial reply where the correspondence involves wider policy consideration.

I will write to all hon. Members setting out these arrangements. A copy of my letter will be placed in the Library.

Police and Fire Service Pension Schemes

Mr. Paul Clark: To ask the Secretary of State for the Home Department what plans he has to publish proposals for modernising the Police and Fire Service pension schemes. [37339]

Mr. Straw: Consultation documents on the two pension schemes have been published today. I have placed copies in the Library. Copies are also being sent to police forces and fire services, police and fire authorities, the police staff associations and the fire service unions in England and Wales, Scotland and Northern Ireland. They have been invited to comment by 31 July 1998.

The current police and fire service pension schemes were established to reflect the special nature of police and firefighting work. Of course, we continue to take this fully into account. But these schemes are very expensive, both for police officers, firefighters and the relevant authorities and are not necessarily in tune with current circumstances.

Authorities, in particular, are faced with large annual increases to pension costs, consuming an increasingly large proportion of their total budget and thus eating into the resources available to run the services themselves.

The consultation documents have two main objectives: to stimulate debate for modernised pension schemes for future police officers and firefighters, which bring pensions more in line with other public service pensions and make them more affordable; to reform aspects of the current arrangements for retirement on medical grounds.

In considering options for a new pension scheme, the unique nature of police and firefighting work will be recognised. There is no intention of reducing the pension benefits which serving or retired police officers or firefighters are entitled to as members of their pension schemes. Any changes to such benefits would apply only to new entrants to the police or fire service.

The level of early retirements on medical grounds in the police and fire service is unacceptably high and in many cases cannot be justified. Wide variations across the country between forces and brigades support this argument. Good management of ill-health retirement is crucial. The consultation documents suggest options for change which depend on better practice and, in the case of the police, on amending current legislation. I have separately announced changes in regulations and practice to deal with those situations where officers seek to retire early before the disciplinary process is complete.

The Government firmly believe that modernisation of the two schemes is essential, particularly as any changes to the pension benefits of new entrants will take many years to come into effect.

Prison Visitors

Dr. Starkey: To ask the Secretary of State for the Home Department what plans he has for the responsibility for funding boards of visitors and the Boards of Visitors' Secretariat. [37340]

Ms Quin: Responsibility for funding Boards of Visitors and the Secretariat will be transferred from the Home Office to the Prison Service with effect from 1 April. There are in practice no tangible business links between the work of Boards and the core Home Office and the transfer will enable Boards to be funded appropriately. This change will in no way affect the independence of Boards. Prior to reaching a decision the Government consulted the National Advisory Council for Boards of Visitors.

Asylum and Immigration

Mr. Shaw: To ask the Secretary of State for the Home Department what plans he has to replace the current application forms for foreign nationals wishing to apply for leave to remain in the United Kingdom. [37342]

Mr. Mike O'Brien: The current application forms expire on 14 April 1998. Revised versions of the seven existing forms have been prescribed. These will be valid until 14 October 1998. From today until 14 April 1998 applications may be made on either the newly prescribed forms or the existing versions. Only the newly prescribed versions may be used for applications made on or after 15 April 1998. The new forms will be available shortly from the Application Forms Unit on 0181 760 2233 and copies have been placed in the Library.

National Criminal Intelligence Service and National Crime Squad

Fiona Mactaggart: To ask the Secretary of State for the Home Department if he will make a statement on the arrangements for responding to parliamentary questions and correspondence from hon. Members relating to the work of the National Criminal Intelligence Service and the National Crime Squad following their establishment on 1 April. [37358]

Mr. Michael: The National Criminal Intelligence Service (NCIS), which is currently part of the Home Office, will be placed on an independent statutory footing on 1 April in accordance with Part I of the Police Act 1997. NCIS will continue to have a United Kingdom-wide remit. The National Crime Squad will be created on 1 April in accordance with Part II of the Police Act 1997 and will replace the six existing Regional Crime Squads in England and Wales. The accountability arrangements for both services are similar to those for police forces. Each will be maintained by a Service Authority performing the same role as a police authority for a police force.

NCIS and the National Crime Squad will both be under the direction and control of a Director General holding the rank of chief constable. In recognition of their operational independence, hon. Members should write to the Directors General if they have any questions or concerns about the operations or day to day management of NCIS or the National Crime Squad. The Director General of NCIS is Mr. John Abbott QPM NCIS, PO Box 8000, London SE11 5EN. The Director General of the National Crime Squad is Mr. Roy Penrose OBE QPM, National Crime Squad, PO Box 2500, London, SW1V 2WF.

The Service Authorities will be responsible for securing that NCIS and the National Crime Squad are efficient and effective. They will provide strategic direction and oversight, leaving the day to day management of NCIS and the National Crime Squad to the Directors General. Any questions about the role of the Service Authorities should be addressed to their Chairman, the right hon. Sir John Wheeler JP DL, PO Box 2600, London SW1V 2WG.

My right hon. Friend and I will answer Parliamentary Questions and Ministerial correspondence about NCIS and the National Crime Squad on the same basis as for police forces. We will, of course, deal ourselves with any questions about the exercise of the Secretary of State's powers or responsibilities in relation to the two services or wider policy issues. If such questions relate solely to the activities of NCIS in Scotland or Northern Ireland, it may be appropriate for the relevant Secretary of State to respond. Where other general information is sought, we shall provide it if available. We shall usually reply that

questions about how the Service Authorities or the Directors General exercise their specific responsibilities are for those bodies or individuals to answer.

I will write to all hon. Members to set out these arrangements. A copy of my letter will be placed in the Library, together with copies of the first service plan for NCIS and the National Crime Squad.

Road Traffic Offences

Mr. Charles Clarke: To ask the Secretary of State for the Home Department if he will list the road traffic offences for which the police, or other agents, are entitled to levy spot fines; and what plans he has to extend this to other such offences. [37111]

Mr. Michael: There is no system of "spot" fines for road traffic offences in the United Kingdom, but the police (and, in some instances, their traffic wardens) may issue fixed penalty notices in respect of some offences. The recipient of a fixed penalty notice must pay the penalty (normally £20 or £40) within 28 days or request a court hearing if issue of the notice is disputed.

Section 51 of the Road Traffic Offenders Act 1988 enables the Secretary of State to provide by order for existing offences to become fixed penalty offences for the purposes of the Act. Schedule 3 to the Act, as amended by two Fixed Penalty Offences Orders (Statutory Instrument 1990/335 and Statutory Instrument 1992/345), lists these offences. A copy of the Act and amending legislation is in the Library.

The Government plan to add the following road traffic offences to the fixed penalty system later this year:

(i) Overtaking a stationary/moving vehicle at a Pelican, Zebra or Puffin pedestrian crossing;

(ii) Having a registration mark fitted to a vehicle where the mark is not in accordance with statutory requirements relating to its size, shape and character;

(iii) Driving on the footway (pavement);

(iv) Pedal cycle—cycling on the footway (pavement); and

(v) Pedal cycle—carrying more than one person on a bicycle not constructed or adapted for that purpose.

In addition, regulations made last year under the Environment Act 1995, which apply within seven local authority areas, provide that local authority officers or other persons authorised by the authority, may issue fixed penalty notices to drivers whose vehicles fail to comply with vehicle exhaust emissions standards when checks are carried out at the roadside. The seven areas in question are:

Birmingham

Bristol

Canterbury

Glasgow

Middlesbrough

Swansea

Westminster.

The penalty is £60. These regulations also empower the same local authorities to issue fixed penalty notices (penalty £20) to drivers in circumstances where the engine of a stationary vehicle has not been stopped so as to avoid noise and exhaust emissions. Police officers are also empowered to issue fixed penalty notices for these offences.

Detention Centres

Dr. Harris: To ask the Secretary of State for the Home Department when he plans to publish the report of the Chief Inspector of Prisons relating to his unannounced visits to *(a)* Tinsley House in August 1997 and *(b)* Campsfield House in October 1997. [37122]

Mr. Mike O'Brien: The reports of Her Majesty's Chief Inspector of Prisons relating to his planned, routine inspection of Tinsley House and his unannounced inspection of Campsfield House are in the process of being printed and we expect to be in a position to publish them in due course.

Dr. Harris: To ask the Secretary of State for the Home Department what representations he has received from *(a)* the Immigration Service and *(b)* the Chief Inspector of Prisons regarding (i) the content and (ii) the date of publication of the Chief Inspector of Prisons' report on Campsfield House Detention Centre. [37125]

Mr. Mike O'Brien: Detailed responses to the report's recommendations have been prepared by the Immigration Service, after consultation with Her Majesty's Chief Inspector of Prisons, and put to my right hon. Friend for consideration. He will make a statement in response to the report at the time of publication. The Chief Inspector of Prisons has made no representations to my right hon. Friend on the content or the date of publication of the report. However, a provisional timetable for publication is now in place.

Dr. Harris: To ask the Secretary of State for the Home Department if he will place in the Library a copy of the contract between Group 4 and the Immigration Service for the running of Campsfield House. [37121]

Mr. Mike O'Brien: The contract between Group 4 and the Immigration Service is commercially confidential and it would not be proper to disclose all its details.

Dr. Harris: To ask the Secretary of State for the Home Department what representations he has received from the Immigration Service regarding *(a)* the content and *(b)* the date of publication of the Chief Inspector of Prisons' report on Tinsley House Detention Centre. [37123]

Mr. Mike O'Brien: Detailed responses to the report's recommendations have been prepared by the Immigration Service, after consultation with Her Majesty's Chief Inspector of Prisons, and put to my right hon. Friend for consideration. He will make a statement in response to the report at the time of publication.

Firearms

Mr. Page: To ask the Secretary of State for the Home Department when he expects claim ref. HER 10750 to be settled under the firearms compensation scheme. [36672]

Mr. Michael: The claim with the police reference number HER 10750 was received in the Firearms Compensation Section on 3 October 1997. As claims are being dealt with in date order, we would predict that the Option A and B elements are likely to be processed in

around four weeks' time. The Option C elements, which will require individual consideration of the evidence of value provided, will be dealt with at a later date.

Police (Racial Discrimination)

Mr. Peter Bottomley: To ask the Secretary of State for the Home Department if he will list the cases since 1980 of Metropolitan police officers applying to the industrial tribunal with claims of racial abuse or discrimination, giving the officer's rank, the dates of claim and of settlement or decision, the result, the award if any, the costs of the police, the costs of the claimant paid by the police, whether the officer was offered or accepted full reinstatement and whether the officer was reduced to half pay or no pay before the end of the case. [36731]

Mr. Michael: The Commissioner of Police of the Metropolis informs me that the information requested is not readily available and could be obtained only at disproportionate cost.

However, he tells me that there are currently 19 race tribunal actions outstanding on the part of 16 officers.

	Number
Ranks of Officers	
Inspector	1
Sergeant	2
Constable	13
Total	16
Status of Officers	
Working within Metropolitan Police Service (MPS)	8
Left the MPS	3
Sick absence—full pay	3
Sick absence—reduced pay due to Regulation 46 of Police Regulation 1995	2

Private Security Industry

Mr. Llwyd: To ask the Secretary of State for the Home Department what regulation applies to the private security industry. [37053]

Mr. Michael: No statutory regulation currently applies to the private security industry. We intend to introduce statutory regulation of the private security industry as soon as possible but we will not be able to bring forward early legislation, as we warned before the election. We have recently completed a consultation exercise with the industry and others on the best way to provide a comprehensive, effective and streamlined system for the whole of the private security industry. It is clear from the responses that there is general support for our approach from the industry itself as well as from other respondents and we hope to put forward firm proposals later this year. In the absence of statutory regulation, the industry has taken steps to regulate itself. Several independent Inspectorates exist, inspecting companies to relevant British Standards and the international quality standard BS EN ISO 9000.

Football Offences

Mr. Maude: To ask the Secretary of State for the Home Department when the bilateral agreements with Norway and the Republic of Ireland to allow domestic courts to impose restriction orders on those convicted of football offences abroad were agreed. [37075]

Mr. Michael: The Football Spectators (Corresponding Offences in Norway) Order 1996 (Statutory Instrument Number 1634) and the Football Spectators (Corresponding Offences in the Republic of Ireland) Order 1996 (Statutory Instrument Number 1635) both came into force on 1 August 1996.

Mr. Maude: To ask the Secretary of State for the Home Department what plans he has to increase the levels of punishment for crimes committed under the Football Offences Act 1991. [37074]

Mr. Michael: The Labour Charter for Football published in 1995 proposed that the threshold for the offence of indecent or racist chanting under section 3 of the Football (Offences) Act 1991 should be lowered to catch chanting by an individual as well as chanting in concert with one or more others. The Football Task Force Report entitled "Eliminating Racism From Football" has endorsed that proposal. We are awaiting a suitable legislative opportunity to introduce this amendment but would look for the practical recommendations contained in the Task Force Report as a way forward until such time as a suitable opportunity arises.

We are presently conducting a review of all football-related legislation to see whether any further changes should be made.

Murderers

Mr. Matthew Taylor: To ask the Secretary of State for the Home Department how many convicted murderers placed under hospital orders under the terms of the Mental Health Act 1983 have been released under supervised discharge to the local authority area in which they resided prior to their conviction. [36223]

Ms Quin: The information is not available in the form requested, and such information as is centrally retained could be obtained only at disproportionate cost.

DUCHY OF LANCASTER

Hospitality

Mr. Bercow: To ask the Chancellor of the Duchy of Lancaster if he will list planned expenditure on hospitality for April and May, indicating the date, location and purpose of each event. [35111]

Dr. David Clark: For these purposes, my answer covers major events planned for April and May which will be paid for from the Cabinet Office's votes. This includes expenditure by the Prime Minister's Office, the Minister without Portfolio's Office as well as the Cabinet Office, Office of Public Service. It is not possible to provide a comprehensive estimate for total expenditure on Ministerial hospitality as the majority of these events will not be finalised until nearer the time.

The Prime Minister is planning to host ten major events, ranging from informal receptions to formal dinners, half of which are related to the G8 Heads of Government meeting.

The Chancellor of the Duchy is planning to host one major event with EU Ministers.

The Minister without Portfolio and the Parliamentary Secretary have no plans to host major events during April and May.

In addition there are three other events connected with the G8 meeting, which will be hosted by other Ministers, but paid for by the Cabinet Office.

WALES

Rural Schools

Mr. Barry Jones: To ask the Secretary of State for Wales what proposals he has to enhance and develop the roles of rural schools. [36683]

Mr. Hain: Enhancing and developing the role of schools is essentially a matter for local education authorities and school governing bodies. The White Paper—'Building Excellent Schools Together' sets out the Government's commitment to raise standards in every school in Wales and a programme of action to support local education authorities and governing bodies in achieving this.

The National Grid for Learning offers significant potential for improving support for schools in rural areas by providing 'on line' access to materials and services. The Welsh Office is currently working on the development of the Grid with LEAs and others.

Ensuring effective provision of school places while securing a more cost effective education service poses difficult decisions for local authorities given the particular role schools often occupy in rural communities. I have asked LEAs to consider innovative approaches such as federations, amalgamations or groupings as alternatives to school closure. Authorities in west Wales are already exploring this.

School Journeys

Mr. Llwyd: To ask the Secretary of State for Wales what is the average travel to school distance for children in rural Wales; and if he will make a statement. [37152]

Mr. Hain: The information requested is not available centrally.

TRADE AND INDUSTRY

Torture Equipment

Mr. Baker: To ask the President of the Board of Trade if she will list the categories of equipment which are regarded as of potential use in torture whose export has been banned since 1 May 1997. [35938]

Mrs. Roche *[holding answer 24 March 1998]:* In his announcement of 28 July 1997, *Official Report*, columns *65–66*, my right hon. Friend the Foreign Secretary identified certain goods whose export the Government would not allow because there was clear evidence of their use in torture or other cruel, inhuman or degrading treatment or punishment.

Export or transhipment of the majority of these goods is controlled by virtue of their being listed in entry PL5001 in Part III of Schedule 1 to the Export of Goods (Control) Order 1994 (SI 1994/1191), as set out in Schedule 1 to the Export of Goods (Control) (Amendment No.2) Order 1996 (SI 1996/2663). Export or transhipment of the remainder was brought under control by article 7(8) of the Export of Goods (Control) (Amendment No.3) Order 1997 (SI 1997/2758), which came into force on 15 December 1997.

Staff Travel

Mr. Stunell: To ask the President of the Board of Trade what was the total number of staff of all grades employed by the Department; and what percentage of these staff were eligible to claim a car mileage allowance on 31 March in each year since 1990. [36165]

Mrs. Roche: The total number of staff employed by the Department of Trade and Industry, inclusive of Agencies, as at 31 March in each of the years 1990–1997 is as follows:

Year	*Number of staff*
1990	11,802
1991	12,419
1992	12,301
1993	11,497
1994	10,737
1995	10,168
1996	9,727
1997	9,096

Potentially all staff employed as Civil Servants within the Department are eligible to claim car mileage allowance if they use their own vehicles to undertake official business. These figures have been extracted from payroll data.

Mr. Stunell: To ask the President of the Board of Trade what is the total real term value of *(a)* staff car mileage claims paid and *(b)* staff rail fares paid; and what was the total amount of staff car mileage for which reimbursement was made and the percentage change year on year, for each year since 1989–90. [36164]

Mrs. Roche: The DTI has devolved to local management the authorisation of travel claims for its staff, subject to checking procedures. The DTI does not record expenditure on staff car mileage claims, or staff rail fares paid, separately from other travel and subsistence expenses paid to staff undertaking departmental business. To provide the information requested would entail disproportionate cost.

Shareholders Rights

Mr. Nicholls: To ask the President of the Board of Trade if she will make a statement on the relationship between independent auditing capacity and the protection of shareholders' rights. [36243]

Mr. Ian McCartney *[holding answer 30 March 1998]:* The Companies Act 1985 requires all companies to lay before their shareholders in general meeting, and file for the public record, independently audited annual accounts and my right hon. Friend the President of

the Board of Trade has particular powers under the Companies Act 1989 to regulate auditors to ensure that the audit is carried out properly and with integrity and with a proper degree of independence. Labour's Business Manifesto sets out our commitment to ensuring a framework of independent regulation for the accountancy profession, including auditors. We are keeping under review the continuing debate about the appropriate balance of rights and obligations between the auditor, management and shareholders.

Commercial Debt Repayment

Mr. Butterfill: To ask the President of the Board of Trade what statistics her Department has collated on the payment record for commercial debt of Government departments and agencies, NHS trusts and local authorities; what steps are being taken to ensure that the Government's requirements regarding payment within 30 days, as set out in the annexe to the consultation paper, are being adhered to by them; and if payment performance is being monitored. [35439]

Mrs. Roche *[holding answer 30 March 1998]:* The Government are committed to changing the payment culture in the UK and recognise the importance of the public sector leading by example in paying its invoices promptly.

Government Departments and their Agencies are required to pay *all* valid invoices within agreed credit terms or 30 days. They are also required to monitor their payment performance and publish the percentage of invoices paid on time in their annual or departmental reports.

My hon. Friend the Paymaster General published the league table of Departments' payment performance for the period 1 June 1996 to 31 March 1997 (Cm 662). Additionally, the DTI will produce the next league table for Departments and their agencies for the period 1 April 1997 to 31 March 1998. This will be available before the summer recess.

The payment performance of the NHS is a matter for my right hon. Friend the Secretary of State for Health. The NHS Trusts are also required to pay valid invoices within agreed credit terms or 30 days. The NHS Executive monitors the payment performance of all NHS Trusts in England on a quarterly basis. The information collected is the percentage of the number of bills paid within this target and the percentage of the value of bills paid within this target. The NHS Executive plans to publish the payment performance of all NHS Trusts in England this summer for the period 1 April 1997 to 31 March 1998.

The payment performance of Local Authorities is a matter for my right hon. Friend the Deputy Prime Minister. Local Authorities are also required to pay their bills promptly. The Audit Commission has set a performance indicator for the current year that all Local Authorities must monitor and publish details of the percentage of their bills paid on time.

Data relating to prompt payment performance in local authorities will be published by the Audit Commission, from March 1999, identifying local authority performance for the year 1997/98.

Departmental Staff

Mr. Donohoe: To ask the President of the Board of Trade how many staff are employed in Scotland by her Department, or executive agencies responsible to her Department; and where those staff are located. [36209]

Mrs. Beckett: On 1 January 1998 there were 261 permanent staff (full time equivalents) employed by my Department, the executive agencies and ACAS in Scotland. The staff were located as follows:

Aberdeen: 51

Dundee: 3

Edinburgh: 71

Falkirk: 12

Glasgow: 124.

EU Structural Funds

Sir Peter Emery: To ask the President of the Board of Trade if, in negotiating the reform of the European Union's Structural Fund, she will ensure that Objective 5(B) is not subsumed in Objective 2. [36030]

Mrs. Roche *[holding answer 27 March 1998]:* The Government welcome the principle of a single Objective 2 covering vulnerable rural, industrial, urban and fisheries areas. The risk of artificially distinguishing between types of area is that some are not considered at all. The Government will argue for flexibility for Member States to target Funds at areas of greatest need.

Millennium Compliance

Mrs. Gillan: To ask the President of the Board of Trade if a Director of Action 2000 has been appointed. [32486]

Mrs. Roche *[holding answer 3 March 1998]:* The Chairman of Action 2000 has appointed Gwynneth Flower as Director of Action 2000.

Inward Investment

Mr. Mitchell: To ask the President of the Board of Trade if she will list the total amount of inward investment in the UK for each of the past 10 years and the figures for British investment overseas, separately identifying the figures to and from *(a)* EU and *(b)* other countries. [36314]

Mr. Ian McCartney: The information is in the following tables:

Net inward direct investment flows to the UK 1987–96

£ million

Year	*EU*[1]	*Rest of World*	*Total*
1987	3,607	5,379	8,986
1988	5,282	6,280	11,562
1989	5,617	11,788	17,405
1990	7,628	9,527	17,155
1991	4,578	3,840	8,418
1992	3,433	5,383	8,816
1993	1,590	8,281	9,871
1994	3,367	2,679	6,046
1995	3,555	9,099	12,654
1996	3,891	12,193	16,084

Net outward direct investment flows by the UK 1987–96

£ million

Year	*EU*[1]	*Rest of World*	*Total*
1987	2,250	16,909	19,159
1988	5,360	15,556	20,916
1989	5,941	15,550	21,491
1990	5,103	5,005	10,108
1991	3,919	5,385	9,304
1992	4,613	5,494	10,107
1993	6,146	11,212	17,358
1994	8,278	12,762	21,040
1995	9,457	18,147	27,604
1996	13,046	8,968	22,014

[1] EU15 countries throughout

Source:

ONS Business Monitor MA4, Overseas Direct Investment

Dounreay

Mr. Maclennan: To ask the President of the Board of Trade if a decision has been reached regarding the future management of the Dounreay Shaft and Wet Silo; and if she will make a statement. [37449]

Mr. Battle: The United Kingdom Atomic Energy Authority's recommendation to me that the radioactive waste in the Dounreay Intermediate Level Waste Shaft and in the Wet Silo should be retrieved for treatment and storage has been accepted by the Government.

It is now clear that the Shaft does not provide standards of waste disposal that are acceptable today and that retrieval is the best practicable environmental option. It has the support of the relevant regulators, the Nuclear Installations Inspectorate (NII) and the Scottish Environment Protection Agency (SEPA), and of the Government's advisory bodies, the Radioactive Waste Management Advisory Committee and the Committee on Medical Aspects of Radiation in the Environment. Special interest groups have also shown support of the retrieval option.

This decision has been taken following detailed engineering studies completed recently by the UKAEA, who operate the Dounreay site, which have shown that it is now technically feasible to recover waste from the Shaft in a safe and environmentally acceptable manner.

I have also accepted the UKAEA's recommendation that it is now time to plan for the removal and treatment of wastes stored in the Wet Silo.

Retrieval and treatment will provide a long term solution to the problem of what to do with the waste placed in the Shaft and Wet Silo over the last four decades which has caused such concern to the public.

The Government believe that nothing is more important than safety in the management of nuclear decommissioning and radioactive waste. We are fully committed to caring for the environment and to taking action to deal with the difficult legacies from the past.

I expect that the difficult task of retrieving this waste will be tackled effectively over the coming years and will demonstrate that the UK is taking a world lead when dealing with nuclear decommissioning and radioactive waste management challenges.

Naturally, in the early stages of such a large and complex project, there are significant uncertainties about the costs. The most recent estimates presented to me by the UKAEA suggest that total indicative costs may lie in the range £215-£355 million. These costs, which are already budgeted for, will be incurred over approximately the next 25 years and will be met from public funds. This includes the first stage of the work which will be for the UKAEA to develop its plans by completing hydrogeological and engineering studies aimed at minimising technical risk and refining predicted costs. They expect expenditure on this work will amount to about £4.5 million over the next five years. At each stage of the project the UKAEA's detailed plans will require approval from the NII and SEPA.

Trade Union Recognition

Sir Raymond Powell: To ask the President of the Board of Trade how many meetings she has had with the CBI concerning trades union recognition since 1 May 1997. [36834]

Mr. Ian McCartney: DTI Ministers have met the CBI on a number of occasions since 1 May. Trade union recognition has been amongst the issues discussed.

Sir Raymond Powell: To ask the President of the Board of Trade how many meetings her Department has had with the TUC to discuss trades union recognition since 1 May. [36833]

Mr. Ian McCartney: DTI Ministers have had a number of meetings with the TUC since 1 May at which various issues, including trade union recognition, have been discussed.

Radiocommunications Agency

Mr. Swinney: To ask the President of the Board of Trade if she will list the *(a)* location of, *(b)* running costs of, *(c)* salary costs of and *(d)* number of staff based at the head office of the Radiocommunications Agency; what percentage of total staff are based (i) at head office (ii) in London and (iii) in Scotland; and what is the percentage of salary and running costs incurred in (A) Scotland and (B) London. [36137]

Mrs. Roche: *(a)* The Radiocommunications Agency's head office is located at New King's Beam House, 22 Upper Ground, London SE1 9SA. *(b)* For the 11 months to 28 February 1998, the running costs for head office were £8,514k. *(c)* For the same period, the salary costs were £8,613k. *(d)* The number of staff based at head office at 28 February was 295.

At 28 February 1998, (i) 57 per cent. of the Agency's staff were based at head office, (ii) 60 per cent. in London and, (iii) 2 per cent. in Scotland.

For the 11 months to 28 February 1998, (A) 1 per cent. of salary and running costs were incurred in Scotland and (B) 63 per cent. of salary and running costs were incurred in London.

Figures do not total to 100 per cent. as there are Agency Sites outside the stated areas.

International Technology Service

Mr. Swinney: To ask the President of the Board of Trade what are the *(a)* locations, *(b)* running costs, *(c)* salary costs and *(d)* number of staff of the International Technology Service; and what percentage of staff are based in (i) London and (ii) Scotland. [36234]

Mrs. Beckett *[holding answer 27 March 1998]:* The International Technology Service is managed by DTI Headquarters in Central London and will have estimated programme costs of £4M in the current financial year.

Total running costs for the current financial year are expected to be £405k of which salary costs will be £331.5k.

The Service is managed by ten full time equivalent DTI staff, all of whom are based in London.

Invest in Britain Bureau

Mr. Swinney: To ask the President of the Board of Trade what are the *(a)* running costs, *(b)* staff costs and *(c)* locations of each of the UK-based offices of the Invest in Britain Bureau. [36237]

Mrs. Beckett *[holding answer 27 March 1998]:* For 1997/98 the gross running costs budget, net of VAT is £2,445,000 of which staff costs are £1,720,000. In addition, the pay costs of three posts are currently being funded by the Foreign and Commonwealth Office. All Invest in Britain Bureau UK staff are based in London.

Outward Missions

Mr. Swinney: To ask the President of the Board of Trade if she will list the outward missions organised by her Department in 1996–97 and the companies involved in each. [36187]

Mrs. Roche *[holding answer 26 March 1998]:* A list of missions organised and supported under the Department's Outward Mission Scheme in 1996–97 together with the name and telephone number of the organiser will be placed in the Library of the House. Over 4,700 companies took part in 219 missions. The organisers can be contacted for details of the companies participating.

The Outward Mission Scheme is primarily aimed at providing practical and financial support to small to medium sized UK companies relatively new to the markets concerned to travel overseas as part of a group to promote UK exports of goods and services. Ministerial delegations and delegations led by senior officials are sometimes organised outside the scheme by the Department and other Government Departments where the nature of the event and status/experience of the companies would make financial support inappropriate. Details of ministerial missions organised by the Department since May 1997 were provided on 23 February 1998, *Official Report*, columns *106–07*, in response to a question tabled by the hon. Member for Chesham and Amersham (Mrs. Gillan).

Computer Systems

Mr. Clifton-Brown: To ask the President of the Board of Trade if she will list each major new computer system that *(a)* her Department, *(b)* non-departmental bodies and *(c)* agencies under her responsibility have purchased in the last five years; what was the initial purchase cost and what was the final cost; what was each system's (i) planned and (ii) actual date of commissioning; what major computer systems will be purchased by bodies in categories (a), (b) and (c) in the next financial year; and what is their estimated cost. [27849]

Mrs. Beckett: The information requested on major computer systems installed within the last 5 years is set out in the table. Major Computer Systems installed by the Department's next step Agencies, with the exception of the Insolvency Service and ETS, are not included, and I have asked them to respond direct to the hon. Member. The table also excludes privately financed projects where the installation/purchase costs of the IT systems will be recovered by suppliers through service charges.

Name	*Initial cost (£)*	*Final cost (£)*	*Scheduled date*	*Actual date*
DTI HQ				
ECLIPS	2,900,000	3,000,000	June 1993	March 1995
IDIS	5,540,000	6,921,000	December 1993	December 1994
Birds	298,000	238,000	December 1993	December 1993
Marquis	336,000	289,000	January 1994	April 1994
Insurance EC directives	965,000	949,000	January 1996	January 1996
CWC	1,300,000	900,000	May 1996	December 1996
Osprey	23,100,000	24,170,000	September 1996	March 1997
Paris	1,100,000	n/a	February 1997	ongoing
RPS	1,900,000	1,900,000	June 1997	October 1997
Insurance deregulation	2,012,000	1,671,000	September 1997	September 1997
Indigo	4,900,000	n/a	March 1998	n/a
Mandrin	1,700,000	n/a	September 1998	n/a
ECO	790,000	n/a	September 1998	n/a
INSS				
BANCS	1,294,000	3,400,000	March 1992	January 1994
LOLA	2,443,000	2,749,000	April 1996	April 1996
ETS				
ETS upgrade project	950,000	n/a	July 1998	—
Non-Departmental Bodies				
UKAEA				
SMART	190,000	200,000	March 1996	March 1996
FIS	400,000	370,000	June 1997	July 1997

Name	Initial cost (£)	Final cost (£)	Scheduled date	Actual date
Gas Consumers Council				
FileServer Replacement project	207,000	207,000	February 1995	February 1995
Workstation Replacement project	135,000	135,000	October 1995	October 1995
Complaints System	123,000	123,000	April 1996	April 1996
Workstation Update project	133,000	133,000	August 1998	n/a

Letter from John Holden to Mr. Geoffrey Clifton-Brown, dated 31 March 1998:

I have been asked to reply to your question to the President of the Board of Trade concerning major new computer systems purchased over the past 5 years.

The information you require is shown on the attached table.

Major systems in last 5 years purchased by Companies House	Estimated purchase cost (£000)	Final purchase cost or cost to date if on-going (£000)	Estimated expenditure for 1998/99 (£000) for on-going or new	Estimated commission date	Actual commission date	Latest revised date if on-going
Document Processing	1,167	1,287	—	03/01/95	27/02/95	—
Terminal Systems	207	205	—	02/06/95	28/07/95	—
Accounts Image	1,403	1,430	—	28/02/98	Still on-going	March 1998
Companies House Direct	1,334	1,176	—	30/06/97	29/09/97	—
Customer Accounts	216	219	—	01/08/97	29/09/97	—
Doc Proc Enhancement	168	186	—	04/04/97	20/01/98	—
Office Systems Stage 1	529	513	—	31/12/97	Still on-going	30/04/98
Input Systems/Electronic Filing	250	95	70	30/04/98	Still on-going	30/06/98
Input Systems/ICR	690	0	390	30/09/98	Still on-going	30/09/98
Input Systems/Workflow	Information not required		430	No further information requested for systems purchased in 1998/99		
Office Systems Stage 2			400			
Search Room Development			500			
Agency Accounts			300			
Wider Image			1,770			
Data Distribution			270			

Note:
In-house development staff costs excluded from all figures shown.

Letter from Jim Norton to Mr. Geoffrey Clifton-Brown, dated 31 March 1998:

The President of the Board of Trade has asked me to reply directly to your Parliamentary Question about the purchase of computer systems.

For the purpose of this reply we have interpreted "major new computer systems" as those costing over £200,000. The information you requested, in respect of computer systems purchased by the Radiocommunications Agency in the last 5 years, is shown in the enclosed table.

Radiocommunications Agency Information on major new computer systems

£

	ALPACA	Outstations Networking
Estimated cost	2,165,000	849,059
Actual cost	3,328,000	874,059
Planned commissioning date	October 1996	March 1994
Actual commissioning date	March 1999	March 1994

Notes:

1. ALPACA is the Accounts, Ledgers, Purchasing and Cost Attribution System.
2. The data for ALPACA for actual cost and actual commissioning date are the latest forecasts.
3. The disparity between the planned and latest forecasts for ALPACA is the result of a major change in the scope of the project.
4. Outstations Networking was a turnkey project with ICL to install a Local Area Network between the Radiocommunications HQ, Baldock, Whyteleaf and the other Regional Offices.

Letter from P. R. S. Hartnack to Mr. Geoffrey Clifton-Brown, dated 31 March 1998:

I am replying for the Patent Office to your Parliamentary Question to the President of the Board of Trade about the cost and timing of major new computer systems.

The information you seek is given in the attached table.

The Patent Office
Major computer systems purchased

System	Planned cost[1] (£000)	Final cost[1] (£000)	Planned date of commissioning	Actual date of commissioning
CUES	295	354	March 1996	October 1996
DARE	437	490	May 1996	May 1997
TERN	974	1,028	November 1996	January 1997
DRIMS	443	[2]—	May 1998	[2]—
ISSP	642	[2]—	May 1998	[2]—
IBIS	2,123	[2]—	January 1999	[2]—

[1] The costs include both the purchase cost from the external supplier plus the in-house staff costs associated with implementing the systems.
[2] Not yet commissioned.

Notes:
CUES—On-line customer enquiry system for patent, trade mark and design status.
DARE—Database of European classified patent search files.
TERN—Trade Mark examination reporting system.
DRIMS—Designs registry image management system.
ISSP—Intranet search system for patent information.
IBIS—Integrated bibliographic and image system for trade marks.

Letter from Dr. Seton Bennett to Mr. Geoffrey Clifton-Brown, dated 31 March 1998:

The President of the Board of Trade has asked me to reply on behalf of the National Weights and Measures Laboratory to your question about the purchase of major computer systems.

This Agency has not purchased any major computer system in the last five years and we have no plans for any major expenditure on systems during 1998/99.

SOCIAL SECURITY

Employee Share Schemes

Ms Buck: To ask the Secretary of State for Social Security when changes in the Budget relating to employee share schemes will be reflected in National Insurance contribution rules. [37362]

Mr. Denham: We are proposing two changes to National Insurance contribution rules which will bring them closer to the income tax rules in relation to shares and share options. This will make for greater clarity for employers and help reduce the administrative burden the system places on them.

First, we intend to bring forward at Report stage in the House of Lords a new clause for inclusion in the Social Security Bill. That clause will change the National Insurance treatment of shares that are subject to the risk of forfeiture or that are convertible. The change will align the treatment of these shares under National Insurance legislation with the tax legislation announced by my right hon. Friend the Chancellor of the Exchequer in his Budget.

Alignment of National Insurance with the income tax rules will bring forward some important changes to make the National Insurance on shares and options easier for business to administer while guarding against their use in avoidance schemes.

The new clause will be tabled as soon as possible.

It will mirror the proposed income tax treatment of remuneration in shares subject to forfeiture or conversion. To keep to a minimum the period over which the tax and National Insurance positions differ, the clause will apply to shares awarded from the date on which it is tabled. We expect that to be before the end of the current Committee stage in the House of Lords.

The second change we propose is to match my right hon. Friend the Chancellor's extension of the "seven year rule" for share options when we align the National Insurance treatment of share options with the income tax position. Under the current income tax arrangements the award of an option over shares is taxed at the time of grant rather than exercise only where the options can be exercised more than seven years later. My right hon. Friend the Chancellor has announced his intention to extend that limit to ten years. We intend to mirror this in future National Insurance legislation. When the relevant regulations made under clause 50 of the Social Security Bill come into force they will replace the National Insurance liability on grant of options with a liability on exercise, except in the case of options which can be exercised more than ten years later. This would take the great majority of options outside liability for National Insurance on grant, thus reducing the administrative burden on business while continuing to protect the Exchequer.

Inland Revenue approved own-company share schemes remain excluded from liability for National Insurance contributions.

Benefit Appeals

Mr. Öpik: To ask the Secretary of State for Social Security what assessment she has made of the amount of money that will not be claimed as a result of the change in backdating benefits following a successful appeal; and if she will make a statement. [36088]

Mr. Denham: The backdating proposals in Clause 72 of the Social Security Bill will not affect arrears of benefit following a successful appeal on a claim for that benefit. The change affects only the period before a claim is made or treated as made. A claim for benefit will have been made before decisions on that claim can be appealed.

Pensioners

Mr. Webb: To ask the Secretary of State for Social Security what would be the effect on *(a)* gross expenditure on retirement pensions, *(b)* income tax revenues and *(c)* expenditure on means-tested benefits of raising the basic state pension to the level of income support, with the pension rising with age to reflect the current structure of age-related premiums, but not to reflect premiums for disabilities or other additional needs. [34127]

Mr. Denham: It is estimated that the gross cost of raising the basic pension to the level of the income support age-related premiums would be £3.4 billion in 1998–99. Income tax revenue would be increased by an estimated £0.2 billion. Information on income related benefit offsets is not available.

Notes:

1. Gross costs have been provided by Government Actuary's Department (GAD). A pensioner with a category A pension receives an additional amount equal to the difference between RP and IS for a single person. A married woman with a category B pension receives an additional amount equal to the difference between RP and the additional amount paid to an IS couple above that paid to a single person.
2. Tax effects provided by Inland Revenue.
3. The Family Resources Survey does not hold sufficiently detailed information on categories of pension to allow a consistent estimate of income related benefit offsets to be provided.
4. Costs rounded to the nearest £100 million.

Mr. Letwin: To ask the Secretary of State for Social Security how many pensioners were in receipt of payments from occupational pensions in 1995; and what was the average payment received. [34705]

Mr. Denham *[holding answer 16 March 1998]:* It is estimated that 4.9 million pensioner couples or single pensioners were in receipt of payments from occupational pensions in 1995–96, receiving average payments of £78.70 (mean) and £44.10 (median).

Notes:

1. This estimate is based on the Pensioners' Income Series. A pensioner couple is defined as a couple where the man is over State Pension Age.

2. In the Pensioners' Incomes Series estimates of the number of pensioner units in receipt of occupational pension income are based upon data from the Family Expenditure Survey which is adjusted to reflect extrapolations of the number of recipients in the Government Actuary's Department Survey of Occupational Pensions (1987 and 1991).

3. Incomes are in pounds per week at July 1995 prices, and are rounded to the nearest 10 pence.

4. Numbers are rounded to the nearest 0.05 million.

5. The Pensioners' Income Series 1995–96 is to be re-issued, as it contains a number of inaccuracies identified since publication. The figures above are not affected by these inaccuracies. However, other information concerning receipt of occupational pensions is affected.

Unclaimed Benefits

Mr. Öpik: To ask the Secretary of State for Social Security what estimate she has made of the value of unclaimed benefit since 1 May 1997; and if she will make a statement. [36104]

Mr. Field: The information is not available in the format requested. Such information as is available is set out in the table.

Estimated amounts of income related benefits unclaimed in 1995–96

£ million

Benefit	*Estimated amount unclaimed*
Housing Benefit	410–760
Council Tax Benefit	370–620
Income Support	1,210–1,870
Family Credit	300

Note:

Figures are only available for the main Income Related Benefits, and for 1995–96 at the latest.

Source:

Income Related Benefits Estimates of Take-Up in 1995–96.

Disability Benefit

Mr. Öpik: To ask the Secretary of State for Social Security for what reasons disability benefit restored on appeal is not backdated to the time of the refusal of benefit; and if she will make a statement. [36087]

Mr. Denham: The fact that a decision is changed on appeal does not, necessarily, mean that the earlier decision was incorrect. A person's condition may have deteriorated since they made their appeal or they may produce fresh evidence to the tribunal. The date from which benefit is awarded will also be determined by the tribunal. For example, where an award is made because of a subsequent change in the person's circumstances, benefit will be paid from the date of the change rather than the date of the decision appealed against.

Lone Parents

Mr. Webb: To ask the Secretary of State for Social Security how many lone parents will be *(a)* better off, *(b)* unaffected and *(c)* worse off in total as the overall result of the increases in child benefit and related benefits planned for November 1998 and April 1999, the proposed Working Families Tax Credit and the cuts in benefits for lone parents already announced; and what is the average gain of those who are better off and the average loss of those who are worse off. [35854]

Mr. Field *[holding answer 23 March 1998]:* The information is set out in the table.

£

	Better off	*No change*	*Worse off*
Number	1,470,000	255,000	60,000
Average gain/loss	6.30	0	−2

Notes:

1. Numbers rounded to the nearest 5,000.
2. Information from 1995–96 Family Resources Survey uprated to 1998–99 prices, earnings and benefit levels. Budget policy changes to Married Couples Allowance and National Insurance have been excluded.
3. Announced lone parent policy changes due to be implemented in April 1999 have been included in the 1998–99 benefit system at appropriate rates.
4. Lone Parent caseloads affected by the removal of entitlement to lone parent rates for new cases are adjusted to be consistent with forecasts for the end of the financial year 1998–99.

Students

Mr. Viggers: To ask the Secretary of State for Social Security if she will amend the Social Security Benefits (Student Loans and Miscellaneous Amendments) Regulations 1990 to enable students not in receipt of loans to be assessed on their income in order that they may be eligible for free dental and prescription services. [36434]

Mr. Field: Since 1990, the student loan has been an integral part of student support. Students are not obliged to take up a loan if they feel no need to do so. However as loans are made available from public funds they cannot be ignored in calculating entitlement to further help from public funds.

Students in receipt of a loan may still be entitled to free NHS dental treatment and prescriptions on low income grounds.

Housing Benefit

Mr. Bob Russell: To ask the Secretary of State for Social Security what proposals she has to reduce the assumed interest on savings in respect of granting housing benefit. [36355]

Mr. Field: The formula for the calculation of assumed or notional income from capital does not represent any assumed rate of interest. It does, however, avoid the many practical difficulties that would arise if actual income were taken into account when assessing entitlement to Housing Benefit. It also strikes a balance between encouraging people to save and an expectation that people with more substantial savings can make some contribution towards their living expenses.

Asylum Seekers

Ms Oona King: To ask the Secretary of State for Social Security how many persons given extended exceptional leave to remain were wrongly refused benefit in the last 12 months; and what was the cost of correcting such decisions. [36246]

Mr. Field: The information is not available. Following representations from asylum seeker and refugee organisations, revised guidance was issued to Benefits Agency staff in November 1997 which makes clear that where a claimant applies to the Home Office to extend their limited exceptional leave to remain before the period expires they will continue to be entitled to benefit pending the Home Office decision.

Benefits Agency (Training)

Mr. Wigley: To ask the Secretary of State for Social Security what training Benefits Agency staff receive in respect of the particular needs of disabled people. [35582]

Mr. Denham: The administration of Disability Living Allowance is a matter for Peter Mathison, the Chief Executive of the Benefits Agency. He will write to the right hon. Member.

Letter from Peter Mathison to Mr. Dafydd Wigley, dated 30 March 1998:

The Secretary of State for Social Security has asked my to reply to your recent Parliamentary Question about what training Benefits Agency (BA) staff receive in respect of the particular needs of disabled people.

The BA aims to ensure that all our customers have equal access to the benefits system, and that wherever possible, our services can accommodate their individual needs. BA staff that deal with customers are trained in dealing with people with disabilities. The BA recognises the need to develop appreciation of all equal opportunity issues, and as such, provides training in serving the needs of the community. It is our policy to work in partnership with organisations from the voluntary sector to identify areas where improvements could be made and to work together to make the necessary changes.

You may also be interested to note that the BA operates a dedicated telephone helpline to meet the special needs of people with disabilities. Staff on the Benefit Enquiry Line (BEL) provide advice and information about social security benefits and how to claim them. They can also provide help and assistance completing disability claim forms. In addition to the full range of social security benefits, the initial training for the operators includes extensive disability awareness. This is supported by ongoing workshops which concentrate on the individual needs of customers suffering from a wide range of disabilities. Most recently this has included awareness sessions on the problems encountered by people with Mental Health problems.

The Government is determined that disabled people should be dealt with properly and fairly; they should have sufficient information about what is required of them to allow them to provide the required level of information about the effect of their disability.

Each of our managers is responsible for providing training which will help staff to meet the needs of their customers. We actively encourage them to use the expertise and support available from organisations and the voluntary sector. To assist managers, we have provided them with information on the awareness programmes and services available from a range of organisations.

I hope you find this reply helpful.

Winter Fuel Payments

Mr. Davidson: To ask the Secretary of State for Social Security (1) what reforms will be made to the distribution system for winter fuel payments for next year, to ensure that the £20 sum reaches those who qualify; [35297]

(2) how many single pensioners awarded a £10 Winter Fuel Payment have subsequently appealed and been granted a further £10, in *(a)* Glasgow, Pollok, *(b)* Glasgow, *(c)* Scotland and *(d)* in the United Kingdom; [35296]

(3) what steps are being taken to ensure that winter fuel payments for 1997–98 at £20 are reaching those single pensioners in tenement homes, where a single house number covers several separate households; and what monitoring her Department will undertake to ensure payments reach such pensioners. [35298]

Mr. Denham: Winter Fuel Payments are one of a number of initiatives the Government have taken to help the vulnerable people, especially the elderly, keep warm in the winter. A total of £400 million has been committed for this winter and next, to help pensioners with fuel bills to pay. This is the first time any Government have provided additional help with heating costs to all pensioners receiving a retirement pension or one of a number of other qualifying benefits.

The making of this winter's payments has been an enormous and unprecedented exercise. In order to establish all eligible pensioners, correctly identify pensioner households, and determine the amount each should receive, it was necessary to correlate data in around fifteen million computer records, involving fifteen qualifying benefits, across nine computer systems. Overall, almost ten million payments will have been made to over seven million pensioner households by the end of March.

The administration of winter fuel payments is a matter for Peter Mathison, Chief Executive of the Benefits Agency. He will write to my hon. Friend.

Letter from Peter Mathison to Mr. Ian Davidson, dated 30 March 1998:

The Secretary of State for Social Security has asked me to reply to your recent Parliamentary Questions concerning winter fuel payments.

The making of almost ten million winter fuel payments to over seven million pensioner households before the end of March 1998 has been a challenging task for the Benefits Agency. In order to establish all eligible pensioners, correctly identify pensioner households, and determine the amount each should receive, it was necessary to match around fifteen million computer records, involving fifteen qualifying benefits, across nine computer systems. We expect that every eligible pensioner will have received a payment before the end of March 1998. This has been achieved whilst maintaining normal benefit business.

Planning for next winter's payments has already begun. Operational experience from the delivery of this winter's payments will be taken into account and changes will be made where considered necessary.

Around one and a half million of the poorest pensioners, those receiving Income Support or income-based Jobseeker's Allowance, received their payment during January. In order to determine whether each of the other eligible pensioners were entitled to a payment of £20 or £10 it was necessary to undertake an exercise of data correlation of all addresses held in Departmental records. Where only one eligible person was identified as living at an address a payment of £20 was made. Where more than one eligible person was identified as living at an address a payment of £10 was made.

Where official records showed that an address contained a number of separate households, for example numbered flats or bedsits, each separately identifiable unit was treated as a separate address for the purposes of determining the number of eligible pensioners in a household. Therefore, where only one common address was recorded for more than one eligible person, it was not possible to determine which, if any, lived in a household where there was no other eligible person. As a result, some eligible pensioners who live alone, but share a common address with other eligible persons, will have been sent a payment for £10 when they should have received £20.

The letter which accompanies the payment clearly explains the entitlement conditions and informs anyone who received a £10 payment, but satisfies the conditions for a £20 payment, to contact the Benefits Agency Office which deals with their pension, or telephone the Winter Fuel Helpline, to request the balance. Requests for a review of the original decision to pay £10 are being dealt with as a matter of priority, particularly in the case of tenement residents.

Adopting this approach aimed to ensure that all payments were made as quickly as possible and disproportionate administration costs were not incurred.

The information requested for Glasgow Pollok, Glasgow, Scotland and the United Kingdom is not currently available. This is due to the fact that those payments are still in the process of being issued. It is anticipated that this information will be available some time after the end of April. I will provide the information requested once it is available.

Thank you for the opportunity to explain the position.

ENVIRONMENT, TRANSPORT AND THE REGIONS

Rail Freight

8. **Mr. Brady:** To ask the Secretary of State for the Environment, Transport and the Regions what assessment he has made of the environmental impact of increased levels of freight being transported by rail. [35448]

Mr. Prescott: Moving freight by rail helps the environment by reducing total road vehicle emissions and noise. It also improves road safety and relieves traffic congestion. We have already taken a number of initiatives to encourage railfreight. Others will be announced in the next few months.

Water Companies (Regulation)

9. **Mr. Gordon Marsden:** To ask the Secretary of State for the Environment, Transport and the Regions what measures are being evaluated by his Department to improve the regulation of the water companies. [35450]

Mr. Meacher: The proposals on utility regulation set out in the Government's Green Paper "A fair deal for consumers" will apply to the regulation of the water industry. We will also publish shortly proposals for consultation on a new approach to water charging, and the Director General is continuing his periodic review of water price limits.

Local Government (Corporation Tax)

10. **Mr. Gibb:** To ask the Secretary of State for the Environment, Transport and the Regions if he will estimate the likely cost to local government pension funds in 1998–99 of the abolition of advance corporation tax credit. [35452]

Mr. Raynsford: The abolition of advance corporation tax credits is one of many factors to be taken into account as part of the actuarial valuation of the local authority pension funds which are about to begin. Information from the exercise will be available shortly.

15. **Mr. Swayne:** To ask the Secretary of State for the Environment, Transport and the Regions what representations he has received from local authorities over the abolition of the advance corporation tax credit. [35457]

Mr. Raynsford: Representations have been received from a number of individual local authorities as well as from the Local Government Association and the United Kingdom Steering Committee on Local Authority pensions.

Racing Pigeons

11. **Mr. Canavan:** To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement about the progress of the study being conducted of the threat to racing pigeons caused by predators. [35453]

Angela Eagle: There is little quantitative and qualitative data available about the causes and scale of loss of racing pigeons. To address this gap in knowledge, my Department let a research contract to the Hawk and Owl Trust to assess the impact of raptor predation on pigeons and to investigate the effectiveness of non-lethal deterrents. The research is progressing to an agreed timetable and the findings of this research should be reported by the end of September 1998.

Brown-field Development

12. **Mr. Forth:** To ask the Secretary of State for the Environment, Transport and the Regions what is his current target for development of brown-field sites. [35454]

Mr. Raynsford: The Government expect local authorities to be able to raise the national proportion of new homes to be built on previously developed land, including conversions of existing buildings, to 60 per cent. over the next 10 years. We also expect the regional conferences of local authorities to bring forward regional recycling targets.

Water Efficiency

13. **Mrs. Brinton:** To ask the Secretary of State for the Environment, Transport and the Regions if he will make it his policy that local authorities in areas where there is a water shortage should, as a condition of planning permission, be able to insist that new homes are fitted with *(a)* grey water recycling systems and *(b)* other water-efficient devices. [35455]

Mr. Meacher: The new water regulations which we intend to make later this year will set demanding standards for water efficiency which will apply to all new homes.

Urban Sprawl

14. **Mr. Steen:** To ask the Secretary of State for the Environment, Transport and the Regions what steps he has taken to combat urban sprawl. [35456]

Mr. Caborn: The Government expect local authorities to be able to raise the national proportion of new homes to be built on previously developed land, including conversions of existing buildings, to 60 per cent. over the next 10 years. We also expect the regional conferences of local authorities to bring forward regional recycling targets. In addition, we have reaffirmed our commitment to national planning policies which discourage urban sprawl, such as those on Green Belts, the protection of the countryside, town centres and the pursuit of sustainable patterns of development.

"Opportunities for Change"

16. **Mr. Dafis:** To ask the Secretary of State for the Environment, Transport and the Regions what are the arrangements for consultation on "Opportunities for Change". [35458]

Mr. Meacher: The consultation document "Opportunities for Change" was launched on 4 February. There is also a separate public leaflet with a reply-paid response card. Both documents are available on the Internet. The Government have arranged a series of regional events across the country to publicise the consultation. All responses will be taken into consideration in the preparation of a new national sustainable development strategy, to be published later this year.

Channel Tunnel Rail Link

17. **Mr. Timms:** To ask the Secretary of State for the Environment, Transport and the Regions what assessment he has made of the impact of the channel tunnel rail link on regeneration in the Thames Gateway area. [35459]

Angela Eagle: When the previous Government decided to commit £1.8 billion, at current prices, of public subsidy, plus public assets, to the project, the worth of the regeneration benefit was estimated to be about £500 million.

Redevelopment Sites

18. **Sir Sydney Chapman:** To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on progress on identifying derelict or unused urban sites suitable for redevelopment. [35460]

Mr. Caborn: We are setting up a National Land-use Database which will, for the first time, produce a comprehensive national assessment of the amount of previously-developed land available for re-use. Initial results should be available by January 1999. In addition, many local authorities are currently undertaking housing land capability studies to inform their development plans.

Local Government Finance

19. **Mr. Paice:** To ask the Secretary of State for the Environment, Transport and the Regions what representations he has received from authorities in the shires on local government finance in 1998–99. [35461]

Ms Armstrong: The Department received 184 written representations from shire counties and districts within the deadline for responses. I, and other Ministers at the Department, also met 21 delegations from the shire counties and 35 from the shire districts during the consultation period.

22. **Mr. Lansley:** To ask the Secretary of State for the Environment, Transport and the Regions if he will list the local authorities in England which have received an increase in standard spending assessment of 13 per cent. or more in 1998–99. [35465]

Ms Armstrong: Three English local authorities received increases in SSA of 13 per cent. or more. They were Easington, Wear Valley, and Sedgefield.

Wildlife and Countryside Act

20. **Mr. Bob Russell:** To ask the Secretary of State for the Environment, Transport and the Regions what discussions he has had on the revision of the Wildlife and Countryside Act 1981. [35462]

Angela Eagle: We are currently having a series of discussions with a range of interested organisations on the need to revise parts of the Wildlife and Countryside Act.

New Housing

21. **Mr. St. Aubyn:** To ask the Secretary of State for the Environment, Transport and the Regions if he will adopt a target of two thirds of new housing development being on brown-field sites. [35464]

Mr. Raynsford: No.

Emissions Reduction

23. **Mr. Boswell:** To ask the Secretary of State for the Environment, Transport and the Regions what action he is taking to implement the United Kingdom's Kyoto commitments on emissions. [35466]

Mr. Meacher: Under the United Kingdom Presidency, we will be considering at the meeting of the Environment Council in June how to share out between Member States the legally binding 8 per cent. target agreed by the European Union at Kyoto. We then intend to consult on a programme of measures which will largely focus on delivering our legally binding commitment from Kyoto as well as considering how we might move towards our 20 per cent. aim. We will be looking at the scope for savings from improved energy efficiency by business and in the home; lower transport emissions; and an increase in the electricity generated from renewables and combined heat and power.

Amazonian Parrot

24. **Mr. Dalyell:** To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on his Department's policy under the Convention on International Trade in Endangered Species in respect of the listing of the Amazonian parrot. [35468]

Angela Eagle: Of the 31 species of Amazonian parrot, 13 are listed on Appendix I of CITES and Annex A of the European Regulation governing trade in Member States. This means that international trade in wild specimens of these species is effectively banned. The remaining 18 species are listed on CITES Appendix II and Annex B of the implementing EU Regulation, which means that trade in these is licensed and closely monitored to ensure that it remains below levels at which the species might become endangered.

International trade controls are essential for the survival of many threatened species. The Government fully support the listing on CITES of any species threatened with extinction, and rigorous enforcement of the controls in both range and consumer states.

Leasehold Reform

25. **Mrs. Lait:** To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to reform leasehold tenure. [35469]

Mr. Raynsford: We are not satisfied with the current state of leasehold law and intend to bring forward a new package of reforms to assist leaseholders. We are currently considering the scope and practicability of possible new measures and will be consulting interested parties later this year.

West Coast Main Line

33. **Mr. Dalyell:** To ask the Secretary of State for the Environment, Transport and the Regions pursuant to the answer to the hon. Member for Warrington, North (Helen Jones) of 5 March 1998, *Official Report*, column *699*, when he next plans to meet the franchising director to discuss levels of investment on the west coast main line. [35478]

Ms Glenda Jackson: I have regular meetings with the Franchising Director to discuss a variety of passenger railway issues. I have no current plans to discuss the West Coast Main Line with him.

Trunk Road Scheme Review

34. **Mr. Tyler:** To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the methodology of his review of major trunk road schemes. [35479]

Dr. Strang: We are developing a New Appraisal Framework to assist our examination of options for tackling problems on the road network against five criteria—integration, accessibility, safety, economy and environmental impact. We intend to publish further details with the report of the Roads Review later this year.

Public Transport

35. **Mr. Bob Russell:** To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to increase the percentage of journeys made using public transport. [35480]

Ms Glenda Jackson: As we have made clear from the outset, this Government are committed to developing a sustainable transport policy. Reducing dependence on the car and promoting greater use of more attractive public transport, and safer walking and cycling, will be central themes in the Integrated Transport White Paper which we will publish later in the Spring.

36. **Mr. Boswell:** To ask the Secretary of State for the Environment, Transport and the Regions what recent representations he has received on rural public transport services. [35481]

Dr. Strang: We have received numerous written representations in response to our consultation on developing an integrated transport strategy. Ministers and officials from my Department have also met a wide range of organisations representing rural interests to discuss the best way to improve transport services in rural areas.

42. **Mr. Drew:** To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to increase public transport provision in rural areas. [35487]

Dr. Strang: Our election Manifesto included a commitment to protect transport services in rural areas. As evidence of that commitment, my right hon. Friend the Chancellor announced an additional £50 million a year to support public transport in rural areas in his Budget statement of 17 March.

Railway Services

37. **Mr. Canavan:** To ask the Secretary of State for the Environment, Transport and the Regions what steps he is taking to make railway service providers more accountable to the public. [35482]

Ms Glenda Jackson: We are committed to creating a new Rail Authority, to introducing more effective and accountable regulation, and to ensuring that the public subsidy serves the public interest. Our proposals will be published in our forthcoming White Paper on integrated transport policy.

Cleaner Buses and Lorries

38. **Miss Melanie Johnson:** To ask the Secretary of State for the Environment, Transport and the Regions what measures he proposes to encourage investment in cleaner buses and lorries. [35483]

Ms Glenda Jackson: The Chancellor announced at the last budget that the graduated VED scheme for buses and lorries of an incentive of up to £500 for those vehicles meeting stringent emissions standards would begin on 1 January 1999. He also announced the creation of a greater duty differential between ordinary diesel and ultra low sulphur diesel, providing a greater incentive for operators to use this cleaner fuel, and that the Government will consult on how bus fuel rebate can better be targeted to help operators who run cleaner vehicles.

Mobile Phones

39. **Miss Begg:** To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement about the use of mobile phones while driving. [35484]

Dr. Strang: On 16 March 1998, my noble Friend the Minister for Roads announced the launch of a publicity campaign to make clear to motorists the dangers of using hand-held mobile phones while driving.

Rural Traffic Management

40. **Mrs. McGuire:** To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on best practice in rural traffic management. [35485]

Dr. Strang: My Department is participating in the Countryside Commission's Countryside Traffic Measures Group, the aim of which is to research and develop good practice guidance on rural traffic management designed with sensitivity to the countryside environment. The Department has commissioned the Transport Research Laboratory to monitor six demonstration schemes being implemented by local authorities who are part of the group; A591 safe cycling zone in Cumbria; Dartmoor signing audit in Devon; Brockenhurst village calming in Hampshire; A149 village calming in Norfolk; Occold 20 mph zone in Suffolk; and Dorking box traffic management in Surrey.

London Transport

41. **Mr. Simon Hughes:** To ask the Secretary of State for the Environment, Transport and the Regions what is his projected timetable for *(a)* changes to the structure of London Transport and *(b)* funding increases for London Transport. [35486]

Ms Glenda Jackson: The Secretary of State announced the Government's plans for a London Underground public-private partnership on 20 March 1998, *Official Report*, columns 1539–42, and for the Greater London Authority on 25 March 1998, *Official Report*, column 501. Over the next two years, London Transport will be restructured to prepare for its future role. London Underground will remain a single entity in the public sector and will award one, two or three contracts for the maintenance and modernisation of its infrastructure. During this period, London Transport will receive additional funding of £365 million for increased investment and preparing the public private partnership.

45. **Mr. Gibb:** To ask the Secretary of State for the Environment, Transport and the Regions how he plans to attract adequate private capital to London Underground. [35490]

Ms Glenda Jackson: The Secretary of State announced the Government's plans for a public-private partnership for London Underground on 20 March 1998, *Official Report*, columns 1539–42. Under these plans, operation will remain in a single, public-sector London Underground. London Underground will award one, two or three contracts for the maintenance and modernisation of its infrastructure, under which the private sector will source the capital needed to achieve a modern Underground for London.

Vehicle Emissions

43. **Helen Jackson:** To ask the Secretary of State for the Environment, Transport and the Regions what percentage of vehicle emissions were accounted for by public transport in the latest period for which figures are available. [35488]

Ms Glenda Jackson: Provisional figures from the National Environmental Technology Centre suggest that in 1996, emissions from buses and coaches accounted for 9.5 per cent. of the total emissions of PM_{10} from road transport in the United Kingdom, 6.5 per cent. of the emissions of nitrogen oxides, 1.7 per cent. of the emissions of non-methane volatile organic compounds, 1.8 per cent. of the emissions of carbon monoxide and 4.6 per cent. of the emissions of carbon dioxide.

Drug-driving

44. **Mr. Flynn:** To ask the Secretary of State for the Environment, Transport and the Regions what percentage of medicinal drugs that seriously impair drivers' abilities were detectable in his Department's recent drug-driving test. [35489]

Dr. Strang: The Department's recent study was capable of detecting at least 75 per cent. of such drugs.

Road Capacity

46. **Mr. Kidney:** To ask the Secretary of State for the Environment, Transport and the Regions what research he has commissioned into the effects on traffic volumes of reducing road capacity. [35491]

Dr. Strang: The Department of the Environment, Transport and the Regions, jointly with London Transport, considered the effect on road traffic volumes of roads which happened to be closed or have their capacity restricted. The study examined:

1) how traffic models of such capacity restrictions ought to be developed and

2) 60 or so cases where closures and restrictions happened—sometimes unexpectedly.

The results of both aspects of that study were published on 11 March in separate reports and a summary report entitled "Traffic Impact of Highway Capacity Reductions" is also available. A copy of the summary report has been placed in the Library of the House.

Workington Bypass

47. **Mr. Campbell-Savours:** To ask the Secretary of State for the Environment, Transport and the Regions when he intends to announce his proposals for a bypass at Workington. [35492]

Dr. Strang: We have no plans for such a by-pass.

Passenger Transport Authorities

48. **Mr. Grogan:** To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to extend the principle of passenger transport authorities into the rural areas. [35493]

Dr. Strang: The institutions required for delivering an integrated transport policy are being considered carefully and we shall be setting out our policies on this, and our proposals for transport in rural areas, in the forthcoming White Paper.

River Transport (Thames)

49. **Mr. Robathan:** To ask the Secretary of State for the Environment, Transport and the Regions what plans he has for improving river transport on the Thames; and if he will make a statement. [35494]

Ms Glenda Jackson: In July last year, the Deputy Prime Minister launched his Thames 2000 initiative to use the Millennium celebrations at Greenwich as the catalyst to revitalise passenger services on the Thames. Since then there have been three key developments.

London Transport has formed a new subsidiary—London River Services Ltd.—to own and manage key piers on the Thames and license passenger services. This will further the integration of river transport into London's transport system.

On 16 March, the Deputy Prime Minister announced the outcome of a tendering exercise to provide river services to the Millennium Experience, and continuing legacy services

thereafter linking a large number of Central London piers. Operators of new services have committed up to £6 million investment in new vessels.

At the same time, he announced the award by the Millennium Commission of a grant of £6.8 million to help fund the building of new piers and the refurbishment of others. In total £15 million will be spent on building new piers at Waterloo and Blackfriars and refurbishing piers at Westminster and Tower.

In total, these developments represent new investment of some £21 million in transport on the Thames.

A3, Hindhead

Mr. Mates: To ask the Secretary of State for the Environment, Transport and the Regions how many *(a)* accidents and *(b)* fatalities occurred on the Hindhead stretch of the A3 last year. [36578]

Ms Glenda Jackson: 1997 injury road accident data will not be available until the end of May 1998. The 1996 data are shown in the following table.

Number of accidents/casualties on the Hindhead stretch of the A3: 1996

Number

Severity	*Accident*	*Casualties*
Fatal	0	0
Serious	5	5
Slight	16	28
All	21	33

MV Derbyshire

Sir Raymond Powell: To ask the Secretary of State for the Environment, Transport and the Regions if he will place in the Library a copy of the video relating to the second survey on the wreck of the MV Derbyshire. [36832]

Ms Glenda Jackson: I am arranging for copies of the video to be placed in the Library of the House. The Assessors' Report was published on 12 March and copies are available in the Library of the House.

Transport (Wales)

Sir Raymond Powell: To ask the Secretary of State for the Environment, Transport and the Regions how much of the £500 million in the Budget for extra investment in transport will be allocated to Wales. [36750]

Ms Glenda Jackson: The £500 million transport package is over two years and includes a £50 million boost each year for rural bus services and community based transport initiatives. The extra provision for rural and community based travel has been split by the usual Barnett formula, giving £2.5 million for Wales in 1998–99. The split for 1999–2000 has yet to be decided.

Members (Meetings)

Mr. Vaz: To ask the Secretary of State for the Environment, Transport and the Regions what his Department's guidelines are in respect of time scales for responding to requests for meetings from hon. Members. [36753]

Ms Glenda Jackson: Ministers receive a large number of requests for meetings from Members and many others. Such requests are considered as quickly as practicable, taking into account the need to consult other departments and agencies and the pressures on ministers' diaries.

Trunk Road Provision

Mr. Hammond: To ask the Secretary of State for the Environment, Transport and the Regions if the relative importance accorded to the needs of motorists in reaching decisions about future motorway and trunk road provision has changed since 1 May 1997. [37219]

Ms Glenda Jackson: Our forthcoming Integrated Transport White Paper and the results of the Roads Review will set out clearly our overall approach and policies for the motorway and trunk road network, in support of our objective of achieving more sustainable transport patterns.

Housing Associations

Mr. Webb: To ask the Secretary of State for the Environment, Transport and the Regions what powers he has to influence the level at which housing associations set their rents; and if he will make a statement. [37173]

Mr. Raynsford: Under Section 36 (3) of the Housing Act 1996, draft guidance prepared by the Housing Corporation on the management of housing accommodation by registered social landlords has to be approved by my right hon. Friend the Secretary of State for the Environment, Transport and the Regions before being issued by the Corporation. Under Section 36(2) of the Act, the guidance may include the principles upon which rents should be determined.

Following consultation, my right hon. Friend approved management guidance issued by the Housing Corporation in December 1997, which included guidance on rents and service charges. This advises registered social landlords that they should endeavour to charge rents that are below equivalent market rent levels, are affordable to those in low paid employment and that do not increase each year by more than the guideline limit of the increase in the Retail Price Index plus 1%.

Housing Renovation

Mr. Mullin: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to encourage local authorities to support the renovation of buildings for housing in inner cities; and if he will make a statement. [35445]

Mr. Raynsford: Our Capital Receipts Initiative has already provided local authorities with an additional £174 million for capital spending on housing and housing related regeneration in 1997–98, and will provide an extra £569 million in 1998–99. Local authorities can choose how best to apply the resources to meet local priorities.

South Yorkshire Super Tram

Mr. Allan: To ask the Secretary of State for the Environment, Transport and the Regions what estimate he has made of the sums required to be raised by the four

South Yorkshire authorities in the year 1998–99 as a result of the debts accumulated by South Yorkshire Super Tram. [35449]

Mr. Raynsford: The increase in South Yorkshire Passenger Transport Authority's levy in 1998–99 to the four South Yorkshire districts as a result of Supertram debt was £7 million.

Channel Tunnel

Mr. McNulty: To ask the Secretary of State for the Environment, Transport and the Regions when he expects the Channel Tunnel Safety Authority to publish its annual report for 1996–97. [37296]

Ms Glenda Jackson: The Channel Tunnel Safety Authority has today published its ninth Annual Report covering the period from 1 April 1996 to 31 March 1997. I have arranged for copies to be placed in the Library.

Waste Disposal

Mr. Etherington: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to change the way in which statutory joint waste disposal authorities are funded currently. [37356]

Angela Eagle: I am concerned about current funding arrangements for statutory Joint Waste Disposal Authorities (JWDAs). At the moment, the constituent authorities share the costs according to their shares of the Council Tax base. This system does not reflect the service each authority draws from the JWDA and provides little encouragement for waste minimisation or other sustainable methods of waste management. The JWDAs have also expressed similar concerns to me.

Under a tonnage-based system, authorities' contributions would be apportioned on the basis of the amount of waste they had delivered for disposal in a preceding period. The more successful they are in minimising waste and diverting it to other forms of sustainable waste management such as recycling and composting, the less they would deliver for disposal and the less they would pay. This will form one more element in our policy to encourage waste management options higher up the waste hierarchy.

I have therefore requested officials in my department to work out methods for a tonnage-based system and to discuss them with the local authority associations.

Departmental Cash Limits

Mr. Eric Clarke: To ask the Secretary of State for the Environment, Transport and the Regions what proposals he has to change his Department's cash limits for 1997–98. [37357]

Mr. Prescott: My Department's non-voted and voted cash limits will change as follows.

(i) the DETR/NT (New Towns) non-voted cash limit will be reduced by £2,278,000 from minus £110,000,000 to minus £112,278,000. This reduction reflects a technical transfer to the DETR/OES (Other Environmental Services) non-voted cash limit which will consequently be increased by £2,278,000 from £20,792,000 to £23,070,000 to provide for Supplementary Credit Approvals (SCAs) to local authorities to cover their capital contributions to the Commission for the New Towns under road cost sharing arrangements;

(ii) the cash limit for Class VI, Vote 4 (Local government and planning, England), covering Sections A to F of that vote, will be reduced by £1,250,000 from £30,987,634,000 to £30,986,384,000. This decrease is the result of reductions in the expenses of Valuation Tribunals in Section A (Valuation services); and reduced expenditure on publicity relating to planning programmes, on the EC Spatial Planning Initiative and on the planning and minerals research programme in Section D. This decrease will be used to offset an increase of the same amount from £157,000,000 to £158,250,000 on the DETR/LGR (Local government reorganisation) non-voted cash limit to meet the greater than forecast demand for Transitional Costs of Reorganisation Supplementary Credit Approvals (SCAs);

(iii) the cash limit for Class VI, Vote 1 (Housing and construction, England) will be reduced by £2,500,000 from £542,186,000 to £539,686,000 reflecting a reduction in provision for current expenditure by the Rent Officer Service and on the Rough Sleepers' Initiative. Of this, £1,000,000 will be used to offset an increase in the non-voted cash limit DETR/HC from £719,907,000 to £720,907,000 to provide for capital expenditure on the Rough Sleepers' Initiative; and

(iv) the cash limit for Class V, Vote 2 (Department of Transport: administration and transport services) will be reduced by £3,400,000 from £161,701,000 to £158,301,000 arising from reduced expenditure on aviation services and freight grants. The cash limit for Class V, Vote 7 (Passenger rail services) will be reduced by £4,600,000 from £1,444,293,000 to £1,439,693,000 reflecting reduced expenditure on consultants and a reduction in the payments to the train companies as a result of their worse than expected performance. These reductions, totalling £8,000,000, will be used to provide a Public Expenditure offset on Class V, Vote 3 (Transport Industries) to cover a shortfall in Trans European Network receipts.

EDUCATION AND EMPLOYMENT

University for Industry

Dr. Starkey: To ask the Secretary of State for Education and Employment if he will make a statement about his plans for the development of the University for Industry. [37263]

Mr. Blunkett: I have placed in the Library and the Vote Office copies of the University for Industry Pathfinder Prospectus which is published today.

The University for Industry is at the heart of the Government's vision for lifelong learning as set out in our Green Paper, *The Learning Age*. It will lead the revolution in learning and achievement which this country needs.

The Pathfinder Prospectus describes what the University for Industry will do, how it will operate and how it will develop for launch by the year 2000. It invites organisations in the public, private and voluntary sectors to consider how the University for Industry could support their learning strategies, and how they might contribute to its development and implementation.

I have appointed today a Chairman, Lord Sainsbury, to take forward the further development of the University for Industry until permanent structures are in place. We have advertised today in the national press the permanent post of University for Industry Chief Executive.

Remploy

Mr. Stephen Twigg: To ask the Secretary of State for Education and Employment what targets Remploy has been set in its 1998–99 Annual Performance Agreement. [37448]

Mr. Alan Howarth: I have, on behalf of my right hon. Friend the Secretary of State, written to the Chairman of Remploy approving the 1998–99 Annual Performance Agreement between the Department and the Company. This agreement covers the year from 1 April 1998. It has been negotiated by the Chief Executive of the Employment Service on behalf of my right hon. Friend the Secretary of State. The targets are:

- the average number of disabled people employed by Remploy Ltd. will be at least 10,050;
- the average number of disabled people employed under the Interwork scheme will be at least 3,350;
- at least 250 disabled employees will move from Remploy factories to Interwork, having been employed there for at least 1 year, or from Interwork or factories to open employment;
- Remploy Ltd. will keep within a total unit cost target (operating deficit per disabled worker) of £9,700;
- the unit cost of Interwork should be no more than £4,300;
- Remploy limited will keep within an operating deficit of £99m (including reorganisation costs).

I have today arranged for the text of the Annual Performance Agreement to be placed in the Library.

Standard Assessment Tests

Mr. Don Foster: To ask the Secretary of State for Education and Employment (1) what percentage of 11 year old *(a)* male, *(b)* female and *(c)* male and female pupils in maintained schools in each local education authority attained (i) Level 3 or better, (ii) Level 4 or better and (iii) Level 5 or better, in the 1997 Key Stage 2 tests in the (1) writing, (2) reading and (3) combined test for English; and what was the average level per pupil; [35353]

(2) for each local education authority what percentage of 11 year old pupils in maintained schools were entered for the 1997 Key Stage 2 SAT tests in *(a)* writing, *(b)* reading and *(c)* both for English but were absent. [35354]

Ms Estelle Morris: Pursuant to my reply of 27 March 1998, *Official Report*, column *324*, further information is contained in a number of tables, copies of which have been placed in the Library.

AGRICULTURE, FISHERIES AND FOOD

Departmental Employees

Mr. Donohoe: To ask the Minister of Agriculture, Fisheries and Food how many staff are employed in Scotland by his Department, or executive agencies responsible to his Department; and where those staff are located. [36212]

Mr. Morley: Core-MAFF currently has 84 staff based at 14 different locations in Scotland. The locations are Ayr, Dumfries, Edinburgh, Elgin, Forfar, Galashiels, Hamilton, Inverness, Inverurie, Kirkwall, Oban, Perth, Stranraer and Thurso.

The Meat Hygiene Service and the Veterinary Laboratories Agency also employ staff in Scotland, and I have asked their Chief Executives to reply to my hon. Friend.

The Farming and Rural Conservation Agency, The Centre for Environment, Fisheries & Aquaculture Science, Central Science Laboratory, Veterinary Medicines Directorate and the Pesticides Safety Directorate do not employ any staff in Scotland.

Letter from Johnston McNeill to Mr. Brian Donohoe, dated 31 March 1998:

As Chief Executive of the Meat Hygiene Service (MHS), your question to the Minister of Agriculture, Fisheries and food enquiring about the number and location of staff employed in Scotland, has been passed to me for reply with regard to this Executive Agency.

The MHS is responsible for enforcing meat hygiene, inspection and animal welfare at slaughter legislation in licensed fresh meat premises in Great Britain. The MHS employs a total of 250 staff in Scotland. The majority of these staff are Official Veterinary Surgeons and Meat Hygiene Inspectors who are based at licensed premises in Scotland. A small team of managerial and administrative staff manage operations from the MHS Scotland Regional Office, which is based in Edinburgh.

Letter from T. W. A. Little to Mr. Brian Donohoe, dated 31 March 1998:

The Minister has asked me to reply to your question on how many VLA staff are employed in Scotland.

There are 25 staff employed at the VLA Lasswade Laboratory, near Edinburgh, Scotland.

Bovine Tuberculosis

Mr. Nigel Jones: To ask the Minister of Agriculture, Fisheries and Food how much his Department has spent on developing vaccines to prevent bovine tuberculosis since 1985; and how much investment is planned for each of the next five years. [36433]

Mr. Rooker: Work on the development of a vaccine to prevent bovine tuberculosis in badgers began in 1994. £1.5 million has been spent on this work to date. Research relating to the control of bovine tuberculosis is under review, following the publication of the Krebs Report.

Mr. Nigel Jones: To ask the Minister of Agriculture, Fisheries and Food how many badgers were trapped under his Department's tuberculosis control scheme in each year since 1985 by *(a)* snares and *(b)* cage traps; and if he will indicate the number of animals which suffered injuries in *(a)* and (b). [36432]

Mr. Rooker: The table indicates the number of badgers snared and trapped in Great Britain under the bovine tuberculosis scheme each year since 1985. There was a change of policy in 1986, following the recommendations of the Dunnet report. Snaring was not used in the years asterisked, and has not been used since February 1997.

Year	*(a) badgers snared*	*(b) badgers trapped*
1985	24	1,095
1986	12	770
1987	*0	711
1988	3	775
1989	1	726
1990	5	806
1991	*0	993
1992	*0	1,054
1993	*0	1,094

Year	(a) badgers snared	(b) badgers trapped
1994	*0	1,683
1995	*0	1,509
1996	1	1,910
1997	1	2,445

One badger has died in a Ministry-set trap. Information on injuries sustained by trapped badgers is not regularly recorded. However, studies conducted by the Ministry's Wildlife Unit in 1990 and 1992 showed that about one quarter of badgers caught in Ministry-set traps had abrasions or other minor injuries.

Fishing Quotas

Mr. Townend: To ask the Minister of Agriculture, Fisheries and Food if legal ownership rights are conferred in perpetuity where British shares of EU fishing quotas are transferred for cash payments. [36770]

Mr. Morley: The UK undertakes exchanges of quota on an annual basis with other Member States with the agreement of the European Commission. Such exchanges do not affect the underlying share of EU quotas which are fixed by Council Regulations.

Green Transport

Mr. Baker: To ask the Minister of Agriculture, Fisheries and Food (1) what specific changes to departmental transport arrangements have to date been implemented following the receipt of the green transport plan; [36645]

(2) on what date he plans to introduce a green commuting plan. [36671]

Mr. Morley *[holding answer 27 March 1998]:* The Department of the Environment, Transport and the Regions circulated to all Departments in September last year a 'Guide to Green Transport Plans'. The Department has started to look at preparing green transport plans for key headquarters buildings and has appointed a green transport co-ordinator.

Cereal Feed

Mr. Öpik: To ask the Minister of Agriculture, Fisheries and Food what provision is made for separating organic and genetically modified cereal feed in imports; and if he will make a statement. [37102]

Mr. Rooker: Where imports of cereal feed contain a mixture of organic and genetically modified produce, separation is not possible. Equally, the rules of the World Trade Organisation constrain our ability to require segregation at source. However, a number of companies are seeking to import identity preserved cereals to overcome these difficulties. The Department has recently published a list of suppliers of non-genetically modified soya to help those who wish to purchase such material.

Central Science Laboratory

Mr. Charles Clarke: To ask the Minister of Agriculture, Fisheries and Food what assumption his Department is making in developing its financial projections of the proportion of Norwich scientific staff of the Central Science Laboratory who will relocate to York if the Norwich site is closed. [35955]

Mr. Rooker *[holding answer 24 March 1998]:* Only staff in mobile grades would be expected to transfer in the event of a decision to relocate at York.

Mr. Charles Clarke: To ask the Minister of Agriculture, Fisheries and Food for what reasons Central Science Laboratory employees have an average 16 square metres of office and laboratory floor area at Colney Lane, Norwich, and 35 square metres at Sand Hutton, York. [35403]

Mr. Rooker *[holding answer 20 March 1998]:* As I explained to my hon. Friend on 11 March 1998, *Official Report*, columns *255–56*, the difference in area per employee is due largely to the laboratory at York being designed to accommodate approximately 400 fee-earning scientists and support staff, but presently only being occupied by 300 fee-earning scientists and support staff.

In addition, the new laboratory at York was constructed in accordance with the latest health and safety requirements and scientists have therefore been provided with separate offices in which to write up the results of their work. Separate writing up space is not available at the Norwich laboratory as this was not a prevailing health and safety requirement at the time of construction.

Mr. Charles Clarke: To ask the Minister of Agriculture, Fisheries and Food if he will list the facilities at the Central Science Laboratory at Sand Hutton, York, for which his Department pays directly; and if he will specify the costs or projected costs in *(a)* 1996–97, *(b)* 1997–98 and 1998–99. [37113]

Mr. Rooker: The Central Science Laboratory (CSL) is required to recover its full costs through charges to customers, including those facilities specifically made available for use by the Department. The facilities in question are containment glasshouses, plant health quarantine facilities, constant temperature humidity rooms, controlled environment unit and storage facilities. Associated charges, representing the full cost of operating these facilities, are accounted for against projects at the year end and included in the audited CSL Annual Report and Accounts.

Income received from the Department in respect of these facilities is as follows:

1996–97 £0.4 million

1997–98 £1.6 million

1998–99 £5.0 million.

The facilities were not available for the full 1996–97 year and the Department therefore paid proportionate costs only. Projected income for 1998–99 includes both running costs and the capital charge, which is payable from 1 April 1998.

Mr. Charles Clarke: To ask the Minister of Agriculture, Fisheries and Food if he will list the financial transfers between his Department and the Central Science Laboratory for each of the years since the Agency was founded and those projected for 1997–98 and 1998–99. [37112]

Mr. Rooker: The Central Science Laboratory (CSL) was launched as an Executive Agency of MAFF in April 1992. Details of the financial transactions between the Department and the CSL since its launch and up until 31 March 1997 can be found within the CSL Annual Reports and Accounts, copies of which are available in the Library of the House.

The CSL expects to receive £22.2 million income from the Department in 1997–98 and £28.1 million, including an element for the capital charge, in 1998–99.

A complete list of financial transactions involved could be provided only at disproportionate cost.

Mr. Charles Clarke: To ask the Minister of Agriculture, Fisheries and Food what length of continued employment would be guaranteed to scientists employed by the Central Science Laboratory relocated from Norwich to York; and by whom this guarantee would be offered and funded. [37110]

Mr. Rooker: In relation to the previous relocation of permanent staff from MAFF headquarters units and the various Central Science Laboratory (CSL) sites to the York area, assurance of security of employment for a period has been provided in order to give staff the confidence to relocate with their families to York.

In the event of the relocation of the CSL Norwich laboratory to the new CSL site at York, I would, of course, give consideration as to whether similar terms should be offered. Any such guarantee would be the responsibility of the Department.

Mr. Charles Clarke: To ask the Minister of Agriculture, Fisheries and Food what is the capital charge payable by the Central Science Laboratory on the laboratories at *(a)* Sand Hutton, York and *(b)* Colney Lane, Norwich, for the years (i) 1998–99, (ii) 1999–2000 and (iii) 2000–2001. [37127]

Mr. Rooker: I refer my hon. Friend to the answer given to him on 25 March 1998, *Official Report*, column *186*, in respect of the capital charge for the Sand Hutton, York laboratory. The capital charge for the Norwich laboratory is anticipated to be £780,000 for each of the three years 1998–99, 1999–2000 and 2001–2002.

Capital charge valuations are subject to periodic review by an independent valuer.

Mr. Charles Clarke: To ask the Minister of Agriculture, Fisheries and Food what proportion of the scientists employed by the Central Science Laboratory at Torry, Aberdeen in January 1995 were still employed by the CSL, at York, in January 1998. [35959]

Mr. Rooker *[holding answer 24 March 1998]:* The closure of the Torry laboratory resulted from the significant financial loss being incurred by the laboratory. On closure, funding for work of particular relevance to Scotland was transferred to the Scottish Office and work programmes and associated staff were transferred to the Rowett Research Institute, Aberdeen University and the Scottish Office Marine Laboratory. 10 staff, 7 of whom were scientists, transferred to the Central Science Laboratory at York and all were still employed there in January 1998.

Genetically Modified Foods

Mr. Baker: To ask the Minister of Agriculture, Fisheries and Food if he will list the occasions since 1 May when he, his colleagues, or officials, have *(a)* met and *(b)* received representations from (i) Monsanto and (ii) Zeneca; what matters were discussed; and if he will make a statement on the outcome of each meeting. [36879]

Mr. Rooker *[holding answer 30 March 1998]:* Neither I nor my colleagues have met either of these two companies since 1 May. However, officials met or received representations from them on the following occasions

(i) Monsanto

Date	*Reason*	*Outcome*
16 May 1997	Meeting to discuss an application under EC Novel Foods Regulation	Agreement to submit an application
18 June 1997 9 July 1997 19 August 1997	Meetings to discuss matters relation of pesticides	Improved understanding of requirements
11 September 1997	Letter in response to consultation exercise on herbicide tolerant crops	Comments noted
23 September 1997 8–9 October 1997 31 October 1997 17–18 November 1997 18–19 November 1997 28 November 1997 5 December 1997	Meetings to discuss matters relating to the regulation of pesticides.	Improved understanding of requirements
23 January 1998	Meeting to discuss segregation and labelling of GMOs	Exchange of views
11 February 1998	To discuss matters relating to the regulation of pesticides	Improved understanding of requirements
24 March 1998	Courtesy visit from Senior Vice President responsible for GMO issues	Exchange of views

(ii) Zeneca

Date	*Reason*	*Outcome*
1 May 1997 12 May 1997 13 May 1997 2–6 June 1997	Meetings to discuss matters relating to the regulation of pesticides	Improved understanding of requirements
4 June 1997	Meeting to discuss a possible application under EC Novel Foods Regulation	Notification of company's intention to submit application in due course
16 June 1997 18 June 1997 30 June/1 July 1997 2 July 1997 9 July 1997 14 July 1997 18 July 1997 13–14 August 1997	Meetings to discuss matters relating to the regulation of pesticides	Improved understanding of requirements
13 August 1997	Meeting to discuss an application under EC Novel Foods Regulation	Agreement to submit an application
9 September 1997	Letter in response to consultation exercise on herbicide tolerant GMOs	Comments noted
23 September 1997 6 October 1997 8–9 October 1997 14 October 1997 19 October 1997 25 October 1997 27–28 October 1997 31 October 1997 17–18 November 1997 19 November 1997 27 November 1997 16 December 1997 26–27 January 1998 30 January 1998 13 February 1998 26 February 1998 4 March 1998	Meetings to discuss matters relating to the regulation of pesticides	Improved understanding of requirements

In addition, 2 officials had a short placement with Zeneca in the Autumn of 1997.

Vitamin B6

Mr. Hancock: To ask the Minister of Agriculture, Fisheries and Food what assessment he has made of the US Government's public health policy regarding the daily usage of vitamin B6. [36457]

Mr. Rooker: The basis of the US Government's estimate of the vitamin B6 requirement of healthy adults is 16 micrograms per gram of protein per day. This is virtually identical to the 15 micrograms per gram of protein per day that is the basis of the estimate for healthy adults in the UK. We are not aware of any US Government public health policy on the desirability of intakes above this level.

There are no specific statutory limits in the US on the level of vitamin B6 in dietary supplements sold under food law. However, US legislation appears to allow less scope for the introduction of such limits on a precautionary basis. In this respect, it would seem to afford less protection to consumers than UK legislation.

HEALTH

Residential Care Homes

Helen Jones: To ask the Secretary of State for Health if he will make a statement on future levels of regulatory fees for residential care homes and nursing homes. [37354]

Mr. Boateng: The Department received 189 replies to the consultation document on increasing regulatory fees for residential care homes and nursing homes issued on 19 January. 106 respondents agree that fees should be increased, although many of these felt that the proposed increases were insufficient. Of the other respondents 80 felt the proposed increases were excessive and the remaining 3 did not express an opinion about the level of increases.

Having considered the responses carefully, I have decided that fees should be increased as proposed in the consultation document with effect from 1 May 1998. I will be laying the necessary regulations before Parliament to bring these increases into effect.

Private Health Work

Dr. Brand: To ask the Secretary of State for Health if he will list *(a)* the number of private beds and *(b)* the proportion of private beds to all beds for each NHS trust each year since 1990. [37109]

Mr. Milburn: This information has never been collected from National Health Service trusts. It was last collected from district health authorities and special health authorities in 1990/91 when there were 2,956 authorised private beds. In the same year the average daily number of available beds in wards open night and day (ie 24 hours) was 255,479.

National Health Service Centre for Coding and Classification

Mr. Rhodri Morgan: To ask the Secretary of State for Health, pursuant to his answer of 24 March 1998, *Official Report*, column *136*, on what date his Department regularised the extra-statutory payments position as regards the NHS Centre for Coding and Classification; if the procedure required separate action with respect to Leicestershire Health Authority and the former Trent Regional Health Authority; and if he will place a copy of the documentation in the Library. [37230]

Mr. Milburn: The payments were formally regularised on 11 March 1998. Documentation consists of a note on the official file. No recovery action is required, but Leicestershire Health Authority may, after consultation with its appointed auditor, include an appropriate note in its next set of annual accounts.

Correspondence

Mr. Öpik: To ask the Secretary of State for Health what factors underlay the length of time taken to answer the letter of 20 January from the hon. Member for Montgomeryshire relating to the NHS provision of needles for insulin injection pen systems. [36342]

Ms Jowell: The Department aims to answer all correspondence within twenty working days of receipt but unfortunately, due to the volume of correspondence, delays can occur. I apologise for the delay in responding to the hon. Member's letter.

Public Bodies

Mr. Burns: To ask the Secretary of State for Health if he will publish *(a)* the number of places on each of his Department's non-departmental public bodies, *(b)* the number of places that are currently unfilled on each non-departmental public body, *(c)* the total number of members that have resigned since 1 May 1997, *(d)* the total number that have retired since 1 May 1997, *(e)* the total number that have not had their contracts renewed since 1 May 1997, *(f)* the total number that have remained in place since 1 May 1997 and *(g)* the total number that have been appointed since 1 May 1997. [35285]

Ms Jowell *[holding answer 19 March 1998]:* There are 744 places on the Department's non-departmental public bodies of which 36 are currently unfilled. 11 members have resigned since 1 May 1997; 23 members have retired; the appointments of 43 members have expired and not been renewed; 603 members have remained in place; and 73 have been appointed.

Green Transport

Mr. Baker: To ask the Secretary of State for Health (1) what specific changes to departmental transport arrangements have to date been implemented following the receipt of the Green Transport Plan; [36653]

(2) on what date he plans to introduce a green commuting plan. [36663]

Ms Jowell *[holding answer 27 March 1998]:* The Department of the Environment, Transport and the Regions circulated to all Departments in September last year a "Guide to Green Transport Plans". The Department has started work on preparing green transport plans for key headquarters buildings.

Smoking

Mrs. Ballard: To ask the Secretary of State for Health what proportion of his Department's budget for 1998–99 is dedicated to reduction in the number of smokers. [34352]

Ms Jowell: The Department's budget for centrally funded health promotion activity in 1998–99 is £39.9 million. £6.5 million (or 16.29 per cent.) of it will be spent on anti-smoking health education programmes.

Hospitality

Mr. Bercow: To ask the Secretary of State for Health if he will list planned expenditure on hospitality for April and May, indicating the date, location and purpose of each event. [35124]

Ms Jowell: There are no large events planned for April and May. It is not, however, possible to provide a comprehensive estimate for total expenditure on Ministerial hospitality as the majority of events and meetings will not be finalised until nearer the time.

Staff Travel Expenses

Mr. Stunell: To ask the Secretary of State for Health what is the total real term value of *(a)* staff car mileage claims paid and *(b)* staff rail fares paid; and what was the total amount of staff car mileage for which reimbursement was made and the percentage change year on year, for each year since 1989–90. [36162]

Ms Jowell: The real term value of *(a)* staff car mileage claims and *(b)* staff rail travel from 1993–94 is in the table. Figures for earlier years are not available.

Year	*Car mileage* £	*Per cent. change*	*Rail travel* £	*Per cent. change*
1997–98 (to 20 March)	809,314	+1.8	2,150,077	+8.5
1996–97	794,835	(Note 2)	1,980,281	(Note 2)
1995–96	58,594	+80	1,669,966	+8
1994–95	32,494	+44	1,546,063	−15.5
1993–94	22,474	—	1,829,772	—

Notes:

1. Figures deflated using gross domestic product deflator.
2. 8 regional health authorities were absorbed into the Department on 1 April 1996.

Mr. Stunell: To ask the Secretary of State for Health what was the total number of staff of all grades employed by his Department; and what percentage of these staff were eligible to claim a car mileage allowance on 31 March in each year since 1990. [36160]

Ms Jowell: The total number of staff employed by the Department in each year since 1990 is as in the table.

Year	*Numbers of staff*
April 1990	5,388
April 1991	4,651
April 1992	4,803
April 1993	4,846
April 1994	4,672
April 1995	4,493
April 1996	4,784
April 1997	4,696
January 1998	4,540

All staff are entitled to use their car for official business and are potentially eligible to claim car mileage allowance, provided they comply with the codes and instructions set out in Departmental procedures. The Department maintains records of all claims for each individual but does not collect information on the percentage of total staff who make claims for car mileage and the information requested could be provided only at disproportionate cost.

Care Assessments

Mr. Fitzpatrick: To ask the Secretary of State for Health how many care assessments were made during 1996–97 by local authority social services departments. [36352]

Mr. Boateng: Information is not currently collected by the Department on the number of care assessments carried out by local authority social service departments. However, a project is currently in progress to develop statistics on assessments and the resulting packages of care. A report on the outcome of the pilot will be available later this year.

Kidney Replacement Therapy

Dr. Gibson: To ask the Secretary of State for Health what plans he has to increase the resources available for kidney replacement therapy. [36222]

Mr. Boateng: It is for health authorities, in consultation with specialist clinicians, to decide on local priorities for resources. Guidance was issued to health authorities about commissioning renal services in May 1996, and this will be followed up shortly with further advice about standards of treatment and the clinical effectiveness of dialysis therapy.

We are also cousidering publicity initiatives aimed at increasing the number of transplants.

Maternity Services

Mr. Ivan Henderson: To ask the Secretary of State for Health what is his policy on *(a)* the availability of post natal care and laying-in facilities and *(b)* the availability and provision of maternity units within community based hospitals. [36487]

Mr. Boateng: The post natal care provided in maternity units is determined on the basis of clinical need and the needs of the mother.

The pattern of local service provision is the responsibility of the health authority taking into account the needs of the local population, evidence of effectiveness and available resources.

Private Health Care

Mr. Nicholls: To ask the Secretary of State for Health (1) what estimate he has made of *(a)* the cost of medical treatment paid for privately through medical insurance and *(b)* the impact of this on NHS costs per annum; [36729]

(2) what estimate he has made of the extent to which the use of private medical insurance impacts on costs to the NHS; and if he will make a statement. [36475]

Mr. Milburn: The Association of British Insurers estimates the cost of claims on private medical insurance policies in the United Kingdom at £1.4 billion in 1996. We have made no estimate of the impact of the use of private medical insurance on National Health Service costs.

Mr. Nicholls: To ask the Secretary of State for Health what financial contribution the private sector makes to healthcare in the NHS; and if he will make a statement. [36464]

Mr. Milburn: The information requested is not collected centrally.

Acute Care

Mr. Nicholls: To ask the Secretary of State for Health how much is planned to be spent on acute care in the NHS in the current financial year. [36468]

Mr. Milburn: Health authorities submitted planned National Health Service figures for 1997/98 to the NHS Executive Headquarters in May 1997. These returns showed that, in England, £12,424 million was planned for general and acute care in 1997/98.

Tuberculosis

Mr. Charles Kennedy: To ask the Secretary of State for Health what research he has commissioned into possible transmission of TB from badgers to humans; and if he will make a statement. [36721]

Ms Jowell: The Department has not commissioned work into possible transmission of tuberculosis (TB) from badgers to humans.

Around 30 to 40 cases of human TB each year are due to *M.bovis* infection, the strain which infects badgers and cattle. These are mainly in older people who were exposed

to bovine TB before sterilisation of milk and routine testing of herds for TB were introduced and are not thought to be due to recent transmission.

However, the Department and the Ministry of Agriculture, Fisheries and Food are in discussion over the possible use of new molecular techniques for typing strains of TB to further investigate the epidemiology of *M. bovis* infection.

Head Lice

Mr. Norman: To ask the Secretary of State for Health what statistics his Department has collated on the incidence of head lice amongst school children in the last five years. [36971]

Ms Jowell: The information requested is not collected centrally.

Mr. Norman: To ask the Secretary of State for Health what research his Department has *(a)* commissioned and *(b)* evaluated into the effects on children's health of trends in the incidence of head lice in the last five years. [36972]

Ms Jowell: The Department's policy research programme and the central National Health Service research and development programmes are not currently supporting any research into this subject, due to the pressure of other priorities. The Medical Research Council, which is funded by the Office of Science and Technology, commissions most of the Government's research into bio-medical and clinical issues. The council is always open to new sound scientific proposals in competition with other applications.

Written Answers to Questions

Wednesday 1 April 1998

LORD CHANCELLOR'S DEPARTMENT

Civil Courts

Mr. Stinchcombe: To ask the Parliamentary Secretary, Lord Chancellor's Department what was *(a)* the total revenue raised by his Department through fees for civil work in each of the last two years and *(b)* the total expenditure of the court services for civil work in each of the last two years. [36437]

Mr. Hoon: *(a)* The total revenue raised through fees for civil work in 1996–97 was £264.4m and in 1997–98 was £323.1m. This includes forecast revenue for March 1998, *(b)* the total expenditure of the Court Service for civil work in 1996–97 was £321m and in 1997–98 was £327m. This also includes forecast expenditure for March 98.

Mr. Stinchcombe: To ask the Parliamentary Secretary, Lord Chancellor's Department what was *(a)* the target percentage of the costs of civil courts to be recovered through fees and *(b)* the actual percentage of the costs of the civil courts recovered through fees in each of the last two years. [36438]

Mr. Hoon: *(a)* The amount planned to be recovered through fees for 1996–97 was £260m (81 per cent. of the total cost) and for 1997–98 was £314m (96 per cent.); *(b)* the actual percentage of the costs recovered through fees in 1996–97 was 82 per cent. and in 1997–98 was 99 per cent. This includes forecast data for March 1998.

CULTURE, MEDIA AND SPORT

Airports (North-West)

Mr. Fearn: To ask the Secretary of State for Culture, Media and Sport how many visitors to Britain arrived through north-west airports during 1997. [36848]

Mr. Tom Clarke: Data from the International Passenger Survey for 1996 shows that 767,000 overseas visitors to the UK used Manchester Airport. During the first three quarters of 1997, 606,000 overseas visitors used Manchester Airport, an increase of 19,000 on the same period in 1996. Figures for overseas visitors are not available for other airports in the North West.

Shooting Organisations

Mr. Jim Murphy: To ask the Secretary of State for Culture, Media and Sport, pursuant to his answer of 26 February 1998, *Official Report*, column *322*, what were *(a)* the level of membership of each of the shooting organisations listed and *(b)* the level of public funding in each of the last three years; and what is the projected funding for the next three years. [33543]

Mr. Banks: The relevant governing body for England is the English Shooting Council (ESC) whose approximate 1997 membership stands at 18,000 and consists of 4 member organisations: the English Pistol Association; English XX(2) Club; the Clay Pigeon Shooting Association; and the English Small Bore Shooting Union.

The UK-wide body is the Great Britain Target Shooting Federation (GBTSF), whose approximate 1997 membership is broken down as follows:

	Clubs	*Members*
National Pistol Association	500	100,000
National Rifle Association	1,000	57,000
British International Clay Target Shooting Federation	700	28,000
National Small Bore Rifle Association	18,000	296,000

The level of grant to each organisation is as follows:

£

	English Shooting Council	*GB Target Shooting Federation*
1995–96	11,000	240,785
1996–97	10,000	330,215
1997–98	18,000	288,120
1998–99	6,500	[1]239,370
1999–00[2]	16,500	not yet available
2000–01[2]	4,500	not yet available

[1] Planning figure subject to further discussion with the Federation.
[2] No firm projections can be made beyond 1998–99. The level of funding is subject to review.

Sport Governing Bodies

Mr. Pendry: To ask the Secretary of State for Culture, Media and Sport what was the total grant-in-aid made available by the Great Britain Sports Council to governing bodies of sport for the financial years 1992–93, 1993–94, 1994–95 and 1995–96. [34253]

Mr. Banks: The information requested is set out in the table. Many governing bodies also benefited from a number of services and programmes provided by the Sports Council or organisations funded by them, and from the use of facilities and services provided by the six National Sports Centres.

£000

Year	*Grant-in-aid*
1992–93	8,974
1993–94	9,603
1994–95	9,997
1995–96	10,956

Mr. Pendry: To ask the Secretary of State for Culture, Media and Sport what was the total grant-in-aid made available by the English Sports Council to governing bodies of sport for the financial years 1996–97 and 1997–98; and what it is projected to be for the next three financial years. [34264]

Mr. Banks: The information requested is set out in the table. Projections have not yet been made for 1999–2000 and 2000–2001.

£000

Year	Grant-in-aid
1996–97	[1]1,574
1997–98	[2]4,782
1998–99	[3]5,535

[1] The English Sports Council became fully operational on 1 January 1997. The figure, therefore, covers the period 01–01–97 to 31–03–97. The total grant-in-aid made available to governing bodies by the GB Sports Council during the period 01–04–96 to 31–12–96 was £8.126m.
[2] Forecast outturn.
[3] Budget figure. From 01–04–98, the governing body budget will include funding for sport specific developments in the ESC regions which previously were included in the individual regional budgets. When the regional element is included, the total governing body budget for 1998–99 will be £6.2m.

Mr. Pendry: To ask the Secretary of State for Culture, Media and Sport if he will list, by individual governing body, the grant-in-aid made available by the English Sports Council to governing bodies of sport for the financial years 1996–97 and 1997–98. [34268]

Mr. Banks: The information requested is set out in the table. The English Sports Council became fully operational from 1 January 1997. The United Kingdom Sports Council assumed primary responsibility for UK/GB governing bodies on the same date. The 1996–97 figures include grant-in-aid payments made by the GB, English and UK Sports Councils during 1996–97.

£

Governing body	1996–97	[1]1997–98
National Federation of Anglers	25,000	25,000
National Federation of Sea Anglers	30,000	30,000
Salmon & Trout Association	17,500	17,500
Grand National Archery Association	60,000	20,000
Football Association	45,000	45,000
Amateur Athletics Association of England	20,000	10,000
British Athletics Federation	306,500	50,000
Badminton Association of England	247,000	262,000
British Badminton Olympic Committee	70,000	0
English Schools Badminton Association	15,000	0
British Baseball Federation	45,900	16,000
English Basketball Association	296,500	361,324
British Bobsleigh Association	100,000	[2]—
English Bowls Coaching Scheme	22,000	22,000
Amateur Boxing Association	108,500	148,500
British Amateur Boxing Association	20,000	0
British Canoe Union	320,000	112,000
National Caving Association	23,750	3,600
England and Wales Cricket Board	297,950	207,750
English Schools Cricket Association	20,000	5,000
Women's Cricket Association	32,500	37,500
Croquet Association	21,000	9,450
British Curling Association	40,000	[2]—
British Cycling Federation	377,500	52,500
Cyclists Touring Club	25,000	[2]—
British Cyclo-Cross Association	77,500	14,950
British Cycle Speedway Council	15,500	12,900
English BMX Association	5,000	0
English Schools Cycling Association	2,500	2,000
Road Time Trials Council	10,000	6,750
British Paralympic Association	178,000	42,533
British Blind Sport	40,500	[2]—
British Deaf Sports Council	55,000	40,000
Disability Sport England	195,000	195,000
English Sports Association for People with Learning Disability	111,500	111,500
UK Sports Association for People with Learning Disability	65,650	[2]—
British Equestrian Federation	113,162	12,930
British Horse Society	49,250	39,000
British Fencing Association	175,000	45,000
British Gliding Association	29,250	12,000
English Golf Union	30,000	32,500
British Amateur Gymnastics Association	403,500	[2]—
British Schools Gymnastics Association	26,500	[2]—
British Handball Association	18,910	4,360
British Hang Gliding and Paragliding Association	70,000	[2]—
All England Women's Hockey Association	185,000	131,250
English Hockey Association	0	164,300
Great Britain Olympic Hockey Board (men & women)	176,000	[2]—
Hockey Association	195,000	95,000
British Ice Hockey Association	37,500	0
National Ice Skating Association	120,000	24,750
British Judo Association	459,375	9,375
English Karate Governing Body	67,500	35,000
English Lacrosse Association	145,834	150,000
Royal Life Saving Society UK	30,000	[2]—
British Model Flying Association	15,000	0
Modern Pentathlon Association of Great Britain	70,000	9,000
Auto Cycle Union	10,125	[2]—
British Mountaineering Council	216,250	42,500
English Amateur Dancesport Association	7,500	0
English Folk Dance and Song Society	20,000	20,000
Exercise Association of England	75,000	50,000
Health & Beauty Exercise	22,665	20,335
Keep Fit Association	45,000	31,250
Margaret Morris Movement	9,375	14,375
Medau Society	26,750	22,250
All England Netball Association	173,750	270,000
British Orienteering Federation	124,750	90,800
British Parachute Association	93,500	18,700
British Petanque Association	21,000	2,470
Tennis and Rackets Association	17,500	20,000
National Roller Hockey Association	18,000	0
British Federation of Roller Skating	28,000	0
National Rounders Association	14,250	15,000
Amateur Rowing Association	447,500	89,500
British Amateur Rugby League Association	160,000	160,000
English Schools Rugby League	7,500	5,000
Rugby Football Union	0	27,000
Rugby Football Union of Women	45,000	45,000
National Schools Sailing Association	3,750	7,500
Royal Yachting Association	457,000	[2]—
British Federation of Sand & Land Yacht Clubs	23,085	1,300
English Shooting Council	10,000	18,000
GB Target Shooting Federation	330,215	[2]—
British Ski Federation	200,000	[2]—
English Ski Council	75,000	70,000
British Softball Federation	17,000	18,000
Squash Rackets Association	300,000	240,000
British Surfing Association	25,000	[2]—
Surf Life Saving Association of GB	38,250	7,500
Amateur Swimming Association	154,000	212,000
Amateur Swimming Federation of GB	162,500	[2]—
English Schools Swimming Association	2,500	0
British Olympic Table Tennis Committee	35,000	[2]—
English Schools Table Tennis Association	3,500	3,500
English Table Tennis Association	279,000	279,000
British Tenpin Bowling Association	39,000	17,000
British Triathlon Association	48,500	3,000
Tug of War Association	9,375	9,375
British Volleyball Federation	60,000	[2]—
English Volleyball Association	215,000	215,000
British Water Ski Federation	195,000	29,700
British Amateur Weight Lifters' Association	145,000	35,000
British Amateur Wrestling Association	45,833	10,000
English Olympic Wrestling Association	4,000	0

[1] Forecast outturn
[2] Governing bodies receiving grants from the UK Sports Council in 1997–98

Mr. Pendry: To ask the Secretary of State for Culture, Media and Sport if he will list, by individual governing body, the grant-in-aid made available by the United Kingdom Sports Council to governing bodies of sport for the financial years 1996–97 and 1997–98. [34267]

Mr. Banks: The information requested for 1997–98 is set out in the following table. The figures do not include grants to governing bodies under the United Kingdom Sports Council's grant scheme for international representatives.

The United Kingdom Sports Council became fully operational on 1 January 1997. The total amount of grant-in-aid made available by the GB, UK and English Sports Councils during 1996–97 is given in my other reply of today concerning the English Sports Council (PQ No-34268).

	£
Governing body	*[1]1997–98*
Grand National Archery Association	109,000
UK Athletics '98	256,500
British Baseball Federation	22,790
British Biathlon Union	12,000
British Bobsleigh Association	100,000
British Canoe Union	240,500
National Caving Association	15,150
Croquet Association	18,000
British Curling Association	57,500
British Cycling Federation	273,750
Cyclists Touring Club	12,000
British Cyclo-Cross Association	40,500
British Cycle Speedway Council	800
Road Time Trials Council	1,000
UK Sports Association for People with Learning Disability	65,500
British Paralympic Association	129,950
British Blind Sport	41,625
British Deaf Sports Council	45,000
British Equestrian Federation	113,908
British Horse Society	9,250
British Fencing Association	110,000
British Gliding Association	10,750
British Amateur Gymnastics Association	356,400
British Schools Gymnastics Association	23,400
British Handball Association	8,730
British Hang Gliding and Paragliding Association	63,000
Great Britain Olympic Hockey Board	119,750
National Ice Skating Association	120,200
British Judo Association	203,750
Royal Life Saving Society UK	17,500
Great Britain Luge Association	8,000
Modern Pentathlon Association of Great Britain	46,000
Auto Cycle Union	13,125
British Mountaineering Council	175,875
British Orienteering Federation	65,700
British Parachute Association	57,175
British Petanque Association	16,530
Amateur Rowing Association	179,500
Royal Yachting Association	411,300
British Federation of Sand & Land Yacht Clubs	11,438
GB Target Shooting Federation	288,120
British Ski Federation	150,000
British Surfing Association	18,000
Surf Life Saving-Association of GB	22,375
Amateur Swimming Federation of GB	143,500
British Olympic Table Tennis Committee	10,000
British Tenpin Bowling Association	9,000
British Triathlon Association	74,800
British Volleyball Federation	43,500
British Water Ski Federation	183,300
British Amateur Weight Lifters' Association	55,348
British Amateur Wrestling Association	30,000

[1] Forecast outturn.

Mr. Pendry: To ask the Secretary of State for Culture, Media and Sport if he will list, by individual governing body, the grant-in-aid projected to be made available by the United Kingdom Sports Council to governing bodies of sport for the next three financial years. [34251]

Mr. Banks: The information requested for 1998–99 is set out in the following table. The figures do not include grants to governing bodies under the United Kingdom Sports Council's grant scheme for international representatives. Projections have not yet been made for 1999–2000 and 2000–2001.

	£
Governing body	*[1]1998–99*
Grand National Archery Association	30,000
UK Athletics '98	320,000
British Badminton Olympic Committee	40,000
British Baseball Federation	19,780
British Biathlon Union	12,000
British Bobsleigh Association	100,000
British Amateur Boxing Association	10,000
British Canoe Union	225,000
National Caving Association	15,641
British Curling Association	11,000
British Cycling Federation	270,000
British Cyclo-Cross Association	51,000
British Cycle Speedway Council	800
Cyclists Touring Club	14,000
Road Time Trials Council	1,000
UK Sports Association for People with Learning Disability	65,500
British Paralympic Association	100,00
British Blind Sport	40,875
British Deaf Sports Council	45,000
British Equestrian Federation	110,431
British Horse Society	6,938
British Fencing Association	110,000
British Gliding Association	15,375
British Amateur Gymnastics Association	356,400
British Schools Gymnastics Association	23,400
British Handball Association	11,640
British Gang Gliding and Paragliding Association	63,000
Great Britain Olympic Hockey Board	118,250
British Ice Hockey Association	18,000
National Ice Skating Association	112,700
British Judo Association	250,000
Royal Life Saving Society UK	7,500
Great Britain Luge Association	8,000
Modern Pentathlon Association of Great Britain	50,000
Auto Cycle Union	12,000
British Mountaineering Council	119,125
British Orienteering Federation	150,000
British Parachute Association	70,000
British Petanque Association	12,350
Amateur Rowing Association	179,500
Royal Yachting Association	411,300
British Federation of Sand and Land Yacht Clubs	7,354
GB Target Shooting Federation	239,370
British Ski Federation	200,000
British Surfing Association	15,000
Surf Life Saving Association of GB	22,000
Amateur Swimming Federation of GB	150,000
British Olympic Table Tennis Committee	10,000
British Triathlon Association	90,000
British Volleyball Federation	25,000
British Water Ski Federation	149,000
British Amateur Weight Lifters' Association	55,348
British Amateur Wrestling Association	40,000

[1] Budget figures only.

Mr. Pendry: To ask the Secretary of State for Culture, Media and Sport if he will list, by individual governing body, the grant-in-aid projected to be made available by the English Sports Council to governing bodies of sport for the next three financial years. [34269]

Mr. Banks: The information requested is, where available, set out in the following table. The figures include the committed expenditure only for those governing bodies which have received an offer letter giving indicative planning figures for the remainder of their four-year plans.

£

Governing body	[1]*1998–1999*	*1999–2000*	*2000–2001*
National Federation of Anglers	18,750	—	—
National Federation of Sea Anglers	22,500	—	—
Salmon and Trout Association	18,750	—	—
Football Association	53,000	33,750	—
British Athletics Federation	40,000	4,500	2,250
Badminton Association of England	12,000	—	—
British Baseball Federation	14,000	16,000	16,000
English Basketball Association	386,500	360,000	360,000
English Bowls Coaching Scheme	10,000	—	—
Amateur Boxing Association	24,000	—	—
British Canoe Union	160,000	160,000	160,000
England and Wales Cricket Board	350,750	352,050	—
Croquet Association	14,550	—	—
British Cycling Federation	24,000	—	—
British Cyclo-Cross Association	10,750	10,000	10,000
British Cycle Speedway Council	5,625	—	—
British Horse Society	40,000	40,000	30,000
British Fencing Association	45,000	—	—
English Golf Union	17,500	—	—
British Gymnastics	88,780	—	—
British Handball Association	4,360	—	—
English Hockey Association	464,000	460,000	460,000
National Ice Skating Association	14,850	19,800	—
British Judo Association	12,900	—	—
English Karate Governing Body	35,000	35,000	20,000
English Lacrosse Association	135,000	135,000	—
Lawn Tennis Association	37,000	—	—
British Mountaineering Council	50,000	50,000	50,000
English Folk Dance and Song Society	17,000	17,000	17,000
Exercise Association of England	50,000	50,000	50,000
Health and Beauty Exercise	15,000	7,500	—
Keep Fit Association	8,750	—	—
Margaret Morris Movement	5,000	—	—
Medau Society	20,000	15,000	—
All England Netball Association	361,110	—	—
British Petanque Association	650	—	—
Tennis and Rackets Association	5,000	—	—
National Rounders Association	15,000	18,000	7,500
Amateur Rowing Association	3,000	—	—
British Amateur Rugby League Association	3,500	—	—
Rugby Football Union	28,500	—	—
Rugby Football Union of Women	45,000	11,250	—
Royal Yachting Association	22,750	—	—
English Shooting Council	6,500	16,500	4,500
English Ski Council	37,500	—	—
British Softball Federation	13,750	11,250	—
Squash Rackets Association	180,000	60,000	—
English Surfing Federation	5,000	—	—
Surf Life Saving Association of GB	5,625	—	—
Amateur Swimming Association	215,000	280,000	280,000
English Table Tennis Association	511,000	470,000	460,000
British Tenpin Bowling Association	5,000	—	—
British Triathlon Association	3,000	—	—
Tug of War Association	5,625	5,625	—
British Water Ski Federation	15,000	—	—
British Amateur Weight Lifters' Association	40,000	40,000	30,000
British Amateur Wrestling Association	10,000	10,000	7,500

[1] From 1 April 1998, the governing body budget includes provision for funding sport specific developments in the ESC regions, which previously were included in the individual regional budgets.

Public Bodies

Mr. Swinney: To ask the Secretary of State for Culture, Media and Sport if he will list the (i) location of, (ii) running costs of, (iii) salary costs of and (iv) number of staff based at the head office of the *(a)* National Lotteries Charity Board, *(b)* Lottery Sports Fund, *(c)* Arts Lottery Fund and *(d)* Heritage Lottery Fund; and for each of these bodies what percentage of (1) staff, (2) salary costs and (3) running costs are based in (A) London and (B) Scotland. [36127]

Mr. Banks *[holding answer 26 March 1998]:* All the following figures are for 1996–97 and relate to the organisations' Lottery operations. Figures given for running costs include salary costs.

(a) National Lottery Charities Board—Corporate Office (including UK-wide and International grants operations)

Lottery operations	
(i) Location:	London
(ii) Running costs:	£8,696,735
(iii) Salary costs:	£1,822,296
(iv) Staff numbers:	81

Note:

In addition to its London Corporate Office, the NLCB has nine regional offices in England, including one in London, and four country offices, including a Scotland one based in Edinburgh. Corporate Office costs include services that support all operating units. The costs include IT and telemarketing costs, and UK-wide and International grant making operations. Taking all offices into account, percentages of staff and costs of the whole organisation, regardless of function, based in London and Scotland are as follows:

percentage

	(A) Based in London	*(B) Based in Scotland*
(1) Staff	36.6	5.9
(2) Salary costs	43.9	4.7
(3) Running costs	55.2	4.1

(b) Lottery Sports Fund—Headquarters

The English Sports Council distributes Lottery funds for expenditure on or in connection with sport in England, and the Scottish Sports Council with sport in Scotland. The organisations' Lottery operations are based wholly in London and Scotland respectively.

Lottery Sports Fund		
(i) Location:	London (English Sports Council)	Edinburgh (Scottish Sports Council)
(ii) Running costs:	£4,980,000	£840,000
(iii) Salary costs:	£1,100,000	£503,000
(iv) Staff numbers:	76	21

(c) Arts Lottery Fund—Headquarters

The Arts Council of England distributes Lottery funds for expenditure on the arts in England, and the Scottish Arts Council on arts in Scotland. The organisations' Lottery operations are based wholly in London and Scotland respectively.

Arts Lottery Fund		
(i) Location:	London (Arts Council of England)	Edinburgh (The Scottish Arts Council)
(ii) Running costs:	£14,719,000	£1,347,000
(iii) Salary costs:	£918,000	£267,000
(iv) Staff numbers:	40	26

(d) Heritage Lottery Fund—Head Office

The Heritage Lottery Fund covers the whole of the UK. It is based in London and does not have a regional structure or any office based in Scotland.

Heritage Lottery Fund	
(i) Location:	London
(ii) Running costs:	£11,143,000
(iii) Salary costs:	£2,293,000
(iv) Staff numbers:	99

Green Transport

Mr. Baker: To ask the Secretary of State for Culture, Media and Sport (1) what specific changes to departmental transport arrangements have to date been implemented following the receipt of the green transport plan; [36651]

(2) on what date he plans to introduce a green commuting plan. [36655]

Mr. Tom Clarke *[holding answer 27 March 1998]:* The Department of the Environment, Transport and the Regions circulated to all Departments in September last year a "Guide to Green Transport Plans". My Department has started work on preparing green transport plans for key headquarters buildings.

World Cup 1998

Ms Roseanna Cunningham: To ask the Secretary of State for Culture, Media and Sport how many tickets to Scotland's matches in World Cup 1998 have been obtained by his Department; and to whom these tickets have been distributed. [36805]

Mr. Banks *[holding answer 30 March 1998]:* None, nor do we intend to obtain any.

National Lottery

Mr. Caplin: To ask the Secretary of State for Culture, Media and Sport if he will make a statement on his plans to improve the regulation of the National Lottery. [37663]

Mr. Chris Smith: It is the Government's intention to ensure that the public has complete confidence in the operation and regulation of the National Lottery. To that end, the National Lottery Bill, which will shortly receive its Second Reading in the House, contains provisions to establish an advisory panel to help the Director General select the operator of the National Lottery.

While this panel would bring collective expertise to the selection of the operator, the final decision would remain in the hands of an individual—the Director General.

I have therefore been considering whether there is more we could do to broaden and strengthen the regulatory structure. I believe that there is a case for establishing a permanent collective body to bring a wider range of expertise and experience to the task of ongoing regulation as well as selection of the operator.

I therefore plan to introduce amendments to the Bill to replace the post of Director General, and the advisory panel, with a National Lottery Commission. The Commission, which will have the same statutory functions

and duties as the Director General, will have five members and will be serviced by OFLOT. Its introduction will reduce the risk, actual or perceived, of conflicts of interest and regulatory capture, and remove the focus on an individual, while ensuring that a breadth of knowledge, experience and expertise is brought to bear on the regulation of the National Lottery. The necessary amendments will be introduced before the Bill is considered in Committee.

Cash Limits

Mr. Caplin: To ask the Secretary of State for Culture, Media and Sport what changes he proposes to make to his Department's non-voted cash limit for 1997–98. [37664]

Mr. Chris Smith: As announced by my right hon. Friend the Chief Secretary to the Treasury on 17 July 1997, *Official Report*, columns *245–50*, the DCMS/ERDF non-voted cash limit covering the payment of European Regional Development Fund grants, including supplementary credit approvals in respect of capital expenditure by local authorities, is eligible for an increase of £14,517,000 under the end year flexibility scheme for structural funds expenditure. The cash limit for 1997–98 has therefore been increased by £11,000,000 from £34,000,000 to £45,000,000 reflecting partial take up of the announced EYF amount to finance additional payments to approved projects.

The increase will be charged to the Reserve and will not therefore add to the planned total of public expenditure.

Mountaineering

Mr. Spring: To ask the Secretary of State for Culture, Media and Sport if the Minister for Sport has visited the national mountaineering centres at *(a)* Glenmore Lodge, *(b)* Plas-y-Brenin, *(c)* Tollymore and *(d)* Plas-y-Menai since 1 May 1997. [36620]

Mr. Chris Smith: My hon. Friend the Minister for Sport has not visited the national mountaineering centres at Glenmore lodge, Plas-y-Brenin, Tollymore and Plas-y-Menai.

UK Sports Institute

Mr. Spring: To ask the Secretary of State for Culture, Media and Sport what procedures he will put in place to allow all sports access to the expertise in sports medicine and science of the UK Sports Institute. [36619]

Mr. Banks: The UKSI's mission is to put the UK at the top of world sport by providing quality services that athletes will want to use. This will require access to the best possible expertise wherever in the world people are located.

All sports, including major spectator sports, will be able to connect into the support services throughout the UKSI network, locally, regionally and at the Headquarters.

Tourism

Mr. Fearn: To ask the Secretary of State for Culture, Media and Sport what assessment he has made of the proposal by the English tourist board to set up an annual tourism conference from 1999, under their strategy Action 2000; and if he plans to attend the 1999 conference. [36849]

Mr. Tom Clarke: I welcome the English Tourist Board's commitment to a partnership approach with the industry. I understand that they are now working on ideas for such a conference early next year and will soon be in a position to announce further details.

ENVIRONMENT, TRANSPORT AND THE REGIONS

Carbon Dioxide Emissions

Mr. Stunell: To ask the Secretary of State for the Environment, Transport and the Regions if he will set out the UK's proposed target for carbon dioxide reductions under the Kyoto protocol before entering into negotiations with other European Union countries. [36383]

Mr. Meacher: The starting point for the sharing out with other European Union countries of the EU's legally binding 8 per cent. Kyoto Protocol target is the provisional agreement reached in March 1997, under which the previous Government committed the UK to a 10 per cent. reduction. We indicated before Kyoto that we were prepared to consider doing more than this as a legally binding target: but we would not do so simply to enable other EU countries to reduce their efforts.

Separately from whatever legally binding target is agreed for the UK, we retain our aim of a 20 per cent. reduction in CO_2 emissions.

Railway Stations

Mr. Paul Marsden: To ask the Secretary of State for the Environment, Transport and the Regions if he will list the number of railway stations that opened *(a)* nationally and *(b)* in Shropshire for each year since 1979. [36473]

Ms Glenda Jackson: The table gives the number of railway stations that the British Railways Board opened between 1979 and 1993. None were in Shropshire. Since 1994, the opening of new stations has been the responsibility of Railtrack. I understand that a total of 30 stations have opened in the last four years, but that Railtrack have no central record of station openings by year or by region.

Year	*Stations opened (nationally)*
1979	9
1980	5
1981	6
1982	9
1983	9
1984	15
1985	19
1986	4
1987	6
1988	23
1989	15
1990	20
1991	6
1992	15
1993	14

Goods Vehicles

Mr. Sheerman: To ask the Secretary of State for the Environment, Transport and the Regions (1) how many prosecutions there have been for unlawful levels of emission for goods vehicles in each of the last 15 years; [36598]

(2) how many local authority weighing stations for the checking of loading of goods vehicles are currently in operation; [36597]

(3) how many prosecutions there have been for overloading of goods vehicles in each of the last 15 years. [36596]

Ms Glenda Jackson: I have asked the Chief Executive of the Vehicle Inspectorate Executive Agency, Mr. Ron Oliver, to write to my hon. Friend.

Letter from R. J. Oliver to Mr. Barry Sheerman, dated 1 April 1998:

The Secretary of State has asked me to reply to your questions about the number of local authority weighbridges currently in operation and also numbers of prosecutions for overloaded goods vehicles and goods vehicles with unlawful levels of emissions in each of the last 15 years.

The Vehicle Inspectorate does not hold details of local authority weighbridges currently in operation. The Public Weighbridges Directory last published in 1991, and in the process of being updated by the Local Authorities Co-ordinating Body on Food and Trading Standards (LACOTS), lists all weighbridges publicly available for use by location. It is therefore not possible to identify those owned by local authorities currently in operation except at disproportionate cost.

The Inspectorate is responsible for the operation of a network of 74 weighbridges throughout the country. These are either owned by us or operated by us on behalf of the Department of the Environment, Transport and the Regions. The weighbridges are used by our staff and also by local authority Trading Standards Officers and the Police to carry out enforcement weighings. We have formal agreements to use four local authority owned weighbridges. We also use a range of other local authority weighbridges on an ad hoc basis and have agreements to use a number of weighbridges in private ownership.

We are unable to supply details of overloading prosecutions over the last 15 years. The Inspectorate took over responsibility for Traffic Examiners from the Traffic Area offices in 1991 and Table 1 below details the number of prosecutions for overloading taken by us since 1993/94. Comparable figures prior to that date are not available. It should also be borne in mind that overloading prosecutions are also taken by other enforcement bodies such as the Police and Trading Standards.

Table 1

	No. of overloading prosecutions
1996/97	4,422
1995/96	3,740
1994/95	3,696
1993/94	[1]3,573

[1] Figures for Scotland not available

Note:

Full year figures not yet available for 1997/98.

As regards prosecutions for unlawful levels of emissions for heavy goods vehicles, it is not the Inspectorate's policy to prosecute in these cases as this provides no assurance that the fault has been rectified. Our usual practice is to issue the vehicle with a prohibition. This provides an effective sanction as in order to remove the prohibition the vehicle is required to be presented for a re-inspection once the fault has been rectified. Details of prohibitions issued to licensed operators are also passed to the Traffic Commissioners to consider whether action against an operator's licence is warranted.

There have been instances in which we have prosecuted serial offenders, single extreme cases or illegal unlicensed operators who are not answerable to the Traffic Commissioners. There were 2 successful prosecutions for unlawful levels of emissions in 1995/96 and seven in 1996/97.

In cases where light goods vehicles, which fall outside of the operator licensing scheme, are prohibited (for any defect including exhaust emissions), a caution is issued and a new MOT certificate must be obtained for the vehicle before the prohibition can be lifted. This is required to be submitted to the Police for cross checking. Failure to repair (or scrap) the vehicle results in prosecution for the original offence. Almost all owners provide proof that their vehicles have been repaired following the issue of a prohibition and very few prosecutions are necessary. It is not possible to break down the figures for prosecutions to identify those relating to emissions.

Details of prohibitions issued to heavy goods vehicles at emission only spot checks are shown in Table 2 below. Data is only available from 1992/93 as prohibitions issued prior to that date cannot be linked with sufficient accuracy to the defect identified.

Table 2

	No. of emission only spot checks	*No. of prohibitions issued*
1996/97	13,687	485
1995/96	11,405	350
1994/95	12,959	450
1993/94	10,589	219
1992/93	5,706	37

Note:

Full year figures not yet available for 1997/98

Birds (Staffordshire Moors)

Ms Walley: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to reverse the decline in bird populations on the North Staffordshire moors; and if he will make a statement. [36764]

Angela Eagle: In response to a decline in certain bird populations, the South West Peak Environmentally Sensitive Area (ESA), part of the North Staffordshire Moor, was set up in 1993. This ESA included management guidelines specifically aimed at bird protection by minimising the risk of disturbance and nest damage. The 1997 Quinquennial Review of the ESA considered a further range of options for habitat management and creation. As a result, further measures have been taken to encourage the regeneration of extensive pasture land and recreation of traditional meadows, as well as supplementary payments designed to encourage farmers to follow a drainage management plan. This enables the creation of areas of wet land as suitable habitat for feeding and nesting birds.

In addition, other areas of the moor are designated as Special Protection Areas under the EC Wild Birds Directive 79/409/EEC.

Ms Walley: To ask the Secretary of State for the Environment, Transport and the Regions if he will assess the impact on bird life on the North Staffordshire moors of agricultural developments over the last 20 years; and if he will make a statement. [36763]

Angela Eagle: Declines in the populations of some species of birds in the North Staffordshire moorland area, in particular ground nesting waders such as curlew and

lapwing, as well as the skylark and twite, have been shown by a number of surveys which have been carried out since 1984.

The reasons for the declines may be linked to breeding failure caused by predation and changes in farming practices. Measures have been put into place which may help to reverse the decline in the population of these bird species.

Public Carriage Office

Mr. Brake: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 19 March 1998, *Official Report*, column *692*, if he will instigate an independent appeals process over decisions taken by the Public Carriage Office not to allow advertisements on licensed taxi vehicles. [36823]

Ms Glenda Jackson: I have no plans to change the present arrangements. However, I understand that the Public Carriage Office, and the Metropolitan Police of which they form part, are willing to discuss questions of taxi advertising with the agencies concerned, and that liaison meetings for that purpose are already planned.

"Europe's Shared Environment"

Ms Roseanna Cunningham: To ask the Secretary of State for the Environment, Transport and the Regions what was the total cost of producing his Department's publication, "Europe's Shared Environment: The Work of the European Union in Environment Protection"; and what assessment he has made of the appropriateness of its size. [36803]

Angela Eagle *[holding answer 30 March 1998]:* The total cost of the production (design and print) of 20,000 copies of the publication "Europe's Shared Environment: The Work of the European Union in Environment Protection" was £17,429. The A4 landscape format was selected for its attractiveness and to ensure that text was clear and uncramped. This did not affect the design or print costs.

Energy Efficiency

Mr. Etherington: To ask the Secretary of State for the Environment, Transport and the Regions what progress has been made by Government departments towards the target of improving energy efficiency by 20 per cent. in the nine years to 31 March 2000. [37355]

Angela Eagle: By 31 March 1997, energy efficiency in Government Departments had improved by just over 15 per cent. since 1990–91.

Full details are given in tables, copies of which have been deposited in the Library. The overall improvement is shown in Table 4. The tables include revisions to figures for earlier years revealing better performance than previously reported. All results reported here relate to periods before this Administration took office. Energy management in individual Departments is a matter for those Departments and their Green Minister. The Government aim to be at the forefront of good practice to improve energy efficiency, and will be looking to ensure that momentum is maintained through the strengthened role of Green Ministers under the Chairmanship of my right hon. Friend the Minister for the Environment. We are also working on the development of new performance indicators which will, for the first time, enable comparisons with independent standards of good practice across the economy.

The results for the former Department of the Environment in 1996–97 were affected by relocation and rationalisation of its accommodation in London and elsewhere. This resulted in the need to run a number of old and new buildings while changes took place. The Department's two new headquarters buildings at Eland House and Ashdown House will be fully occupied by the end of March 1998. Both include a number of energy efficient measures including a combined heat and power system and a displacement cooling system.

Drive-through Restaurant (Cheam)

Mr. Burstow: To ask the Secretary of State for the Environment, Transport and the Regions what representations he has received concerning the planning application for a drive-through fast-food restaurant on the London Road, North Cheam. [37170]

Mr. Caborn: I have asked the Chief Executive of the Planning Inspectorate, Mr. Chris Shepley, to write to the hon. Member.

Letter from Chris Shepley to Mr. Paul Burstow, dated 1 April 1998:

The Secretary of State has asked me to reply to your Question about what representations have been received concerning the planning appeal for a drive-through fast-food restaurant on the London Road, North Cheam.

At the local inquiry held on 10–12 February the Inspector heard representations on behalf of McDonald's, the London Borough of Sutton and the North Cheam Residents' Action Group—which includes the views you expressed. The Inspector is also considering all the written representations, which include some 150 letters from local residents and petitions submitted to the Council at the time of the planning application, and some 130 representations made to this office about the appeal. Since the inquiry closed there have also been over 12 further representations.

I will see that you are sent a copy of the Inspector's decision letter when it is issued.

Solvents

Mr. McWalter: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to introduce labelling for cleaning materials to identify their content for those who suffer from allergic reactions to certain solvents. [35806]

Angela Eagle: The current UK and EU law dealing with the labelling of chemicals, including cleaning products, obliges suppliers to assess whether the chemical will cause sensitisation by inhalation or skin contact. If a product has this property it has to be labelled with a warning symbol and written advice including the chemical identity of the active chemical. I have no plans to introduce more specific legislation of the type described.

Regional Planning

Ms Buck: To ask the Secretary of State for the Environment, Transport and the Regions how he intends the new approach to planning for future housing

requirements to be taken into account in existing reviews of regional planning guidance and development plans. [37596]

Mr. Caborn: The statement "Planning for the Communities of the Future", Cmnd 3885, points out, in paragraph 33, the need for an orderly transition from the old to the new policy. The new approach will be introduced, as soon as possible, through reviews of Regional Planning Guidance. We will discuss with the Regional Planning Conferences how far it will be possible to introduce the new arrangements into existing review processes, some of which are likely to be completed next year. In the meantime, where development plans are being replaced or altered, they should continue to have regard, inter alia, to existing regional guidance. However, in considering whether to object to proposals put forward in development plans, the Secretary of State will treat each case on its merits, taking account of national policy, including that in the statement. A more detailed note on the transitional position has been placed in the Library.

Water Charging

Helen Jackson: To ask the Secretary of State for the Environment, Transport and the Regions when he will publish the Government's consultation paper following the review of water charging in England and Wales. [37660]

Mr. Prescott: My right hon. Friend the Secretary of State for Wales and I are publishing today our water charging proposals. The driving principles behind our policy on water charging are to have a system which provides for fair water charges and gives customers more choice in the way they pay for water. That system has to look after vulnerable customers. It also has to help ensure that water is used efficiently. We propose four key measures:

(i) Those who currently pay on an unmeasured basis and use water only for essential domestic purposes should be able to continue to do so in their present home.

(ii) We should remove the threat of disconnection from domestic customers.

(iii) Domestic customers should have the choice of a meter, free of charge, if it suits their needs.

(iv) Targeted help should be available for consumers with special needs.

For the foreseeable future, the majority of customers will pay their water charges on an unmeasured basis. We remain firmly of the view that customers should not, in future, be obliged to start paying for water in their present home on a measured basis, where they are not using significant amounts of water for non-domestic purposes like garden watering using a sprinkler. To allow this, we propose a change in the law to allow rateable value charging to continue beyond the year 2000.

We also propose to remove the powers of water companies to disconnect domestic water supplies in the event of non-payment. This will be particularly reassuring to those who are most vulnerable. Access to water is essential to the maintenance of general good health and well being, and the water charging arrangements need to reflect that. Of course, water companies are entitled to be paid for the services they provide, but other debt recovery procedures are available to them. Our concern about public health demands that we maintain the flow of water supplies to households in all circumstances.

Measured charges may, in the right circumstances, encourage individual customers to use water efficiently. Some consumers, such as single people or pensioners in larger properties, will see an advantage in moving to a measured charging basis for their bills. We propose that in future customers should have the choice to have a meter fitted, free of charge. But those who choose a meter should also have the opportunity to revert to an unmeasured charging basis within a year if metering does not suit their needs.

Companies should draw up imaginative new tariffs which increase customer choice. Those should bring benefits to customers who have not previously seen any point in being metered. And tariffs can also be designed to give customers strong incentives to economise on water for discretionary purposes without discouraging essential use. It must be for the companies to take the lead in developing such tariffs, but I look to the regulator to see that they do so. In particular, we see a strong case for ending standing charges for metered customers, which can be a particular problem for people on low incomes with low water use.

For new homes, and those substantially altered since 1990, there are no rateable values. We do not believe that any of the unmeasured charging options for these homes are attractive. We therefore propose that metering should continue to be the normal charging method. But we will consider constructive proposals for alternative charging options which consultees wish to put forward, including possible unmeasured options for new houses.

A particular concern of this Government is the position of vulnerable customers. So we propose that households on low incomes, particularly large families, and those with special medical needs who live in houses with a metered supply should have the right to opt for a charge based on average use rather than their actual meter reading. This should provide targeted and effective assistance to the groups who could be most disadvantaged as a result of metering.

Copies of the Government's consultation paper 'Water Charging in England and Wales—A New Approach', on which responses have been requested by 14 May, have been placed in the Library.

Concrete (Thaumasite)

Jane Griffiths: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement about the problems associated with the thaumasite form of sulphate attack on concrete. [37704]

Mr. Raynsford: During recent strengthening operations on two of the older overbridges on the M5 in Gloucestershire, an unexpected deterioration was noted in some of the concrete columns below ground level. Consultations with BRE identified this as the thaumasite form of sulphate attack. Foundations on a further three bridges were examined and were found to be exhibiting similar deterioration.

The Highways Agency's view is that this does not pose a threat to the structural stability of the bridges, nor is there any risk to the safety of road users. The Agency are drawing up a programme to identify which bridges might be subject to this form of problem and to investigate those bridges.

BRE has been conducting research into this form of sulphate reaction since 1990 for my Department. But until the cases on the M5 were discovered last week, only three such incidents of damage to concrete foundations had previously been identified in the UK. It appears that compliance with standard design guidance on protection against sulphate attack does not guarantee protection of concrete against the thaumasite form of reaction. At present, BRE are undertaking both laboratory and long-term field studies into this phenomenon. These studies have led them to the conclusion that this form of sulphate reaction can only occur when there is a combination of:

(a) A source of sulphates, a commonly found in clay soils;

(b) Very wet, cold conditions; and

(c) A source of calcium carbonate in the concrete (limestone aggregate in the cases investigated).

The expert independent advice received from the BRE is that, while they believe that their initial findings indicate the need for wider study, they are strongly of the view that any damage to buildings would be gradual and there is no danger to people in buildings.

In the light of the problems discovered on the M5, I have today appointed Professor Leslie Clark to chair an expert group to study the phenomenon further and to report to me as soon as possible. The Group will develop guidance and advice on any implications for existing buildings and structures and on the design and specification of new construction.

Mining

Mr. McDonnell: To ask the Secretary of State for the Environment, Transport and the Regions when he intends to lay the regulations under section 58 of the Environment Act 1995 for mine operators to notify the Environment Agency before abandoning a mine or part of a mine. [37705]

Mr. Meacher: I am today laying before the House, together with the Parliamentary Under-Secretary of State for Wales, my hon. Friend the Member for Bridgend (Mr. Griffiths), The Mines (Notice of Abandonment) Regulations 1998. The Regulations will come into force on 1 July 1998. On 4 March, the Parliamentary Under-Secretary of State, my hon. Friend the Member for Wallasey (Angela Eagle) made the necessary Commencement Order to bring the remainder of section 58 and 60 of the Environment Act 1995 into force on 1 July. This period of notice will allow mine operators time to put in place the necessary steps to avoid a criminal liability for failing to notify the Agency of proposed abandonment.

These Regulations are being introduced following extensive consultation with interested parties. Copies of the responses received are available from the Departments' libraries. The Regulations will help the Environment Agency ("the Agency") avoid an unexpected minewater breakout resulting in serious contamination of controlled waters by enabling the Agency to identify appropriate action to prevent pollution or treat minewaters when a mine or part of a mine is abandoned.

The Regulations require mine operators to notify the Agency at least six months before abandoning a mine or part of a mine and to publish a notice in at least one local newspaper where the mine is situated. They set out the precise contents of both the notice to be given to the Agency and the public notice in a local newspaper. The notice for the Agency requires the operator to give an opinion as to the consequences of the proposed abandonment with relevant supporting information. Variations to the timing of the notice will apply where abandonment follows an emergency, and in some cases of insolvency. Where a phased programme of abandonment is planned, this could be notified to the Agency and published in local newspaper at one time, so as to reduce the burdens on the operator.

My hon. Friend the Parliamentary Under-Secretary of State has also brought into effect the remainder of section 60 of the Environment Act 1995. This removes the statutory defence against prosecution from the owners and former operators of mines abandoned after 31 December 1999, where a polluting discharge is "permitted" to flow from an abandoned mine or part of a mine.

FOREIGN AND COMMONWEALTH AFFAIRS

Visa Applicants (Security Risks)

Mr. Fearn: To ask the Secretary of State for Foreign and Commonwealth Affairs what steps are taken to ascertain the accuracy of information supplied by another country suggesting that an individual applying for a visa to enter the United Kingdom may be a security risk to that other country; and what account is taken of such information in determining an individual's visa application. [36851]

Mr. Fatchett: Any information supplied by another government in relation to a United Kingdom visa application at the respective British Mission would be carefully evaluated, including against the background of the information available on the visa application. Any information would be given appropriate weight when deciding the application under the requirements of the Immigration Rules.

Moldova

Mr. O'Hara: To ask the Secretary of State for Foreign and Commonwealth Affairs what plans the Government have to *(a)* establish permanent diplomatic representations in the Republic of Moldova or *(b)* move Moldavian accreditation from Moscow. [37210]

Mr. Doug Henderson: There are no plans to open a British Embassy in Moldova. We have no plans to transfer accreditation from the British Embassy, Moscow. We are however hoping to appoint an Honorary Consul in Chisinau by the end of this year. The question of diplomatic coverage of Moldova is kept under regular review.

People's Europe Project

Sir Teddy Taylor: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the *(a)* purpose and *(b)* budget of the People's Europe Project. [37072]

Mr. Doug Henderson: The aim of the People's Europe 98 conference is to promote and widen public debate on the challenges facing Europe; in this way to help make the EU more open and closer to the citizen; and to provide a means to promote the views of civic society within the European Union. The budget for the project is the responsibility of the organisers. My Department is providing £70,000.

Sir Teddy Taylor: To ask the Secretary of State for Foreign and Commonwealth Affairs what European Communities funding will be available to support the People's Europe Project. [37096]

Mr. Doug Henderson: The European Commission intends to provide about £70,000 from the EC budget toward the cost of the People's Europe 1998 conference. The European Parliament is likely to make a further, smaller contribution. It is possible that EC funds may be available to Non-Governmental Organisations that are contributing to the conference.

Diplomatic Immunity

Mr. Wilkinson: To ask the Secretary of State for Foreign and Commonwealth Affairs how many staff of the European Commission based in London possess diplomatic immunity. [37165]

Mr. Fatchett: Under the 1965 Protocol on Privileges and Immunities of the European Communities, 26 members of staff at the European Commission based in London enjoy Diplomatic Immunity. This is only in respect of acts carried out in their official capacity.

UNICEF

Mr. Llwyd: To ask the Secretary of State for Foreign and Commonwealth Affairs what financial contribution the UK has made to UNICEF in each of the last five years. [37060]

Mr. Foulkes: I have been asked to reply.

Total UK contributions to UNICEF were as follows:

Year	*£ million*
1993–94	12
1994–95	25
1995–96	27
1996–97	22
1997–98	[1]10

[1] Provisional

Refugee Children

Mr. Llwyd: To ask the Secretary of State for Foreign and Commonwealth Affairs what *(a)* projects and *(b)* financial aids are provided to help reunite refugee children with their families in areas of conflict. [37054]

Mr. Foulkes: I have been asked to reply.

The Department for International Development (DFID) supports a number of organisations which help to reunite refugee children with their families. Prominent among these is the International Committee of the Red Cross (ICRC) who work in most of the world's crisis affected countries and whose mandate includes protection and tracing. We have recently agreed a core contribution of £15 million (1997/98 financial year) for the International Committee of the Red Cross (ICRC). We support and work closely with the United Nations Children Fund (UNICEF), whose mandate is the protection of children's rights: in 1996/97 DFID provided a core contribution of £8.5 million. We have also contributed a sum of £200,000 in support of the work of the United Nations Special Representative for Children and Armed Conflict to ensure protection, healing and rehabilitation of war affected children.

Additionally, DFID supports bilaterally a number of NGOs who work with refugees. Many of these projects are aimed at the most vulnerable members of the community and often have children as major beneficiaries. For instance we have given specific support to the UK NGO Children in Crisis to fund an orphan reunification project in Afghanistan. We are also funding a Save the Children programme in Liberia which aims to assist unaccompanied children, family tracing and reunification/rehabilitation work.

HOME DEPARTMENT

Animal Experiments

Mr. Nigel Jones: To ask the Secretary of State for the Home Department what percentage of the animal tests for cosmetics in 1996 were for non-legislative purposes. [36424]

Mr. George Howarth: In 1996, there were 101 animal tests for cosmetics involving a total of 2,803 individual procedures on 2,791 animals. Of these, one test (1 per cent.) was for non-legislative purposes. It involved 45 rats (1.6 per cent. of the total number of animals). The test was carried out because of doubts about the safety of an ingredient which was to be used in trials involving human volunteers.

The figures given are not consistent with the figures in table 11 of the report "Statistics of Scientific Procedures on Living Animals, Great Britain, 1996" which was published in July 1997. The "All species" row in table 11 indicated that 620 cosmetic testing procedures had been carried out for non-legislative purpose. Inquiries since the statistics were published showed most of these procedures were, in fact, carried out to comply with health and safety or consumer protection legislative requirements.

Mr. Nigel Jones: To ask the Secretary of State for the Home Department if he will outline his proposals relating to animal experimentation during the United Kingdom's presidency of the European Union. [36428]

Mr. George Howarth: The United Kingdom has used its Presidency of the European Union to seek agreement for the European Commission, and those member states which have not done so, to conclude by January 2000 the European Convention for the protection of vertebrate animals used for experimental and other scientific purposes. This will allow the United Kingdom to ratify the Convention, to which it has been a long-standing signatory. We have also clearly signalled our support for the Commission in its approach to the Organisation for Economic Co-operation and Development for a review

of its requirements for safety testing (including the LD50 test) and to pursue a vigorous policy over the use of non-human primates in the European Union.

In addition, the Home Office is collaborating with other Government Departments to organise a workshop in May. This will be jointly funded by the European Centre for the Validation of Alternative Methods and the United Kingdom Government. The aim is to explore advances in safety testing which will allow refinement of existing tests or a reduction in the number of animals used.

My noble Friend, the Lord Williams of Mostyn, is also to visit the European Centre for the Validation of Alternative Methods to explore the possibility of setting up a European database to promote the use of alternatives to animals in scientific experiments.

Drugs

Mr. Flynn: To ask the Secretary of State for the Home Department what was the proportion of *(a)* heroin and *(b)* cocaine seized in the last 12 months for which figures are available, with a degree of purity of *(a)* less than 20 per cent., *(b)* 20 to 30 per cent., *(c)* 30 to 40 per cent., *(d)* 40 to 50 per cent., *(e)* 50 to 60 per cent. and *(f)* 60 per cent. and above: and what quantity was seized in each band. [36480]

Mr. George Howarth: In 1997 where the Forensic Science Service was asked to test for purity of police seizures of heroin and cocaine, the purities were as follows:

Heroin purity	*Percentage of cases*	*Cocaine purity*	*Percentage of cases*
Less than 5 and 5–10	2	Less than 5 and 5–10	2
10–20	12	10–20	4
20–30	21	20–30	10
30–40	23	30–40	12
40–50	23	40–50	13
50–60	15	50–60	13
More than 60	5	More than 60	43

Note:
Figures are rounded

The quantity seized in each band is not available. The seemingly high percentage of cases involving purity of cocaine of more than 60 per cent. is probably skewed by the inclusion of some crack cases. The overall average purity for heroin was around 35 per cent. and for cocaine around 52 per cent.

Where the Forensic Science Service was asked to test for purity of Customs seizures, the average purity on importation in 1997 of heroin was around 34 per cent. and cocaine around 70 per cent. More detailed information on purity on importation is not available.

Mr. Flynn: To ask the Secretary of State for the Home Department what was the proportion of amphetamines seized in the last 12 months for which figures are available, with a degree of purity of *(a)* less than 5 per cent., *(b)* 5 to 10 per cent., *(c)* 10 to 20 per cent., *(d)* 20 to 30 per cent., *(e)* 30 to 40 per cent., *(f)* 40 to 50 per cent., *(g)* 50 to 60 per cent., *(h)* 60 to 70 per cent. and *(i)* 70 per cent. and above; and what quantity was seized in each band. [36479]

Mr. George Howarth: In 1997, where the Forensic Science Service was asked to test for purity of police seizures of amphetamine, the purity was as follows:

Purity	*Percentage of cases*
Less than 5	36
5–10	24
10–20	17
20–30	10
30–40	6
40–50	3
50–60	2
60–70	2
More than 70	1

Note:
Figures are rounded.

The quantity seized in each band is not available. The overall average purity was around 14 per cent. although the typical (modal) purity was around 5 per cent.

Where the Forensic Science Service was asked to test for purity of Customs seizures, the average purity on importation in 1997 was around 40 per cent. More detailed information on purity on importation is not available.

Mr. Flynn: To ask the Secretary of State for the Home Department what assessment he has made of the average potency per unit seized in the last twelve months of *(a)* LSD and *(b)* ecstasy. [36481]

Mr. George Howarth: In 1997, the Forensic Science Service was not asked by the police or Her Majesty's Customs and Excise to determine the drug content of any LSD seizures.

In 1997, where the Forensic Science Service was asked to test for drug content in police seizures (22 cases), the average content of MDMA tablets was 66 milligrams; the average content for MDEA tablets and tablets containing a mixture of MDMA and MDEA was around 80 milligrams.

Asylum Seekers

Dr. Lynne Jones: To ask the Secretary of State for the Home Department (1) how many children are currently held in detention in connection with asylum applications; what are their nationalities; how many have been held for more than two months; and if he will list the detention establishments where they are held; [36587]

(2) how many children who made applications for asylum at the port of entry in *(a)* 1995, *(b)* 1996 and *(c)* 1997 were subsequently detained; [36589]

(3) how many children made applications for asylum at the port of entry in *(a)* 1995, *(b)* 1996 and *(c)* 1997. [36588]

Mr. Mike O'Brien: It is our policy not to detain persons under the age of 18 save only in exceptional circumstances, such as when an unaccompanied minor arrives at a port of entry late at night and the Immigration Service is unable to make immediate contact with the local social services, or when the child's parent is detained, usually immediately prior to removal. The normal procedure is to grant temporary admission/release wherever possible, either into the care of a close relative or friend, or into the care of social services.

The available information relating to persons detained under sole Immigration Act powers in immigration detention centres is that, as at 28 February 1998, there were two persons known to be aged under 18 years who were present in Immigration Service detention accommodation as the dependants of a detained asylum seeker. In addition, one unaccompanied minor asylum seeker, whose age was in dispute on 28 February 1998 but who was later found to have been 17 years of age, was held in detention on that date. The nationalities of the persons involved were Kenyan and Syrian; they were held at Tinsley House and Harmondsworth detention centres; and none had been in continuous detention for more than two months.

Cases do inevitably arise where the exact age of an individual is in dispute. All age-disputed unaccompanied minor cases are referred, without prejudice, to the Refugee Council's Panel of Advisers for Unaccompanied Children. I regret that no central record is held of the numbers of unresolved age-disputed cases.

The numbers of persons recorded as being aged under 18 years when they applied for asylum at a United Kingdom port of entry, were: 580 in 1995; 650 in 1996; and 740 in 1997. These data relate to principal asylum applicants only and therefore exclude those whose only claim to asylum was as the dependant of another person.

I regret that reliable information on the numbers of persons recorded as being aged under 18 years when they applied for asylum at a United Kingdom port of entry and who were subsequently detained is available only at disproportionate cost through the examination of individual case records.

Mr. Malins: To ask the Secretary of State for the Home Department if he will estimate the number of persons who have claimed asylum in the United Kingdom in each of the last six months. [36996]

Mr. Mike O'Brien: The information requested is given in the table.

Applications[1] received for asylum in the United Kingdom, excluding dependants, September 1997 to February 1998

	Number of principal applicants
1997	
September	2,850
October	2,990
November	2,345
December	3,120
1998	
January	2,860
February	2,650

[1] Figures are provisional and rounded to the nearest five.

Mr. Malins: To ask the Secretary of State for the Home Department how many persons who are claiming asylum have been convicted of criminal offences, other than motoring, in the last 12 months. [36995]

Mr. Mike O'Brien: Regrettably, the information requested is available only at disproportionate cost.

The available information, relating to persons who had applied for asylum at some stage is that, in 1997, 11 such persons were recommended for deportation by a court, and a further four were issued with notices of intention to deport on grounds conducive to the public good, following conviction for a criminal offence. The data are provisional and may include persons who have been convicted of motoring offences.

Mr. Malins: To ask the Secretary of State for the Home Department what was the cost to public funds in the last week for which figures are available in respect of those currently claiming asylum in the United Kingdom. [36994]

Mr. Mike O'Brien: I refer the hon. Member to the reply I gave to the hon. Member for Eastbourne (Mr. Waterson) on 13 November 1997, *Official Report*, column *652*, which gave the available information for 1996. More recent information from the Department of Social Security is not yet available. The Department of Health has estimated that, in 1997/98, grants to local authorities are likely to be in the region of £40 million for single adult asylum seekers and £28.5 million for families with children.

Mr. Malins: To ask the Secretary of State for the Home Department how many asylum claims have been made in the United Kingdom in the last 10 years; how many have been determined; and how many are outstanding. [36993]

Mr. Mike O'Brien: During the period 1 January 1998 to 28 February 1998, approximately 278,000 asylum applications, excluding dependants, were lodged in the United Kingdom. In the same period in the order of 207,000 initial decisions were made.

As at 28 February 1998, there were estimated to be 50,960 asylum applications, excluding dependants, awaiting an initial decision.

Dr. Harris: To ask the Secretary of State for the Home Department how many detainees in Campsfield House have been transferred to prison establishments in each month since January 1997. [37106]

Mr. Mike O'Brien: The numbers of detainees transferred from Campsfield House to Prison Service establishments in each month since January 1997 are given in the table. These figures include transfers to the dedicated Immigration Service detainee accommodation at Her Majesty's Holding Centre at Haslar, and the detention wings at Her Majesty's Prison Rochester. The figures for August 1997 include those transferred as a result of the disturbance.

	Number
1997	
January	2
February	12
March	1
April	7
May	9
June	1
July	4
August	69
September	2
October	1
November	4
December	0
Total	112

	Number
1998	
January	2
February	2
March (to date)	5

Young Offender Institution, Colchester

Mr. Clappison: To ask the Secretary of State for the Home Department (1) what steps he has taken *(a)* to identify good practice at Colchester YOI and *(b)* to disseminate it to other YOIs; [36703]

(2) when he expects the reconviction rate for Colchester YOI to be ascertained; and what provisional estimate he has made of it; [36708]

(3) what is his estimate of when the research carried out by Dr. Kate Painter of Cambridge University into the experimental regime at Colchester Young Offender Institution will be published; [36709]

(4) what research his Department has commissioned or evaluated on the number of former inmates at Colchester YOI obtaining employment following the completion of their sentence; [36706]

(5) how many incidents of absconding have taken place at Colchester YOI; [36707]

(6) how many incidents of self-harm have been reported from the Colchester Young Offender Institution; [36710]

(7) what assessment he has made of *(a)* the inculcation of discipline and *(b)* the participation in constructive activity at (i) the Colchester YOI and (ii) other YOIs; [36704]

(8) what proportion of young offenders at Colchester YOI have (i) taken part in and (ii) obtained certificates acknowledging competence in the short courses in *(a)* painting, *(b)* bricklaying, *(c)* motor mechanics, *(d)* animal husbandry, *(e)* carpentry and *(f)* other subjects offered as part of the regime. [36705]

Ms Quin: (i) Colchester Young Offender Institution has been closely monitored by all those involved in the project, either directly or indirectly. Ministers have been regularly updated on progress, and I have had the opportunity to visit both Colchester and Thorn Cross to see their operation at first hand. The Prison Service is currently reviewing regimes for young offenders, and this will incorporate the learning from good practice identified at Colchester. The outcome of the review will be disseminated to all establishments.

(ii) Preliminary reconviction data should be available at the end of 1998. No provisional estimate of the reconviction rate has been made.

(iii) An evaluation report containing a qualitative analysis of the Colchester experiment should be available in the autumn. A further report, including reconviction data will be produced when the data are available.

(iv) The offenders' supervising probation officers record information on employment; this will be assessed as part of the evaluation process.

(v) There have been no reported incidents of absconding from Colchester, but one prisoner did breach a temporary release licence by failing to return from a community visit. This prisoner was taken back into custody after two days.

(vi) There have been no reported incidents of self-harm.

(vii) The Colchester evaluation includes an assessment of attitude and behaviour changes among young offenders during their time at Colchester. This includes measures relating to discipline. The regime was highly structured with constructive activities and full participation was a basic requirement.

In other Young Offender Institutions assessment of needs and participation in appropriate regime activities is part of young offenders' sentence management. Discipline and behaviour are regularly monitored as part of the incentives and earned privileges scheme which determines the inmates' level of privileges.

(viii) There have been 66 young offenders at Her Majesty's Young Offender Institution Colchester. The table lists the proportion and numbers who attended courses and obtained certificates.

Her Majesty's Young Offender Institution Colchester: courses attended by young offenders

Course	*Number of young offenders that attended the course*	*%*	*Number of young offenders that obtained certificates*[1]	*%*
Painting	23	35	21	32
Brick laying	23	35	7	11
Motor mechanics (garage skills)	23	35	23	35
Animal husbandry	30	30	2	3
Carpentry (home maintenance)	16	24	16	24
Computers	2	3	0	0
Computer self study	11	17	[2]—	[2]—
Basic literacy and numeracy	66	100	[3]66	[3]100
Resettlement education programme	44	67	[2]—	[2]—

[1] The certificates awarded for Animal Husbandry are nationally recognised. Certificates awarded for all other courses were locally produced to recognise attendance and participation. They are not nationally recognised or accredited qualifications.

[2] Certificates not awarded for course

[3] Attendance for assessment was mandatory for all young offenders

Young Offenders (Accommodation Costs)

Mr. Nigel Jones: To ask the Secretary of State for the Home Department (1) if he will assess the *(a)* benefits and *(b)* disadvantages of transferring the cost of remand places for juveniles facing criminal charges from local authority social services departments to his Department's budget; [37028]

(2) if he will assess the *(a)* benefits and *(b)* disadvantages of transferring the cost of secure accommodation places for young offenders from local authority social services departments to his Department's budget; [37027]

(3) if he will assess the *(a)* benefits and *(b)* disadvantages of transferring the funding for remand places for juveniles facing criminal charges from local to central Government; [37026]

(4) if he will assess the *(a)* benefits and *(b)* disadvantages of transferring the funding for secure accommodation places for young offenders from local to central Government. [37025]

Mr. Michael: Juveniles held in custody on remand or sentenced can be placed in secure accommodation provided by the local authority, within its secure estate, or by central Government in Prison Service facilities, Secure Training Centres or in the Youth Treatment Centre.

At present, when juveniles—that is those between the ages of 10 and 16—are charged and not released on bail they have to be remanded to local authority accommodation under section 23 of the Children and Young Persons Act 1969. The local authority may, if it can satisfy certain strict conditions, return to court and seek a secure accommodation order under section 25 of the Children Act 1989 to place the juvenile in local authority secure accommodation. The cost of such remands in these circumstances is met by the local authority and there are no proposals to change these payment arrangements.

Currently there are also special arrangements for 15 and 16-year-old boys who may be remanded to prison if the strict conditions set out in section 23 of the 1969 Act are met. The costs for these prison remands are met centrally and there are no proposals to change these payment arrangements.

The Government intend to add to the existing remand powers so that courts will have the power to remand certain juveniles direct to local authority secure accommodation. Powers are contained in the Crime and Disorder Bill which will allow for the process of implementing the Government's commitment in this area to begin. This process will be implemented in stages with priority concentrated on the youngest and most vulnerable juveniles, because there is a limited number of available local authority secure places. The powers will apply, in the first instance to 12 to 14-year-olds, 15 to 16-year-old girls and some 15 and 16-year-old boys who are adjudged by the court to be vulnerable and where a local authority secure place has been identified. The costs of such secure remands once implemented will be met centrally.

The costs of all sentenced juveniles and young offenders, irrespective of where they are held, are met centrally and there are no proposals to change these arrangements.

We have been reviewing the provision of secure accommodation for remanded and sentenced juveniles, including the funding arrangements. The outcome of the review will be known shortly.

Illegal Entrants

Mr. Malins: To ask the Secretary of State for the Home Department (1) how many people in the last 12 months he estimates have entered the United Kingdom illegally via Eurostar; [36997]

(2) what estimate he has made of the number of persons entering the United Kingdom illegally in each of the last six months. [37011]

Mr. Mike O'Brien: There is no estimate of the total number of persons who enter the United Kingdom illegally since, by the very nature of the problem, it is not possible to establish that a person is here illegally until they have been traced and interviewed.

The available information, relating to the total number of persons detected and served with papers as illegal entrants in 1997, is given in the table. I regret that information concerning the numbers of illegal entrants detected who had arrived, or had claimed to have arrived, via the Eurostar service, could be obtained only at disproportionate cost through the examination of individual case records.

Persons served with papers as illegal entrants[1] by month papers served, 1997[2]

Month	*Number of persons[2]*
January	1,410
February	1,200
March	1,130
April	1,180
May	1,080
June	1,060
July	1,100
August	1,100
September	1,160
October	1,280
November	1,340
December	1,110
Total	14,150

[1] Covers persons served with papers and dealt with as illegal entrants as defined in section 33 (1) of the Immigration Act 1971.
[2] 1997 figures are provisional and rounded.

Police Constables

Mr. Paul Marsden: To ask the Secretary of State for the Home Department what plans he has to increase the number of police constables in *(a)* the West Mercia Constabulary and *(b)* the Shrewsbury Division; and if he will make a statement. [36757]

Mr. Michael: Ministers have no direct control over police numbers or their deployment. Under legislation passed by the previous Government in 1994, it is for individual chief constables to determine the number of police officers in their force, within the total resources available to them. For 1998–99, West Mercia Constabulary will be able to increase its spending by £4.1 million, or 3.8 per cent. giving it a total spending power of £112.2 million.

The West Mercia Constabulary had 2,031 officers in September 1997—three fewer than in March 1992.

I understand from the Chief Constable that the Shrewsbury Division had 305 officers in March 1998—two more than 12 months ago. Included in this total are 239 constables—one more than 12 months ago. The Chief Constable has no immediate plans to change the disposition of his resources.

Domestic Violence

Ms Shipley: To ask the Secretary of State for the Home Department if he will list the number of cases of domestic violence prosecuted by the police in the last 12 month period in the West Midlands Region. [36978]

Mr. Michael: Information collected centrally on court proceedings is not held in sufficient detail to distinguish domestic violence from other violent offences. The four police forces within the West Midlands region (Staffordshire, Warwickshire, West Mercia and West Midlands) do not maintain counts of prosecutions involving domestic violence.

Police Information Technology Organisation

Angela Smith: To ask the Secretary of State for the Home Department what assets will be transferred to the Police Information Technology Organisation on its establishment as a non-departmental public body under the Police Act 1997. [37555]

Mr. Michael: Under the provisions of Article 4(1)(a) of the Police Act 1997 (Commencement No. 5 and Transitional Provisions) Order 1998, I have given notice to the Police Information Technology Organisation that certain Crown assets will be transferred to it, with effect from 1 April 1998, to coincide with its establishment as a Non-Departmental Public Body. The transfer will be free of charge. The assets concerned comprise:

£000

Assets	*Estimated value*
Hendon Data Centre	12,023
Information Technology (IT) equipment and software associated with the Police National Computer	21,287
Other office IT equipment and software	2,277
Furniture and miscellaneous items of office equipment	742
Vehicles	23
Total	36,352

NCIS Service Authority

Angela Smith: To ask the Secretary of State for the Home Department what assets will be transferred to the Service Authority for the National Criminal Intelligence Service on its establishment as a body corporate under the Police Act 1997. [37556]

Mr. Michael: Under the provisions of Article 4(1) of the Police Act 1997 (Commencement Number 5 and Transitional Provisions) Order 1998, I have given notice to the Service Authority for the National Criminal Intelligence Service that certain Crown assets will be transferred to it, with effect from 1 April 1998. The transfer will be free of charge. The assets comprise:

£000

Assets	*Estimated value*
Information technology and communications equipment	3,147
Vehicles	1,049
Furniture and miscellaneous items of office equipment	313
Technical equipment	208
Total	4,717

In addition, my right hon. Friend the Chancellor of the Exchequer has given notice to the Service Authority for the National Criminal Intelligence Service that he will transfer to it, on the same day and free of charge, vehicles with an estimated value of £301,000.

Detention Centres

Dr. Harris: To ask the Secretary of State for the Home Department what timescale he has agreed with the Chief Inspector of Prisons for the publication of reports following a visit to *(a)* a prison and *(b)* a detention centre. [37120]

Ms Quin *[holding answer 31 March 1998]:* On 29 September 1997, my right hon. Friend announced a new protocol for dealing with the publication of inspection reports on Prison Service establishments by Her Majesty's Chief Inspector of Prisons. The protocol procedures seek to ensure expedited publication of the Chief Inspector's inspection reports 10 weeks after the inspection of a Prison Service establishment is completed, and once any issues of factual accuracy have been resolved between the Prison Service and the Chief Inspector.

These procedures do not extend to the inspection reports of Immigration Service detention centres. However, the Government would look to the early publication of such reports once any issues about factual inaccuracy have been resolved.

Dr. Harris: To ask the Secretary of State for the Home Department for what reasons the report of the Chief Inspector of Prisons to Featherstone Prison in 1996 was not published. [37124]

Ms Quin *[holding answer 31 March 1998]:* Her Majesty's Chief Inspector withdrew his draft report of the 1996 inspection of Featherstone Prison because of delays in agreeing a publication date. At the time the Chief Inspector submitted his report, it was the practice of the Prison Service to provide Ministers with full and detailed advice on all aspects of an inspection report prior to its publication. This process could take a number of months and, on occasions, led to a delay in publication.

In order to expedite matters and ensure transparency in the process, my right hon. Friend announced, on 29 September 1997, a new protocol for handling the publication of the inspection reports. The protocol seeks to ensure the publication of the reports ten weeks after the inspection of an establishment, unless there are

unresolved issues of factual accuracy raised by the Prison Service. The protocol has the full agreement of the Director General of the Prison Service and the Chief Inspector.

World Cup

Mr. Maude: To ask the Secretary of State for the Home Department what information the French authorities have provided to him about the proportion of tickets which will be checked against identification at the turnstile during the forthcoming World Cup. [37166]

Mr. Michael *[holding answer 31 March 1998]:* We are assured by the French authorities that supporters attending matches during France '98 will be subject to a range of security checks by police authorities and stewards before entering stadiums to ensure that they hold valid tickets, and to further checking following entry to the ground. This will include stewards conducting checks on the validity of tickets prior to entry to the ground and again before the person takes up his or her seat. All ticket holders will be subject to a search outside the stadium by the police or gendarmerie, providing a further opportunity to check on the validity of tickets.

The French authorities have not stated that any specific proportion of tickets will be checked against identification. That is an operational matter for the French authorities. They have indicated that checks against identity will be carried out in any circumstances which give rise to suspicion. Verification checks will also be carried out on a random basis.

There is strict ticketing legislation in place in France and the authorities have undertaken to apply this rigorously.

Firearms

Mr. Robathan: To ask the Secretary of State for the Home Department how many claims have been made for increased compensation payments to former owners of handguns handed in under the Firearms (Amendment) Act 1997; and how many *(a)* have been settled and *(b)* are outstanding. [37294]

Mr. Michael: The levels of compensation under Options A and B of the compensation scheme and the evidence required in support of claims under Option C are prescribed in the scheme booklet approved by Parliament. There is no provision for making increased payments outside the terms of the scheme, and so the question of claims for such payments does not arise.

DEFENCE

Military Aircraft

Helen Jackson: To ask the Secretary of State for Defence if he will make a statement on the regulations covering military aircraft breaking the sound barrier above *(a)* urban and *(b)* other areas. [36406]

Mr. Spellar: The following regulations, which are an extract from Military Flying Regulations, apply to supersonic flying by military aircraft in UK airspace:

In the United Kingdom Flight Information Region (FIR), all medium and high level supersonic flights are to be made over the sea. Aircraft heading directly out to sea may accelerate to supersonic speed when at least 10 nautical miles (nm) out to sea and along a flight of at least 20° divergent from the mean line of the coast; the angle of dive is not to exceed the minimum necessary. Supersonic flights with the aircraft pointing towards the land, turning or flying parallel to the coast are to take place at least 35nm from the nearest coastline.

Supersonic flying at low level over the sea within UK FIR may take place provided that the above rules are followed and that, in addition, a radar/visual search is maintained in order to avoid the following by the margins indicated:

(a) Shipping and fixed or mobile oil and gas installations: 3nm.

(b) Civilian or military transport aircraft: a minimum of 6nm.

(c) Helicopter main routes and corridors: 6nm.

With the exception of Air Defence missions, operating authorities are to notify the appropriate radar station of all planned supersonic flights in advance. Radar stations are to maintain a permanent record of supersonic flights carried out under their control.

If any captain knows or suspects that his aircraft has inadvertently made a supersonic flight he is to enter details in the Flight Authorisation Book. In addition, it is the responsibility of the station concerned to notify the appropriate radar station of the flight within 30 minutes of the aircraft's landing. The radar station is to maintain a special record of all such occurrences.

Defence Evaluation and Research Agency

Sir Teddy Taylor: To ask the Secretary of State for Defence if he will contact the customers using the facilities at the firing ranges operated by DERA before coming to a decision on the transfer of work from Shoeburyness to Eskmeals. [36389]

Mr. Spellar *[holding answer 26 March 1998]:* As part of the DERA land ranges rationalisation study, customers were and continue to be consulted about their future requirements for test and evaluation capabilities, the likely volume of the work, and the funding available for this work over the next five years. Once the current consultation phase has finished, all contributions will be considered openly and fairly before a decision is made on how best to meet the needs of the Department in the most cost effective way.

Sir Teddy Taylor: To ask the Secretary of State for Defence what estimate he has made of the future reductions in spending which will arise at DERA in Shoeburyness in consequence of the management reorganisations. [36386]

Mr. Spellar *[holding answer 26 March 1998]:* The land ranges rationalisation study recommends changes that, in a full financial year, will produce savings in operating costs at Shoeburyness of some £8.9 million per year.

Sir Teddy Taylor: To ask the Secretary of State for Defence what was the expenditure involved in operating the DERA range facility at Shoeburyness in the most recent year for which figures are available; and what savings in annual administrative costs have accrued from management reforms in respect of the facility and from the changes introduced in consequence of the first stage of the reorganisation of the ranges. [36387]

Mr. Spellar *[holding answer 26 March 1998]:* The cost of operating the Shoeburyness site in FY 1996–97, the last year for which full figures are available, was £21.1 million. The forecast cost for FY 1997–98 is £20 million. The changes made in staff numbers during October 1997, along with other efficiency measures at the site, will reduce operating costs by approximately £2 million per year. The level of saving achieved from October 1997 to date is consistent with this.

Museums and Galleries

Mr. Swinney: To ask the Secretary of State for Defence if he will state the *(a)* percentage and *(b)* total amount of grant in aid awarded by his Department to museums and galleries in (i) London, (ii) England and (iii) Scotland. [36131]

Mr. Spellar *[holding answer 26 March 1998]:* The total amount of Grants in Aid estimated to be paid to Museums and Galleries by the Ministry of Defence during 1997–98 is £9,625,000 which represents about 0.05% of the Defence budget.

Of the total, £6,878,000 (71%) is paid to the National Army and Royal Air Force Museums in London; £2,747,000 (29%) is paid to the Royal Air Force, Royal Marine, Royal Navy, Royal Navy Submarine and Fleet Air Arm Museums in England (Hampshire, Shropshire and Somerset); and none is paid in Scotland.

In addition to Grant in Aid, the Ministry of Defence also funds Regimental and Corps Museums, in partnership with the Trustees of the Regimental and Corps Associations. The total funding provided by the Ministry of Defence in 1997–98 is £2,021,000, which represents about 0.1% of the Defence budget.

Of the total, £286,000 (14%) is paid to museums in London; £1,411,000 (71%) to museums in England; and £160,000 (8%) to museums in Scotland.

Hydrographic Survey Squadron

Mr. Luff: To ask the Secretary of State for Defence (1) what plans he has to use the Public Private Partnership to procure new vessels for the Hydrographic Survey Squadron; and what assessment he has made of the suitability of such procurement for front-line vessels; [37206]

(2) if he will make a statement on the progress of the procurement of new ships for the Hydrographic Survey Squadron; [37207]

(3) what assessment he has made of the impact of the delay in procuring new ships for the Hydrographic Survey Squadron on the Squadron's operational affectiveness; and if he will make a statement. [37208]

Mr. Spellar: Plans to replace the surveying capability currently provided by vessels of the Hydrographic Survey Squadron include the possibility of a Private Finance Initiative, PFI, solution to the requirement. We are nearing completion of the evaluation of PFI proposals, which includes an assessment of the operational implications of procuring an Oceanographic and Hydrographic capability through such Private Partnership arrangements rather than through direct procurement of survey vessels by the MOD. A decision should be made on the preferred procurement route within the next few months. In the meantime, although limited by age and weather, the current ships continue to carry out their tasks effectively.

Type 42 Destroyers

Mrs. Ewing: To ask the Secretary of State for Defence what negotiation he has had with the US Government on replacements for the Type 42 destroyers; and what plans he has for their future. [37238]

Mr. Spellar: No negotiations have been held with the US Government regarding replacement of the capability currently provided by the Type 42 destroyers. It is currently planned that the Type 42 capability will continue until replaced early in the next century by the Common New Generation Frigate.

Jaguar and Tornado Aircraft

Mr. Wilkinson: To ask the Secretary of State for Defence how much his Department has spent on upgrades and enhancements to Jaguar aircraft in Royal Air Force service in each of the last 10 years. [36445]

Mr. Spellar: Details of expenditure on upgrades and enhancements to Royal Air Force Jaguar aircraft for the last four financial years are provided below. Before that time expenditure was minimal, and retrieval and collation of the relevant information could be achieved only at disproportionate cost.

Financial year	*£ million VAT included*
1994–95	1.89
1995–96	24.25
1996–97	27.07
1997–98	18.59

Mr. Wilkinson: To ask the Secretary of State for Defence what is the average cost per flying hour of operating in Royal Air Force service *(a)* Jaguar aircraft and *(b)* Tornado GR1 aircraft. [36447]

Dr. Reid: The average cost, (at current prices) per flying hour of operating a Royal Air Force Jaguar is approximately £13.3K and for a Royal Air Force Tornado GR1 is approximately £23.3K. This includes the variable flying costs and the apportionment of the station's fixed costs and overheads.

Mr. Wilkinson: To ask the Secretary of State for Defence what is the average number of maintenance man-hours per flying hour in Royal Air Force service *(a)* Jaguar aircraft and *(b)* Tornado GR1 aircraft. [36448]

Mr. Spellar: The average number of maintenance man-hours per flying hour recorded for Jaguar and Tornado aircraft in Royal Air Force service is as provided. The figures include work which is carried out by the RAF at 1st, 2nd and 3rd line, but do not include maintenance work undertaken by industry which is not calculated in man-hours:

(a) Jaguar—12.24 maintenance man-hours per flying hour.

(b) Tornado GR1/1a/1b—17.00 maintenance man-hours per flying hour.

Mr. Wilkinson: To ask the Secretary of State for Defence what his Department intends to spend in the current financial year and in the next two financial years on upgrades and enhancements to Jaguar aircraft in Royal Air Force service. [36446]

Mr. Spellar: Expenditure on upgrades and enhancements to Royal Air Force Jaguar aircraft in the current financial year, and that proposed for the next two financial years, is around £60 million inclusive of VAT.

Army Storage Sites

Mr. Wills: To ask the Secretary of State for Defence if he will make a statement on the future of the specialist vehicle storage site at Ludgershall, Wiltshire; and what forecasts he has made of future employment levels at the site. [37250]

Dr. Reid: The future of the site which formerly contained the Army's Base Vehicle Depot at Ludgershall is under consideration as part of the Strategic Defence Review, and it would not be appropriate to make predictions on future employment levels at the site while the Review is still ongoing.

Mr. Wills: To ask the Secretary of State for Defence (1) if the upgrade of technical facilities required at the Ashchurch site as a result of the transfer of responsibilities for armoured vehicles has been completed; [37248]

(2) if he will make a statement on the performance against targets of the Army Base Storage and Distribution Agency at its Ashchurch site in respect of armoured vehicle work previously carried out at Ludgershall. [37262]

Dr. Reid: These are matters for the Chief Executive of the Army Base Storage and Distribution Agency (ABSDA). I have asked the Chief Executive to write to the hon. Member.

Letter from P. D. Foxton to Mr. Michael Wills, dated 1 April 1998:

I am replying to your recent questions you tabled to the Secretary of State for Defence for those matters that fall within my area of responsibility as Chief Executive of the Army Base Storage and Distribution Agency (ABSDA). You asked; had the technical facilities at Base Vehicle Depot (BVD) Ashchurch had been upgraded as a result of the transfer of responsibilities for armoured vehicles and the performance against targets at Ashchurch in respect of armoured vehicle work.

The upgrade of the technical facilities has not yet been completed. However, a Project Manager has already been appointed and a submission for final approval has been made to Quartermaster General, the Top Level Budget holder, to make funds available that will allow construction to begin. I am confident approval will be granted in the near future. I wish to point out that the armoured vehicle maintenance is being carried to the same exacting standards demanded by the Army's Equipment Managers, as was the case when armoured vehicles were stored at BVD Ludgershall.

BVD Ashchurch is meeting all but one of it's Performance Targets in respect of the routine issue of Armoured vehicles. This target is being missed due to awaiting spares (Ashchurch is given a low priority on spares issue compared to operational units) and the current restricted workshop space, but this is not affecting operations as BVD Ashchurch has met all operational Armoured vehicle demands placed upon it within or higher than the set times. This is a record of which the depot staff and myself are justifiably proud.

I trust I have answered your questions fully.

Defence Communications Service

Mr. Rapson: To ask the Secretary of State for Defence if he will make a statement about Defence Agency status for the Defence Communications Service. [37665]

Dr. Reid: On 1 April 1998 the Defence Communication Services Agency (DCSA) will be established as a Defence Agency. The DCSA will be responsible for the provision of end to end wide area information transfer services to meet defence needs. It will enable the MOD's requirements for national and international information transfer services to be focused on one primary provider. The DCSA's Chief Executive will be Major General A. J. Raper CBE and its headquarters will be at Corsham, Wiltshire. The Agency will employ 899 military and 618 civilian staff at locations in the UK and Germany.

The creation of the Agency will improve defence communications by focusing on the delivery of customer services rather than simply communication systems. It will also offer scope for rationalisation and provide a clear line of accountability for service delivery. The DCSA's aim will be

"To provide its customers with the optimum end to end wide area information services to meet defence needs".

The Chief Executive has been set the following Key Targets for the first year of operation:

1. To deliver communication services which achieve 100 per cent. of the systems output performance standards specified in the Baseline Service Document.

2. To introduce a process by December 1998 for measuring the delivery of information services, assessing their effectiveness by surveying customer satisfaction and develop the criteria for establishing an output service efficiency Baseline in both areas.

3. To plan the means of meeting customers' future requirements through the preparation of a Business Development Programme by March 1999.

4. To achieve 2 per cent. cost savings through efficiency measures and seek to improve further the value for money of delivered services through the preparation of a Management and Efficiency Programme by March 1999 which plans for rationalisation, re-investment and savings following reviews of:

inherited responsibilities and resources;

business unit boundaries;

Agency wide business processes;

and takes account of outcomes from the Strategic Defence Review.

TREASURY

Savings

Mr. Lilley: To ask the Chancellor of the Exchequer by how much he estimates tax relief would be reduced as a result of applying *(a)* annual and *(b)* overall limits of (i) £5,000 and (ii) £50,000 to PEPs and TESSAs using the same assumptions on how individuals would invest their capital as are used in calculating tax relief in the consultative document on ISAs. [34960]

Mr. Geoffrey Robinson: The Exchequer effect would depend on a number of factors including how these limits would replace the current limits for PEPs and TESSAs, and in particular, whether there were separate limits on the amount which could be subscribed to, or held in, the TESSA.

Mr. Loughton: To ask the Chancellor of the Exchequer if uninvested cash within the equity element of the ISA will qualify for interest payable to the investor. [36326]

Mr. Geoffrey Robinson *[holding answer 27 March 1998]:* This aspect of the ISA scheme will be considered during the consultation on the Regulations in the next few months.

Personal Equity Plans

Mr. Loughton: To ask the Chancellor of the Exchequer (1) what facilities will be available after 5 April 1999 for general PEP holders who wish to transfer their investments from an underperforming fund manager within the tax-free framework of their PEP; [36327]

(2) what facilities will be available after 5 April 1999 to holders of single company PEPs to change their investments within the tax free framework of their PEP. [36328]

Mr. Geoffrey Robinson *[holding answer 27 March 1998]:* The Government do not envisage that the existing PEP rules allowing switching managers or investments will be changed.

Fuel Excise Duty

Mr. Nicholas Winterton: To ask the Chancellor of the Exchequer if he will list the dates and rates of each petrol and diesel fuel excise duty increase since 1992 and the increase in the RPI which occurred between each of those increases. [35514]

Dawn Primarolo: The table sets out road fuel excise duty rates since 1991 together with the increases in RPI which occurred between changes.

Rate of excise duty

(pence per litre)

Date of change	*Unleaded petrol*	*Super unleaded petrol*	*Leaded petrol*	*Diesel*	*Ultra low sulphur diesel*	*RPI increase (%)*
19 March 1991	22.41	—	25.85	21.87	—	—
10 March 1992	23.42	—	27.79	22.85	—	4.0
16 March 1993	25.76	—	30.58	25.14	—	1.9
30 November 1993	28.32	—	33.14	27.70	—	1.7
29 November 1994	30.44	—	35.26	30.44	—	2.6
1 January 1995	31.32	—	36.14	31.32	—	0.5
28 November 1995	34.30	—	39.12	34.30	—	2.6
15 May 1996	34.30	37.62	39.12	34.30	—	2.1
26 November 1996	36.86	40.18	41.68	36.86	—	0.7
2 July 1997	40.28	43.60	45.10	40.28	—	2.3
15 August 1997	40.28	43.60	45.10	40.28	39.28	0.6
17 March 1998	43.99	48.76	49.26	44.99	42.99	0.6

Inward Investment

Mr. Alan Campbell: To ask the Chancellor of the Exchequer if he will list the inward investment projects located in intermediate status areas for which his Department permitted the higher development area job subsidy limit to apply between April 1992 and 1 May 1997 and the dates on which the permission was given. [35379]

Mrs. Liddell: Between April 1992 and 1 May 1997, the Treasury approved two offers of Regional Selective Assistance for inward investment into an intermediate status area where the cost per job ceiling for intermediate status areas was exceeded. These were for an investment in South Wales by LG, and an investment in the West Midlands by Rover Group Ltd. Treasury approval was given for both in 1996.

Working Families Tax Credit

Mr. Willetts: To ask the Chancellor of the Exchequer what is the cost of the child care tax credit within the working families tax credit in 1999–2000 assuming that it is fully used by families entitled to it, and also assuming take up of *(a)* 75 per cent. *(b)* 50 per cent. and *(c)* 25 per cent.; [36139]

Mr. Gibb: To ask the Chancellor of the Exchequer what assessment he has made of the estimate by the Institute for Fiscal Studies relating to the cost of the proposed child care tax credit, assuming full take-up of the benefit. [36354]

Dawn Primarolo *[holding answer 24 March 1998]:* A number of the Government's policies will make profound changes to the availability and affordability of child care over the next few years. The £300 million of extra resources for out-of-school child care provision, the child care tax credit and the rest of the Working Families Tax Credit, the New Deals to help people into work, and the rest of the National Childcare Strategy will all help to make quality childcare available and affordable for more parents. In this context, estimates of the cost of the childcare tax credit are subject to a wider degree of uncertainty than usual.

The Exchequer cost arising from replacing Family Credit with the Working Families Tax Credit is shown in line 1 of Table C.1 of the Financial Statement and Budget Report (HC620). The share of that cost accounted for by the childcare tax credit is £50 million in 1999–2000 and £250 million in 2000–01 (the first full year of the tax credit).

Growth Rate

Mr. Matthew Taylor: To ask the Chancellor of the Exchequer what assessment he has made of the change in growth rate over each of the next three years as a result of the measures contained in the Budget. [36593]

Mr. Geoffrey Robinson: The Budget takes a broadly neutral fiscal stance. Consequently, there will be very little impact on growth in the short term. In the medium term, measures taken to address structural weaknesses in the economy, including the changes made to help work pay and promote enterprise, should increase the growth potential of the economy. This should allow faster growth and higher levels of employment in the future, consistent with meeting the inflation target.

The ranges included in the Treasury's forecast of GDP growth for the next three years, published in the FSBR, reflect the potential impact of improved labour market performance on the economy.

Credit Controls

Mr. Mitchell: To ask the Chancellor of the Exchequer, pursuant to his answers of 2 March 1998, *Official Report*, column *453*, on credit control, (1) if he will now use the reserve requirement to restrict the expansion of credit; [37229]

(2) what assessment he has made of alternative monetary policy instruments. [37240]

Mrs. Liddell: The operational decisions necessary to meet the Government's inflation target are now taken by the Monetary Policy Committee.

Oil Prices

Mr. Loughton: To ask the Chancellor of the Exchequer what forecasts he has made of the average price of crude oil in *(a)* 1998–99 and *(b)* 1999–2000. [36777]

Mrs. Liddell *[holding answer 30 March 1998]:* Prospects for oil prices are very uncertain. But the assumption made for the public finances projections in the March "Financial Statement and Budget Report" is that the oil price (Brent crude) is flat at $14½ per barrel in 1998, and constant in real terms thereafter.

Coal Industry

Mr. Boswell: To ask the Chancellor of the Exchequer how many meetings Ministers in his Department held with coal industry representatives on 22 and 23 March; and if DTI *(a)* Ministers and *(b)* officials took part in these meetings. [36570]

Mr. Geoffrey Robinson *[holding answer 30 March 1998]:* None.

Standing Committee

Mr. Derek Twigg: To ask the Chancellor of the Exchequer if he will make a statement on the role and membership of the Standing Committee set up by the Memorandum of Understanding between Her Majesty's Treasury, the Bank of England and the Financial Services Authority. [37658]

Mr. Darling: The Memorandum of Understanding states that the Standing Committee will meet on a monthly basis to discuss developments relevant to financial stability, including individual cases of significance. Meetings can be called at other times by one of the participating institutions if it considers there to be an issue which needs to be addressed urgently.

The formal membership of the Committee is the Chancellor of the Exchequer, the Governor of the Bank of England and the Chairman of the Financial Services Authority. But the routine monthly meetings will normally be attended by Deputies, who are the Director of Financial Regulation and Industry at HM Treasury, the Deputy Governor of the Bank of England with responsibility for financial stability and the Managing Director and Head of Financial Supervision at the Financial Services Authority.

HM Treasury provides the secretariat for the Committee.

NORTHERN IRELAND

NHS Expenditure

Mr. Malcolm Bruce: To ask the Secretary of State for Northern Ireland what is her estimate of his Department's planned real level of expenditure on the National Health Service in 1995–96 prices in *(a)* 1997–98 and *(b)* 1998–99, using (i) the estimates of spending and of the GDP deflator as contained in the Financial Statement and Budget report 1997–98 and (ii) the estimates of spending and of the GDP deflator as contained in the Financial Statement and Budget report for March 1998. [37134]

Mr. Worthington: Estimates of HPSS spending in Northern Ireland will be published shortly in the 1998 Northern Ireland Departmental Annual Report (Cm 3916), as part of a series of departmental reports (Cm 3902 to Cm 3920) which, accompanied by the document Public Expenditure: Statistical Analyses (Cm 3901), present the Government's expenditure plans for 1998–99 Departmental reports are planned to be published 3–7 April 1998.

Forest Service

Mr. David Taylor: To ask the Secretary of State for Northern Ireland what progress has been made in establishing the Forest Service of the Department of Agriculture as an executive agency. [37666]

Marjorie Mowlam: The Forest Service, currently a Division of the Department of Agriculture for Northern Ireland, will be established as an Executive Agency on 1 April 1998. It will continue to be known as the Forest Service.

I have set a number of key performance targets for the Agency in its first year of operation. These are as follows:

- To achieve 800 hectares of new planting in public and private sectors combined
- To offer for sale 260,000 cubic metres of timber
- To maintain visitor numbers in charged areas at the average level achieved over the last 5 years
- To maintain the area of forest under sustainable management

To commission an analysis of the potential for private finance and private/public partnerships in Northern Ireland forest, to be completed by 31 December 1998

To respond to 100 per cent. of written correspondence within 15 working days

To approve or reject 90 per cent. of applications under the Woodland Grant Scheme and Farm Woodland Premium Scheme within 8 weeks of receipt of a properly completed application form

Following planting, to pay 90 per cent. of grant claims within 8 weeks of receipt of a properly completed claim form

To achieve an expenditure outturn which meets the targeted net cost of the forestry programme for 1998–99

To achieve at least 3 per cent. DRC efficiency savings in the 1998–99 financial year

To control DRC and programme expenditure to within 1 per cent. of the final control totals

To market test or contract out 10 per cent. of direct costs of forest operations.

Copies of the Framework Document, which sets out the terms within which the Agency will operate, will be placed in the Library, together with copies of the Agency's Corporate and Business Plans.

Child Support Agency

Ms Moran: To ask the Secretary of State for Northern Ireland when the revised Child Support Agency Northern Ireland Charter will be published; and if she will make a statement. [37668]

Mr. Worthington: The Northern Ireland Child Support Agency will publish its revised Charter today. Copies will be placed in the Library.

The Charter aims to provide prospective and existing clients with information that will advise them of the Agency's commitment to providing a high quality service. The main aims of the Charter are to provide information about:

the standards of service that parents and employers can expect.

how to get further advice.

how to make comments or complaints about the service.

information on the current level of performance.

The revised Charter promotes the Agency's commitment to continuously improving service standards and providing the best possible service to clients. The new service standards are based on the Agency's continued experience and listening to what people have to say. The Charter has been plain English tested and Crystal Mark approved.

SCOTLAND

Local Authority Funding

Mr. Gorrie: To ask the Secretary of State for Scotland when the funding of Scottish local authorities will be changed to a resource accounting basis. [34940]

Mr. Macdonald *[holding answer 23 March 1998]:* The introduction of Resource Accounting to central Government will not directly affect local authorities but decisions affecting the funding of local authorities will take place within the framework of the resource budgeting process when this is introduced throughout central Government. Local authorities already account for their expenditure on an accruals basis, and already deal with their capital accounting on a basis which is broadly similar to the plans which are to be introduced in central Government through Resource Accounting.

Education Spending

Mr. Gorrie: To ask the Secretary of State for Scotland what was the total of *(a)* GAE, *(b)* AEF and *(c)* actual expenditure for each Scottish council for each of the last 10 years for (i) provision in respect of primary schools, secondary schools, special schools and support services, (ii) nursery education and (iii) community education; and in each case what is the budgeted figure for 1998–99. [36631]

Mr. Macdonald: Information on each Scottish local authority's GAE assessment for all services, including the relevant Education sub-services, is published by The Scottish Office annually in "Grant Aided Expenditure" (the Green Book). Copies are available in the House of Commons Library. (In 1988–89 and 1989–90 GAEs were known as Assessments of Relative Expenditure Need).

AEF is a block grant and is not attributable to specific services.

Actual expenditure figures for all services are published annually by the Chartered Institute of Public Finance and Accountancy (CIPFA) in the "Rating Review Actual Income and Expenditure". For the years 1996–97 and 1997–98, the latest estimated information available is in the CIPFA publication "Rating Review Estimates of Income and Expenditure". Both publications are available in the House of Commons Library.

Agri-environment Schemes

Mr. Charles Kennedy: To ask the Secretary of State for Scotland how many farmers and crofters have entered *(a)* an environmentally sensitive area scheme and *(b)* the Countryside Premium Scheme; and in each case how many participants have taken up options relating to (i) arable field margins, (ii) beetlebanks, (iii) conservation headlands and (iv) extensive cropping since January 1997. [36699]

Mr. Macdonald: As at the end of February 1998, the number of farmers and crofters participating in the Environmentally Sensitive Areas Scheme was 1,668 and for the Countryside Premium Scheme was 485. Information about participants taking up options for arable field margins, beetlebanks, conservation headlands and extensive cropping since January 1997 is set out in the following table.

Options	*Number of CPS participants*	*Number of ESA participants*
(i) Arable field margins	[1]121	[2]112
(ii) Beetlebanks	[1]—	[3]—
(iii) Conservation headlands	88	[2]55
(iv) Extensive cropping	111	[3]—

[1] Items (i) and (ii) are recorded as a single option under the CPS

[2] Included as part of wider prescription covering arable land

[3] Not directly applicable to ESA schemes

Mr. Charles Kennedy: To ask the Secretary of State for Scotland what plans he has to introduce a scheme available to land managers, irrespective of their agricultural status, to encourage biodiversity, access and amenity; and if he will make a statement. [36698]

Mr. Macdonald: The Government have recently consulted on proposals to merge the existing agri-environment schemes into a single all-encompassing scheme for Scotland's farmers and crofters. We have no plans to extend eligibility to non-agricultural land. Support to land managers to achieve biodiversity, access and other natural heritage objectives is available through management agreements and a number of grant schemes operated by Scottish Natural Heritage.

Mr. Charles Kennedy: To ask the Secretary of State for Scotland what estimate he has made of the number of land managers in Scotland excluded from entering agri-environment schemes because they are not registered holders of agricultural land; and if he will make a statement. [36700]

Mr. Macdonald: The Scottish Office has no information on the number of land managers who are not registered holders of agricultural land or the number of applicants excluded from entering agri-environment schemes for that reason. It is widely known that only legal occupiers of agricultural land are eligible.

EU Structural Funds

Mrs. Ewing: To ask the Secretary of State for Scotland (1) if she will make a statement on his Department's response to the latest proposed eligibility criteria for European Structural Funds, with particular reference to those relating to Objective 1 funding; [36334]

(2) if he will list the European Council of Ministers meetings he has attended since 1 May 1997 at which the future of structural funding and Objective 1 funding for the Highlands and Islands have been discussed; [36335]

(3) if he will list the meetings *(a)* he and *(b)* his officials have had with the European Commission to discuss structural funds and the future of Objective 1 Funding for the Highlands and Islands; [36336]

(4) what recent representations he has made to the European Commission concerning the proposed eligibility for areas awarded Objective 1 status; if he will publish his Department's correspondence with the European Commission on this subject since 1 May; and if he will place in the Library a copy of the documentation he has provided to the European Commission with regard to the Highlands and Islands future Objective 1 status. [36337]

Mr. Dewar *[holding answer 27 March 1998]:* The Government welcome the European Commission's draft Regulations and the objectives to contain the costs of the Funds and improve their administration and effectiveness. But the Government do not believe the proposals as they stand represent a fair basis for reform. We will work hard with the Commission and other Member States to ensure a fair deal for the UK and Scotland. The draft regulations published on 18 March propose that Objective 1 regions shall continue to be determined at NUTS level II on the basis of per capita GDP of less than 75 per cent. of the Community average. The Highlands and Islands are unlikely to qualify on that basis. However, the Government have and will continue to press for the region to be treated in the same way as other areas of sparse population within the EU. It is important to note that the Commission proposals will now be subject to detailed scrutiny and negotiation by the Member States. What is finally agreed may vary somewhat from the draft Regulations.

The Prime Minister and Cabinet colleagues have supported the case for Objective I status for the Highlands and Islands at meetings and in correspondence with President Santer and European Commissioners. I myself met with President Santer on 18 September 1997, with Commissioner Wulf-Mathies on 8 January 1998 and 8 October 1997, and with Commissioner Flynn on 1 December. Discussion of European Structural funds formed part of the agenda on each occasion. The subject also formed part of the agenda at the Luxembourg European council in December 1997 and is likely to be discussed at the Cardiff Summit in June. Reform of the Structural Funds will be the subject of the second day of the Informal meeting of Ministers to be held in Glasgow on 9 June 1998 at which I will be present. There have been no other European Council of Ministers meetings at which the future of the Structural Funds has been discussed.

Scottish Office officials are in regular contact with the European Commission regarding the implementation of the Structural Fund programmes and the Commission proposals for the next round. The Scottish Office is also in close consultation with the Department of Trade and Industry, who co-ordinate priorities for negotiations on Structural Fund reform on behalf of the UK as a whole.

Ministerial colleagues have written to Commissioners in recent months in connection with the reform process. It is not normal practice to publish such correspondence. The Highlands and Islands European Partnership have produced substantive material in support of the case for continued Objective 1 status based on comparability with the existing Objective 6 areas. I will arrange for copies of the documentation to be placed in the Library.

Summary Criminal Prosecutions

Mr. Ancram: To ask the Secretary of State for Scotland if he plans to introduce emergency legislation to prevent summary criminal prosecutions being abandoned because of the holding of more than one intermediate diet in the criminal proceedings taken against the accused concerned. [36868]

Mr. Dewar *[holding answer 30 March 1998]:* Yes. A Bill is being introduced today to address the implications of the High Court of Justiciary's recent decisions about the validity of orders made at intermediate diets held in certain circumstances in summary criminal proceedings.

Mr. Ancram: To ask the Secretary of State for Scotland how many summary criminal prosecutions have been deserted, since 12 March, between the conviction and the sentencing of the accused, on account of the fixing or holding of more than one intermediate diet in the criminal proceedings taken against the accused concerned. [36869]

Mr. Dewar: Desertion is only one of a number of means by which a summary criminal prosecution can be brought to an end. However, between 12.3.98 and 27.3.98, eighteen (18) were deserted as a result of the decision in *Vannet v Milligan.*

Mr. Ancram: To ask the Secretary of State for Scotland how many summary criminal prosecutions have been deserted, since 12 March, before the conclusion of a trial diet, on account of the fixing or holding of more than one intermediate diet in the criminal proceedings taken against the accused concerned. [36870]

Mr. Dewar *[holding answer 30 March 1998]:* Desertion is one of a number of means by which a prosecution can be brought to an end. However, between 12 March 1998 and 27 March 1998, fifty three (53) summary criminal prosecutions were deserted as a result of the decision in *Vannet v Milligan.*

Summary Criminal Convictions

Mr. Ancram: To ask the Secretary of State for Scotland how many summary criminal convictions recorded in each of the five years to 31 December 1993, 1994, 1995, 1996 and 1997 are susceptible to legal challenge because they followed upon the fixing or holding of more than one intermediate diet in the criminal proceedings taken against the accused concerned. [36871]

Mr. Dewar: No figures are available for the number of summary criminal convictions which may be affected by the decision in *Vannet v Milligan.* However the Crown Office has estimated that up to 1,000 current cases may be affected. Several thousand concluded cases may be involved as well.

NHS Expenditure

Mr. Malcolm Bruce: To ask the Secretary of State for Scotland what is his estimate of his Department's planned real level of expenditure on the National Health Service in 1995–96 prices in *(a)* 1997–98 and *(b)* 1998–99, using (i) the estimates of spending and of the GDP deflator as contained in the Financial Statement and Budget report 1997–98 and (ii) the estimates of spending and of the GDP deflator prices as contained in the Financial Statement and Budget report for March 1998. [37133]

Mr. Galbraith: Estimates of NHS spending in Scotland will be published shortly in the Scottish Office Departmental Report (Cm 3914), as part of a series of departmental reports (Cm 3902 to 3920) which, accompanied by the document "Public Expenditure: Statistical Analyses" (Cm 3901), present the Government's expenditure plans for 1998–99.

Sexual Consent

Dr. Godman: To ask the Secretary of State for Scotland if he will list the number of prosecutions of *(a)* heterosexuals below the age of 16 years and *(b)* homosexuals below the age of 18 years for breaching the legal age of sexual consent in each of the past four years; and if he will make a statement. [36810]

Mr. McLeish: The available information is shown in the table.

Number of young persons proceeded against for selected offences in Scotland: 1993–1996

Main offence	*1993*	*1994*	*1995*	*1996*
Persons aged under 16 proceeded against under section 5 of the 1995 Act[1]	0	0	0	2
Persons aged under 18 proceeded against under section 13(5)(c) of the 1995 Act[2]	0	0	0	0

[1] The Criminal Law (Consolidation) (Scotland) Act 1995: Section 5—Sexual intercourse with a girl under the age of 16 years (including attempts), or equivalent earlier legislation.
[2] The Criminal Law (Consolidation) (Scotland) Act 1995: Section 13(5)(c)—committing, or being party to the commission of, or procuring or attempting to procure the commission of a homosexual act with a person under the age of 18 years, or equivalent earlier legislation.

INTERNATIONAL DEVELOPMENT

Child-headed Households

Mr. Timms: To ask the Secretary of State for International Development what support her Department is giving to child-headed households in developing countries; and if she will make a statement. [35204]

Mr. Foulkes: We recognise that many children and young people who are forced into heading households and having to care for their siblings are themselves victims of conflict or other disaster situations. The Department for International Development works together with UN agencies and the Red Cross, non-governmental organisations and partner governments to ensure that humanitarian assistance reaches those who are most in need. Uppermost is of course the protection and promotion of human rights and the observance of humanitarian law. These aspects are integral to all our programmes of humanitarian assistance.

China

Sir Alastair Goodlad: To ask the Secretary of State for International Development what applications for mixed credits for projects in China her Department is considering; and if she will make a statement. [36311]

Mr. Foulkes: No mixed credit proposals for projects in China are currently under consideration.

Any mixed credits will be managed within agreed country strategies with the primary aim of helping to reduce poverty.

Sir Alastair Goodlad: To ask the Secretary of State for International Development what discussions she has had with her counterpart in the People's Republic of China about the availability of mixed credits for development purposes; and if she will make a statement. [36844]

Mr. Foulkes: There have been no discussions at Ministerial level about the availability of mixed credits for development projects. As regards our general policy on mixed credit financing, I refer the right hon.

Gentleman to the reply which my right hon. Friend the Secretary of State for International Development gave him on 21 January 1998, *Official Report*, column *562*. The Government of China are fully aware of the position.

WALES

Oil and Gas Industries

Mr. Barry Jones: To ask the Secretary of State for Wales if he will make a statement on the prospects for the oil and gas industries in the waters around the coastline of Wales. [35735]

Mr. Battle: I have been asked to reply.

In addition to the oil and gas fields currently in production in Liverpool Bay, exploration programmes are continuing in areas off the north and west coasts of Wales, both of which have proven hydrocarborn potential.

New licences will be offered to the north of Wales in the 18th Seaward Licensing Round, which I hope to announce very shortly, and to the west of Wales in the following round. In both cases, the advice of interested departments and environmental authorities has been or will be taken as to the suitability of areas for licensing and unsuitable blocks will be excluded from offer. Further safeguards for the environment will be offered by the forthcoming introduction of regulations that will require appropriate assessments to be carried out on offshore petroleum projects that are likely to have a significant effect on the environment.

Exploration does not always lead to discovery, nor discovery to development, but there are proven hydrocarbons off the Welsh coast and continuing work and new licensing opportunities will help to ensure that their economic potential is properly assessed and, where possible, exploited.

Tuition Fees

Mr. Öpik: To ask the Secretary of State for Wales what is his current estimate of the cost of financing tuition fees for the fourth year of study for Wales-domiciled students studying *(a)* full-time and *(b)* part-time at Scottish universities; and if he will make a statement. [36196]

Mr. Hain: We estimate that the extra cost of financing tuition fees for the fourth year of study for Wales-domiciled students studying full-time for first degrees at Scottish higher education institutions would be some £45,000.

There are no Wales-domiciled students studying part-time on the fourth year of first degrees at Scottish institutions.

Dental Services

Mr. Öpik: To ask the Secretary of State for Wales (1) if he will increase the grant offered to dentists to set up in areas lacking NHS provision; [36674]

(2) what steps he is planning to take to encourage general dental practitioners to set up practice in areas of rural Wales where there is a shortage of NHS dentists. [36673]

Mr. Win Griffiths: The Welsh Office is doing all it can to assist Health Authorities to attract more dentists into those parts of Wales where they are most needed.

The £3m dental initiative, first launched in 1995, has enabled Welsh Health Authorities to offer unprecedented levels of grant (up to £50,000 in some areas) to dentists for new or expanding practices, and to NHS Trusts to expand the Community Dental Service. In July 1997, and additional £250,000 was provided for continuation of the initiative.

We are aware that there are particular problems associated with service provision in rural areas. The initiative is being reviewed and we are considering what more can be done to overcome those problems.

Cardiff Bay Development Corporation

Mr. Rhodri Morgan: To ask the Secretary of State for Wales, pursuant to his answer of 19 March 1998, *Official Report*, column 733, what proportion of the £13 million budgeted receipts for the 1997–98 financial year of the Cardiff Bay Development Corporation his Department assumed would accrue from Associated British Ports in its budget calculations prior to commencement of the present financial year. [37015]

Mr. Ron Davies: Details of the make-up of the receipts in 1997–98 are an operational matter for the Corporation and I have asked the Chief Executive to reply. A copy of his reply will be placed in the Library.

NHS Expenditure

Mr. Malcolm Bruce: To ask the Secretary of State for Wales what is his estimate of his Department's planned real level of expenditure on the National Health Service in 1995–96 prices in *(a)* 1997–98 and *(b)* 1998–99, using (i) the estimates of spending and of the GDP deflator as contained in the "Financial Statement and Budget Report" 1997–98 and (ii) the estimates of spending and of the GDP deflator as contained in the "Financial Statement and Budget Report" for March 1998. [37132]

Mr. Win Griffiths: Estimates of NHS spending in Wales will be published shortly in the Welsh Office Departmental Annual Report (Cm 3915), as part of a series of departmental reports (Cm 3902 to Cm 3920) which, accompanied by the document "Public Expenditure: Statistical Analyses" (Cm 3901), present the Government's expenditure plans for 1998–99. Departmental reports are planned to be published 3–7 April.

TRADE AND INDUSTRY

Agent 15

Mr. Llew Smith: To ask the President of the Board of Trade what data she has *(a)* collated and *(b)* plans to obtain on whether British companies were responsible for selling Agent 15 or its constituents to Iraq since 1968; and what export licences have been issued for the sale of glycollates to Iraq. [29280]

Mrs. Roche: As my right hon. Friend the Secretary of State for Defence set out in his statement to the House on 9 February 1998, *Official Report*, column 6, our

knowledge of Agent 15 is limited. It is one of a large group of chemicals called glycolates, which are esters of glycolic acid.

The export to Iraq of any goods, unless under the authority of an export licence, is prohibited by the Export of Goods (Control) (Iraq and Kuwait Sanctions) Order 1990 [SI 1990/1640], which came into force on 9 August 1990.

The Export Control Organisation's database has been interrogated and no licences were identified for the export to Iraq of glycolates. However, details of all the goods on an export licence are not always recorded on the database, so it is possible that licences covering glycolates might have been issued during the period. Any such licence could be identified only by examination of the paper records of all licences issued since 9 August 1990, which would entail disproportionate cost.

Gas (Doorstep Sales)

Mr. Love: To ask the President of the Board of Trade what steps she is taking to strengthen the rules covering doorstep sales methods by companies selling gas. [35099]

Mr. Battle: The Government believe that consumers who are sold gas contracts on the doorstep should have proper protection. Following concerns over the misleading marketing techniques adopted by some gas suppliers, the Office of Gas Supply introduced a new licence condition to regulate such activities at the end of January.

Among other things, the new condition includes rules on the proper selection and training of sales staff who are in direct contact with domestic customers, auditing of sales activities, schemes for paying compensation, and a ban on gas suppliers using agents who ask for payment in advance of arranging a supply of gas.

I am keeping the situation, including the need for further action, under review.

Food Science Research Contracts

Mr. Charles Clarke: To ask the President of the Board of Trade if she will list the food science research contracts allocated by the BBSRC in *(a)* 1994–95, *(b)* 1995–96 and *(c)* 1996–97, broken down by (i) length of contract, (ii) value of contract and (iii) institution securing the contract. [35407]

Mr. Battle *[holding answer 20 March 1998]:* The BBSRC awards an annual "competitive strategic grant" (CSG) to its Institute of Food Research (IFR). The figures for each of the three years in question were:

1994–95: £749k

1995–96: £769k

1996–97: £818k.

The IFR uses the CSG to fund research projects within the BBSRC's remit. A list of Projects started in each of the three years have been placed in the Library of the House. Typically, one third of the projects funded from the CSG change each year. Therefore, at the beginning of the period in question, the CSG was already being used to fund a large body of research initiated in previous years, details of which are not included.

In the period concerned, the IFR also won a number of BBSRC Realising Our Potential Awards ("ROPAs"). A list of the total amount awarded to the IFR each year, the projects and their duration, have been placed in the Library of the House.

In addition, BBSRC awards grants for food research to higher education institutions, and occasionally some other bodies including its Institutes, through the usual, competitive, "responsive-mode" procedures. A list of these new awards in each of the three years have also been placed in the Library of the House.

Trade Union Recognition

Sir Raymond Powell: To ask the President of the Board of Trade if she will estimate how many small companies employing *(a)* fewer than 25, *(b)* 50 to 100, *(c)* 100 to 150 and *(d)* over 150 employees recognise trades unions. [36840]

Mr. Ian McCartney: Data on union recognition are collected for workplaces rather than companies. According to the 1990 Workplace Industrial Relations Survey, the proportions of workplaces where unions were recognised are as follows:

Percentage

Employees	*All workplaces*	*Private sector workplace*
25–49	47	30
50–99	51	40
100–149	55	41
150 and over	78	68
All workplaces employing 25 and over	53	38

Workplaces employing fewer than 25 employees were not included in the Survey, so no figures are available for this group.

Electricity Generating Plants

Mr. Llew Smith: To ask the President of the Board of Trade what criteria he uses to assess the suitability of sites for the development of electricity generating plants; and what arrangements exist to involve the public in the planning process. [37088]

Mr. Battle: When assessing applications made under section 36 of the Electricity Act 1989 we will address local issues and ensure consistency with the wider objectives of secure, diverse and sustainable supplies of energy at competitive prices and meeting of environmental targets.

When an application is made the applicant has to place notice of it in the local and national press. Such notice invites anyone who wishes to make representation on the application to do so to the President within a period of not less than 28 days.

Price Waterhouse

Mr. Nicholls: To ask the President of the Board of Trade what representations she has received from British

industry about the proposed merger between Price Waterhouse and Coopers and Lybrand; and if she will make a statement. [36241]

Mr. Nigel Griffiths *[holding answer 30 March 1998]:* My right hon. Friend the President of the Board of Trade has received a number of letters from British companies about competition issues relating to the proposed merger, which were considered by the UK authorities in formulating the UK's comments to the European competition authorities.

Mr. Nicholls: To ask the President of the Board of Trade (1) what assessment she has made of the implications for competitive choice in the auditing field of the proposed merger between Price Waterhouse and Coopers and Lybrand; [36240]

(2) what assessment she has made of the level of independent auditing capacity available to British financial institutions following a Price Waterhouse and Coopers and Lybrand merger. [36242]

Mr. Nigel Griffiths *[holding answer 30 March 1998]:* The proposed merger between Price Waterhouse and Coopers and Lybrand is being considered by the European competition authorities. Member States have a formal role in EC competition investigations. Disclosure by the UK of its views or of the results of any work undertaken by the UK authorities would compromise the effectiveness and integrity of that investigation.

Export Licences

Mr. Faber: To ask the President of the Board of Trade, pursuant to her answer of 11 March 1998, *Official Report*, column *234*, what is the average length of time taken by the Export Control Organisation to process export licence applications that are circulated to other departments. [36702]

Mrs. Roche: I refer the hon. Member to the answer by my right hon. Friend the President of the Board of Trade to the right hon. Member for Wokingham (Mr. Redwood) on 23 February 1998, *Official Report*, column 103.

Yemen

Mr. Vaz: To ask the President of the Board of Trade what measures she is taking to promote British investment in the development of the port of Aden, Yemen. [36754]

Mrs. Roche: Officials in my Department have disseminated widely the opportunities for British companies in the port of Aden. The Department's promotional programme has enabled British companies to take advantage of this, and other, opportunities in Yemen.

Mr. Vaz: To ask the President of the Board of Trade what discussions her Department has had with representatives of Tarmac plc in respect of bids to refurbish the port of Aden, Yemen. [36755]

Mrs. Roche: My Department has had no discussions with Tarmac plc in respect of bids to refurbish the port of Aden, Yemen. Tarmac has confirmed that it is pleased with the help it has received from my Department in pursuit of its interest in the refurbishment of the Aden refinery.

Unfair Dismissal

Mr. Hammond: To ask the President of the Board of Trade what plans she has to remove the statutory limit on compensation for unfair dismissal. [37204]

Mr. Ian McCartney: I draw the hon. Member's attention to the statement I made to the First Standing Committee on Delegated Legislation when moving the Draft Employment Rights (Increase of Limits) Order 1998, *Official Report, First Standing Committee on Delegate Legislation*, 10 March 1998, column 4.

Energy Consumption

Mr. Baker: To ask the President of the Board of Trade what percentage of energy consumed in the UK came from *(a)* nuclear power generation, *(b)* fossil fuels and *(c)* renewable sources for the last year for which figures are available; and what estimate she has made for the percentage breakdown for (i) 2008 and (ii) 2018. [36881]

Mr. Battle *[holding answer 30 March 1998]:* Provisional figures for 1997 show that 10 per cent. of United Kingdom inland energy consumption, on a primary fuel input basis, came from nuclear sources, 88 per cent. came from fossil fuels and 1 per cent. from renewable sources. Just under 1 per cent. came from imported electricity, which is mainly nuclear in origin.

Energy projections for the UK, published by the previous administration as Energy Paper 65 in March 1995 gave forecasts under a variety of scenarios. The scenario, which combined the central assumption for GDP growth with low energy prices, projected primary energy consumption in 2010 to be as follows:

> fossil fuels 93 per cent., nuclear 5½ per cent., renewables 1 per cent. and imported electricity ½ per cent.,

while in 2020 the percentages were projected as:

> fossil fuels 97½ per cent., nuclear 1 per cent., renewables 1 per cent. and imported electricity ½ per cent.

Energy Paper 65 did not contain projections for 2008 or 2018.

My department is working on a new set of projections which I intend to publish later this year.

Waste Management

Mr. Boswell: To ask the President of the Board of Trade what steps she is taking to improve coordination with the Department of Environment, Transport and the Regions and its agencies in connection with the regulation and support of the waste management industry. [36697]

Mr. Nigel Griffiths *[holding answer 30 March 1998]:* Officials within the DTI already have regular contact with the Department of the Environment, Transport and the Regions officials and with the Environment Agency on many waste issues, for example, the review of the waste strategy, aspects of waste management licensing, the Landfill Directive and waste shipments issues. JEMU, the Joint Environmental Markets unit, is composed of staff from both departments and promotes opportunities for the UK environment industry, including waste management companies.

Fuel Poverty

Mr. Boswell: To ask the President of the Board of Trade if she intends to develop and publish for consultation a definition of fuel poverty. [37130]

Mr. Battle *[holding answer 31 March 1998]:* My Department does not propose to develop a definition of fuel poverty. An interdepartmental group on which DTI is represented, led by the Department of the Environment, Transport, and the Regions is looking at the factors which contribute to fuel poverty and its effects, and considering the options for addressing them.

Plutonium

Mr. Chaytor: To ask the President of the Board of Trade what estimate she has made of the current quantity of plutonium stockpiled in the United Kingdom; where it is stockpiled; and what assessment she has made of the quantities unaccounted for in the last 10 years. [37138]

Mr. Battle: I refer my hon. Friend to the reply I gave the hon. Member for Lewes (Mr. Baker), on 13 February 1998, *Official Report*, column *372*, which stated that details of the quantities of civil plutonium stored at United Kingdom nuclear facilities are published by my Department each year.

Figures for civil nuclear material unaccounted for, including plutonium, have been published annually by the industry since 1977. Each year, the figures are subject to careful review by specialists in my Department, who remain satisfied that they are consistent with what would normally be expected and that there is no evidence to suggest that there has been any actual loss of material. Civil nuclear material in the UK is also subject to the independent oversight of international nuclear safeguards inspectorates and to rigorous physical protection measures by the nuclear operators.

Domestic Heaters

Mr. Flynn: To ask the President of the Board of Trade if she will introduce measures to improve the safety of domestic heaters which emit potentially lethal gases. [36827]

Mr. Battle: The safety of new domestic gas appliances, including domestic heaters, is controlled by the Gas Appliances (Safety) Regulations 1995 ("the Regulations") which implement into UK law the European Council's Gas Appliances Directive.

To protect consumers against the hazards posed by combustion products, such as carbon monoxide, the Regulations require that:

(a) appliances must be so constructed that, when used normally, flame stability is assured and combustion products do not contain unacceptable concentrations of substances harmful to health, and there is no accidental release of combustion products;

(b) flued appliances must be so constructed that in abnormal draught conditions there is no release of combustion products in a dangerous quantity into the room concerned; and

(c) independent flueless appliances and flueless instantaneous water heaters must not cause, in the room or space concerned, a carbon monoxide concentration likely to present a danger to the health of the persons exposed, bearing in mind the foreseeable duration of their exposure.

To ensure that gas appliances comply with these and other important safety provisions, manufacturers are required to submit their product to a third-party Notified Body for type approval before it may be placed on the market. Manufacturers must also appoint a Notified Body to undertake periodic surveillance of the production process in order to ensure that the product continues to conform to the type that was originally approved.

The appropriate measures are in place and my Department therefore has no plans at this stage to introduce any further measures.

HEALTH

Health Promotion

Dr. Gibson: To ask the Secretary of State for Health if he will make a statement on the proportion of the total health budget allocated to health promotion. [34014]

Ms Jowell: Health promotion is an integral part of the National Health Service and features in one form or another in nearly all contacts between patients and health care professionals. Much of this activity is not, however, separately or comprehensively identified in NHS accounts, nor separately allocated at the beginning of the year.

Advice on healthy living and disease prevention is intrinsic to the activity of general medical and primary health care teams. Most consultations in primary care will include an element of opportunistic health promotion. The cash-limited and non-cash-limited total general medical services allocation for 1997/98 is £3,055 million.

There is a centrally held budget for health education and promotion campaigns which is separately allocated. In 1997/98, the Department allocated £43.6 million to health promotion nationally, of which the Health Education Authority received £39.1 million.

Health authorities and trusts do not receive a specific allocation for health promotion. Provisional figures for 1996/97, the most recent year available, show that expenditure by NHS trusts and health authorities on health education and promotion was £79.6 million, but this figure excludes those functions of health authorities and trusts which indirectly support health promotion.

Alcohol Consumption

Dr. Harris: To ask the Secretary of State for Health which *(a)* medical organisations and *(b)* Government-funded expert organisations he consulted prior to the Portman Group launching its campaign on sensible drinking. [36485]

Ms Jowell: The Portman Group's sensible drinking campaign is their own initiative. It is intended to reflect the Government's sensible drinking message and to complement the alcohol health education campaign run on the Department's behalf by the Health Education Authority. The Portman Group consulted the Department to ensure that their campaign messages reflected accurately the Government's advice on sensible drinking.

Health Authority Funding

Mr. Ivan Henderson: To ask the Secretary of State for Health if he will list the criteria being used to allocate the additional funding made available by the Government to health authorities. [36488]

Mr. Milburn: I refer my hon. Friend to the Statement made by my right hon. Friend, the Secretary of State on 18 March 1998, *Official Report,* columns *1290–92.*

Private Health Care

Mr. Nicholls: To ask the Secretary of State for Health how many private hospitals have been visited by Ministers in his Department since 2 May 1997. [36466]

Mr. Milburn: One.

Midwifery Courses

Mrs. Ballard: To ask the Secretary of State for Health what plans he has to increase the numbers of training places available in the South West Region for midwifery courses; and if he will make a statement. [36856]

Mr. Milburn: It is planned to increase the number of midwifery training places in the South and West Region from 424 in 1998–99 to 455 in 2000–01.

Hospital Readmissions

Mr. Burstow: To ask the Secretary of State for Health, pursuant to his answer of 23 March 1998, *Official Report,* columns *46–48,* concerning readmissions, how much readmissions cost the NHS *(a)* by region and *(b)* in total in each quarter since April 1996. [37171]

Mr. Milburn: Specific information on the cost of emergency readmissions to National Health Service hospitals for people aged 75 and over is not collected centrally.

Hospital Admissions (Elderly Patients)

Mr. Burstow: To ask the Secretary of State for Health how many patients aged 75 years and over were admitted into hospital for each quarter since April 1996 *(a)* for each region and *(b)* in total. [37062]

Mr. Milburn: Information is not yet available from the hospital episode statistics (HES) in the form requested but should be available from July 1998. Provisional HES data for 1996–97 currently are not reliable because of significant shortfalls in coverage information which would affect any regional and England level figures.

NHS Trusts (Pay Awards)

Mr. Hinchliffe: To ask the Secretary of State for Health (1) how many NHS trusts have reached agreement with staff over the local element of the national NHS pay awards for 1996–97 *(a)* nationally and *(b)* in the Northern and Yorkshire Region; and what percentage of staff and trusts the agreements represent; [36990]

(2) how many NHS community trusts have reached agreement with staff over the local element of the national NHS pay awards for 1996–97; and what percentage of staff and trusts the agreements represent. [36991]

Mr. Milburn: I refer my hon. Friend to the reply I gave on 10 November 1997, *Official Report,* column *434.*

Microbiological Research Agency

Mr. Key: To ask the Secretary of State for Health what capacity the Government have specifically commissioned since 1 April 1994 from the Microbiological Research Agency to respond to national emergencies. [37136]

Ms Jowell: Since 1 April 1994, the Department and the Public Health Laboratory Service have commissioned the Microbiological Research Authority to provide reference services to the National Health Service for the diagnosis of anthrax, and of infections caused by other exotic biological agents such as arbovirus, haemorrhagic fever viruses, and rickettsia. These services would form a key part of the co-ordinated response to any civil emergency which involved these organisms. The Department has paid the authority £0.5 million per annum to provide these services.

Any other services which the Government require of the authority in a national emergency are for my right hon. Friends the Secretaries of State for Defence and for the Home Department to address.

Waiting Lists

Mr. Maples: To ask the Secretary of State for Health if he will list the meetings he and his Ministers *(a)* have had and *(b)* propose to have with trust and health authority chairmen and chief executives to discuss reducing waiting lists; if people were invited on a regional basis; what is the estimated cost of these meetings including the costs of travel and subsistence of those summoned; and which Ministers (i) attended and (ii) will attend each meeting. [37261]

Mr. Milburn: My right hon. Friend the Secretary of State invited the chairmen and chief executives of health authorities and trusts in England to meet Ministers to discuss the use of the additional resources obtained for the National Health Service in 1998–99 to reduce waiting lists. These meetings are being held on a region by region basis on 26, 30 and 31 March and on 7 April. The meetings are all being held in one of the buildings occupied by the Department and consequently the major costs are those of travel and subsistence for those attending the meetings. These are being met from the administration budgets of the individual health authorities and trusts. Information is therefore not available centrally on the total cost.

EDUCATION AND EMPLOYMENT

School Inspections

Mr. Don Foster: To ask the Secretary of State for Education and Employment (1) how many primary schools with year two pupils were inspected by OFSTED in 1996–97; and in what proportion of them their year two pupils' standards of attainment were assessed by inspectors on OFSTED's scale one to seven in all 11 subjects of the primary national curriculum together in inspection judgment recording forms; [36491]

(2) in what proportion of primary schools with year two pupils inspected by OFSTED in 1996–97 their year two pupils' standards of attainment in information technology were assessed by inspectors on OFSTED's scale one to seven in inspection judgment recording forms; [36492]

(3) in what proportion of primary schools with year six pupils inspected by OFSTED in 1996–97 their year six pupils' standards of attainment in information technology were assessed by inspectors on OFSTED's scale one to seven in inspection judgment recording forms; [36493]

(4) how many primary schools with year six pupils were inspected by OFSTED in 1996–97; and in what proportion of them their year six pupils' standards of attainment were assessed by inspectors on OFSTED's scale one to seven in all 11 subjects of the primary national curriculum together in inspection judgment recording forms. [36494]

Mr. Byers: These are matters for HM Chief Inspector of Schools. I have asked him to write to the hon. Member and to place a copy of his letter in the Library.

Teachers (Unions)

Mr. Loughton: To ask the Secretary of State for Education and Employment what is the proportion of teachers employed in the state sector in the United Kingdom who are affiliated to recognised trade unions *(a)* in total and *(b)* broken down by individual unions. [36767]

Ms Estelle Morris: This information is not held centrally.

Celebrating Europe Competition

Mrs. Gorman: To ask the Secretary of State for Education and Employment what categories of youth groups are eligible for the Celebrating Europe Competition. [36960]

Dr. Howells: All youth groups in the United Kingdom were eligible: local authority, voluntary, national and local groups.

Curriculum

Sir Raymond Powell: To ask the Secretary of State for Education and Employment when he intends to publish his consultative document on the new curriculum. [36858]

Ms Estelle Morris: The Qualifications and Curriculum Authority (QCA) will be advising the Government in April on the nature, scope and timing of possible future changes to the National Curriculum from the year 2000.

Once we have considered this advice, QCA will consult teachers, parents, employers and others on the shape of the future National Curriculum. The precise dates for the consultation and the issue of related documents have not yet been determined, but it will take place during the 1998–99 school year.

Education SSAs

Mr. Chaytor: To ask the Secretary of State for Education and Employment if he will list the 10 local authorities with the *(a)* smallest and *(b)* largest increases in education SSA for 1998–99. [37137]

Mr. Byers: The following table sets out the information requested:

percentage

LEA	*Biggest increase*	*LEA*	*Smallest increase*
Croydon	+ 7.7	City of London	– 6.7
Bexley	+ 7.6	Wandsworth	+ 2.2
Isle of Wight	+ 7.5	Hackney	+ 2.9
Southampton	+ 7.4	Camden	+ 3.0
Blackpool	+ 7.4	Rutland	+ 3.0
Tower Hamlets	+ 7.4	Bracknell	+ 3.1
Lewisham	+ 7.0	Plymouth	+ 3.2
North Yorkshire	+ 7.0	Westminster	+ 3.2
Bromley	+ 6.9	Hounslow	+ 3.6
Portsmouth	+ 6.9	Richmond	+ 3.7

Labour Market Statistics

Miss Geraldine Smith: To ask the Secretary of State for Education and Employment what impact the introduction of the New Deal will have on labour market statistics, with particular reference to those for employment, unemployment and inactivity. [37706]

Mr. Andrew Smith: I have written to the Chairman of the Employment Sub-Committee setting out how the New Deal will affect Labour Market Statistics. A copy of my letter has been placed in the Library.

Training and Enterprise Councils

Mr. Tipping: To ask the Secretary of State for Education and Employment if he will list the reserves held by each training and enterprise council on 31 March. [37293]

Dr. Howells: A list of Training and Enterprise Councils (TECs) and their accumulated reserves, as shown in their audited annual statutory accounts, at the end of the financial year 1996–97 is shown in the table. This is the most recent year for which information is available.

Reserves are used by TECs to provide working capital and on activities in support of their corporate and business plan objectives which are agreed with the Government. Examples include the provision of additional opportunities within existing DfEE programmes, matching funding for European-funded projects and other training, enterprise or economic development initiatives designed to meet identified local needs.

TEC/CCTE reserves 1996–97

	£
North East	
County Durham and Darlington	8,064,221
Northumberland	7,662,793
Teeside	8,330,000
Tyneside	4,988,000
Sunderland City	5,524,979
	34,569,993
Merseyside	
Cewtec	3,028,348
Merseyside	6,871,012
St. Helens	941,677
	10,841,037

TEC/CCTE reserves 1996–97

	£
North West	
Bolton and Bury	4,387,146
Manchester	97,89,534
Wigan	1,203,619
Oldham	1,888,527
Rochdale	1,934,038
South and East Cheshire	5,141,067
Stockport	2,865,819
Cumbria	3,475,049
ELTEC	2,136,508
LAWTEC	6,217,169
NORMIDTEC	4,400,280
	43,438,756
Yorkshire and Humber	
Barnsley and Doncaster	7,234,000
Bradford	3,225,679
Calderdale and Kirklees	2,183,796
Humberside	4,703,583
Leeds	5,768,719
North Yorkshire	5,939,000
Rotherham	3,449,699
Sheffield	3,683,000
Wakefield	4,011,189
	40,198,665
Eastern	
Bedfordshire	2,074,050
Cambridgeshire	1,782,921
Essex	6,102,000
Peterborough	1,542,810
Hertfordshire	4,286,000
Norfolk and Waveney	2,887,000
Suffolk	1,822,345
	20,497,126
East Midlands	
Greater Manchester	3,224,000
Leicestershire	4,849,102
Lincolnshire	3,194,822
Northamptonshire	3,503,012
North Derbyshire	1,373,553
North Nottingham	3,246,006
South Derbyshire	5,197,000
	24,587,495
West Midlands	
Birmingham	4,685,000
Central England[1]	1,371,879
Coventry and Warwickshire	3,812,803
Dudley	979,553
HAWTEC	2,435,735
Sandwell	1,827,954
Shropshire	3,362,209
Staffordshire	7,177,000
Walsall	1,967,295
Wolverhampton	2,054,000
	29,673,428
South West	
Westec	2,323,000
Devon and Cornwall	5,123,000
Dorset	3,140,264
Gloucestershire	3,986,543
Somerset	2,427,201
Wiltshire	2,054,829
	19,054,837

TEC/CCTE reserves 1996–97

	£
London	
Aztec	4,921,964
Centec[2]	1,831,417
Cilntec[2]	2,896,907
LETEC	7,451,046
North London	2,812,295
North West London	2,925,496
Solotec	6,914,000
West London	2,748,996
	32,502,121
South East	
Hampshire	5,030,000
Isle of Wight	719,395
Kent	7,915,736
Milton Keynes	1,884,855
Heart of England	2,157,122
Surrey	2,013,557
Sussex	4,896,000
Thames Valley	5,027,201
	29,643,866
Total reserves	285,007,324

[1]From 30/3/98 Central England TEC's operation was passed to Birmingham and Herefordshire and Worcestershire CCTEs.
[2]CENTEC and CILNTEC merged in April 1997 to become Focus Central London.

AGRICULTURE, FISHERIES AND FOOD

Ministerial Travel

Mr. Baker: To ask the Minister of Agriculture, Fisheries and Food if he will list the engagements he undertook in the United Kingdom in the course of his duties during January indicating in each case which were accessed by *(a)* car, *(b)* train, *(c)* aeroplane and car, *(d)* aeroplane and train and *(e)* other means. [28927]

Dr. John Cunningham *[holding answer 10 February 1998]:* I undertook a number of official engagements in the United Kingdom during January, most of them in London. All involved use of a car at some stage. With the exception of my attendance at the Oxford Farming Conference, where the train timetabling was inconvenient, none was sufficiently far away to merit travel by rail, or to require me to take a plane. I did, however, take the train from Gatwick to Victoria on my return from visiting the Windward Islands.

Agricultural Show

Mr. Hoyle: To ask the Minister of Agriculture, Fisheries and Food if he will visit the Royal Lancashire Agricultural Show. [33912]

Dr. John Cunningham: I thank my hon. Friend for the invitation. Unfortunately, I have a prior engagement that weekend, and so will not be able to attend.

New Covent Garden Market

Mr. Jack: To ask the Minister of Agriculture, Fisheries and Food how many board members currently serve on

the New Covent Garden Market Authority Board; and what is the maximum number of board members permitted. [34979]

Dr. John Cunningham: Under the provisions of Section 1(2) of the Covent Garden Market Act 1961, as amended, the Authority must comprise a Chairman and between four and seven members. There are currently a chairman and four members.

Mr. Jack: To ask the Minister of Agriculture, Fisheries and Food what estimate he has made of the costs of compensating tenants if New Covent Garden Market were sold. [34982]

Dr. John Cunningham: Any compensation would be in accordance with the Landlord and Tenants Act 1954.

Mr. Jack: To ask the Minister of Agriculture, Fisheries and Food for what reasons the recent appointment of a Chairman of the New Covent Garden Market Authority was not conducted under the Nolan rules process. [34980]

Dr. John Cunningham: The recent appointment of a Chairman was conducted under the Nolan rules process, and the procedure was endorsed by the Ministry's "Nolan" panel.

Mr. Jack: To ask the Minister of Agriculture, Fisheries and Food which bodies and individuals his Ministry would be obliged to consult in any disposal of his interest in New Covent Garden Market. [34988]

Dr. John Cunningham: Any consultation would be full and open and include all those with an interest in the Market.

Mr. Jack: To ask the Minister of Agriculture, Fisheries and Food in what ways his Ministry could dispose of its interests in New Covent Garden Market; which options he has evaluated; and if he will make a statement. [34987]

Dr. John Cunningham: These questions will be addressed when the necessary Bill is prepared.

Mr. Jack: To ask the Minister of Agriculture, Fisheries and Food under what circumstances he will allow leases lasting beyond 2005 to be given to existing tenants of New Covent Garden Market. [34985]

Dr. John Cunningham: The length of leases will be considered when they come up for renewal.

Mr. Jack: To ask the Minister of Agriculture, Fisheries and Food (1) what is his Ministry's current policy on the disposal of the New Covent Garden Market; [34989]

(2) how long his Department proposes to retain ownership of New Covent Garden Market. [34986]

Dr. John Cunningham: We are maintaining the policy, announced by the previous Government in 1990, of disposal of the assets of Covent Garden Market Authority, when Parliamentary time permits.

Mr. Jack: To ask the Minister of Agriculture, Fisheries and Food under what circumstances the current management of the New Covent Garden Market will be allowed under the present ownership arrangements to have more capital expenditure flexibility in order to attract new tenants. [34981]

Dr. John Cunningham: The Covent Garden Market Authority is expected to ensure a net benefit from such expenditure within the life and terms of any new lease granted. The Authority already has flexibility concerning other decisions on capital expenditure but legislation constrains the nature of the businesses which new tenants may undertake.

Ministerial Visits

Mr. Nicholls: To ask the Minister of Agriculture, Fisheries and Food when he expects to answer the questions of 27 February 1998 from the hon. Member for Teignbridge, reference 32064 and 32065, concerning his visits to the West Country and other counties. [34788]

Dr. John Cunningham: I refer the hon. Member to the replies I gave to him on 18 March 1998, *Official Report*, column *656*, and 19 March 1998, *Official Report*, column *728*.

British Cattle Movement Service

Mr. Jack: To ask the Minister of Agriculture, Fisheries and Food when he announced the site for the headquarters of the British Cattle Movement Service. [35000]

Dr. John Cunningham *[holding answer 17 March 1998]:* My hon. Friend the Minister of State announced this on 30 July 1997, *Official Report*, column *310*.

Mr. Jack: To ask the Minister of Agriculture, Fisheries and Food what were his Ministry's projected start-up costs for the British Cattle Movement Service at Workington, Guildford and Manchester. [35002]

Dr. John Cunningham *[holding answer 1 April 1998]:* At the time the decision on the site was taken, the specific accommodation costs for setting up the British Cattle Movement Service were estimated as follows:

Workington £1.3 million

Guildford £0.6 million

Manchester £0.8 million.

These estimates covered accommodation costs only, and not the whole costs of setting up the new service.

Mr. Jack: To ask the Minister of Agriculture, Fisheries and Food (1) what were the estimated start up and running costs for the first year in *(a)* August 1997 and *(b)* March 1998 for the British Cattle Movement Service; and if he will publish a detailed breakdown of the component costs of each figure, indicating the factors underlying each cost variant; [35003]

(2) if he will publish a detailed breakdown of the start up and first full year running costs of the British Cattle Movement Service. [34999]

Dr. John Cunningham *[holding answer 17 March 1998]:* The British Cattle Movement Service will operate the computerised Cattle Tracing System (CTS) in Great Britain. The following estimates are for the CTS as a whole. In September 1997, the decision was taken to move the issue of cattle passports from Agriculture Department regional offices to the British Cattle Movement Service. This significantly increased the scope and set up costs of the CTS project, and means that the estimates are not strictly comparable.

In August 1997, the estimated costs of the Cattle Tracing System were as follows:

Set up costs	*£ million*
Database development	3.4
Project Management	1.7
British Cattle Movement Service (accommodation)	1.3
BCMS/Agriculture Department regional offices (equipment, services and publicity)	4.1
Total	10.5

Running costs

Detailed estimates were not available in August 1997, but following a feasibility study in 1996, running costs were expected to be of the order of £20 million to £25 million a year.

In March 1998, the estimated costs of the Cattle Tracing System, including additional costs associated with the decision in September 1997 that the system should also be responsible for the issuing of cattle passports, are as follows:

Set-up costs	*£ million*
Database development	[1]6.5
Project Management	3.7
British Cattle Movement Service (accommodation)	3.5
British Cattle Movement Service (equipment, services and publicity)	3.7
Total	17.3
First year running costs	
Staff costs	3.2
Accommodation, administration and consumables	2.9
Common services and depreciation	3.4
Office supplies (including cost of 'freepost' system for reporting cattle movements and local call rate telephone system)	5.9
Inspection services	3.6
Total	19.1

[1] Further enhancements costing up to £3 million may also take place.

Mr. Jack: To ask the Minister of Agriculture, Fisheries and Food when the cost benefit study to determine the site for the British Cattle Movement Service was completed. [35001]

Dr. John Cunningham *[holding answer 17 March 1998]:* An investment appraisal was carried out in August 1997 and updated in November 1997. Both the original and updated investment appraisal suggested that, over a fifteen-year period, Workington would be the cheapest option.

Mr. Jack: To ask the Minister of Agriculture, Fisheries and Food when the West Cumbria Development Agency was asked to draw up cost estimates for the Workington site of the British Cattle Movement Service. [35023]

Dr. John Cunningham *[holding answer 17 March 1998]:* The West Cumbria Development Agency provided information which assisted my Department to draw up estimates of the cost of using the Workington site of the British Cattle Movement Service in late July 1997.

Whitehall Place Offices

Mr. Jack: To ask the Minister of Agriculture, Fisheries and Food what use is being made of his Ministry's former offices in Whitehall Place. [34994]

Dr. John Cunningham *[holding answer 17 March 1998]:* The vacant space in 3–8 Whitehall Place is being used by MAFF officials dealing with the Lord Justice Phillips Inquiry and by other policy groups.

Mr. Jack: To ask the Minister of Agriculture, Fisheries and Food if his Ministry's former office in Whitehall Place remains approved for office use. [34996]

Dr. John Cunningham *[holding answer 17 March 1998]:* Whitehall Place offices are occupied in accordance with a current Home Office fire certificate and are approved for continued office use.

Cattle Tracing System

Mr. Jack: To ask the Minister of Agriculture, Fisheries and Food (1) what proposals he received from non-Governmental sources to provide the cattle passport systems at sums below current estimates; [34998]

(2) which *(a)* companies and *(b)* other organisations made approaches to his Ministry to run the electronic cattle passport scheme. [34997]

Dr. John Cunningham *[holding answer 17 March 1998]:* During early 1997, certain livestock industry organisations (e.g. NFU and National Milk Records) suggested the computerised Cattle Tracing System could be developed by an industry-led consortium. However, these ideas did not include detailed costings and implementation timescales. A feasibility study for the Cattle Tracing System, carried out by independent consultants for the previous Government, and published in autumn 1996, recommended that an existing Government database should be used as the basis for the Cattle Tracing System.

Mr. Jack: To ask the Minister of Agriculture, Fisheries and Food when the computerised cattle data base system will begin operation. [34964]

Dr. John Cunningham *[holding answer 17 March 1998]:* I expect the computerised Cattle Tracing System to be operating by late summer 1998.

Cattle Date-Based Scheme

Mr. Jack: To ask the Minister of Agriculture, Fisheries and Food what discussions his Ministry has had in 1998 with the EU Commission and the Standing Veterinary Committee about the introduction of the date-based scheme for cattle; and when he expects approval for this scheme. [35024]

Dr. John Cunningham *[holding answer 17 March 1998]:* My officials are in regular contact with EU Commission officials on the progress of our proposals for a Date-Based Export Scheme. Officials representing the United Kingdom at the Standing Veterinary Committee will discuss the Date-Based Export Scheme when the Commission has prepared and tabled their proposal for consideration by the Committee.

Nobel House (Costs of Move)

Mr. Jack: To ask the Minister of Agriculture, Fisheries and Food if he will publish for *(a)* 1997–98, *(b)* 1998–99 and *(c)* 1999–2000 the costs relating to his Ministry's move to Nobel House under the headings (i) rent, rates, service costs, (ii) refurbishment for 3,000 square metres, (iii) removal costs for all moves, (iv) Nobel House alterations, (v) Nobel House security guarding car ramp, (vi) Eastbury House deficit, space, rent, rates, services for two floors of 600 square metres, (vii) Eastbury House refurbishment and (viii) contingencies, giving details of items covered. [34953]

Dr. John Cunningham *[holding answer 17 March 1998]:* The figures are as follows (those in italics are forecasts).

£

Item	*1997–98*	*1998–99*	*1999–2000*
Rent, rates, service costs[1]	275,250	*367,000*	*91,750*
Refurbishment[2]	253,000	—	—
Removal costs (all moves)[3]	38,000	—	—
Nobel House—alterations[3]	240,000	—	—
Nobel House—security guarding car ramp[4]	—	—	—
Eastbury House—"deficit" space, rent, rates service (two floors—600m²)[5]	97,500	*195,000*	*195,000*
Eastbury House—refurbishment[5]	92,000	—	—
Contingencies[6]	54,000	—	—
Total	1,049,750	*562,000*	*286,750*

[1] The Department's Chief Scientist's Group (CSG) will stay in the decant building, St. Christopher House for a further year until MAFF's new Westminster building is ready in the summer of 1999. An earlier return to Whitehall Place early in 1998 would have meant a double move. The vacated space in Whitehall Place is being utilised by units servicing the Phillips Inquiry into BSE and other policy initiatives.

Much of the charge for the decant building is an "opportunity cost rent". Whilst it is an additional cost to the Department, it largely substitutes for other costs previously borne elsewhere by the Exchequer. The only additional costs to the Exchequer from MAFF's occupancy are those for utilities and other office services.

[2] In all £369,000 was spent to refurbish 3,000m² in St. Christopher House. Of this, £116,000 provided for staff displaced from Ergon House as a result of the co-location of the Joint Food Standards and Safety Group (JFSSG) in preparation for the establishment of the Foods Standards Agency.

[3] Actual costs were lower than initial estimates.

[4] No extra security measures were required for Nobel House.

[5] Extra space was taken in Eastbury House as a result of the co-location of JFSSG (see note 2 above), and is therefore not considered a direct consequence of the Secretariat move to Nobel House.

[6] Covers furniture and carpets for Ministers.

Mr. Jack: To ask the Minister of Agriculture, Fisheries and Food if the Nobel House move contingency fund is now fully allocated; and on what items of expenditure this money has been spent. [34995]

Dr. John Cunningham *[holding answer 17 March 1998]:* The contingency budget for the move has now closed. £54,000 was spent from this for furniture and carpets for Ministers' new offices in Nobel House.

Mr. Jack: To ask the Minister of Agriculture, Fisheries and Food what hotel expenses were incurred by his Ministry in direct connection with the move to Nobel House. [34952]

Dr. John Cunningham *[holding answer 17 March 1998]:* None.

Mr. Jack: To ask the Minister of Agriculture, Fisheries and Food what items of expenditure on the MAFF estate have had to be reduced to help fund the move to Nobel House. [34993]

Dr. John Cunningham *[holding answer 17 March 1998]:* By altering priorities within the 1997–98 Non Pay Running Cost budget for building maintenance, sufficient funding was identified to help fund the move to Nobel House.

Desk (Cost)

Mr. Jack: To ask the Minister of Agriculture, Fisheries and Food what was the cost of the new desk ordered for his use; and for what reasons no existing desks within his Department were suitable. [34992]

Dr. John Cunningham *[holding answer 17 March 1998]:* The cost was £4,085 plus VAT. Until my removal to new accommodation, I had been using a desk left behind by a retired official. This would not have been suitable for the new location and will remain in Whitehall Place for further use in that building. No other spare desks were available which would have met the need. On grounds of economy, we do not hold significant stocks of unused furniture.

Unpasteurised Milk

Mr. Jack: To ask the Minister of Agriculture, Fisheries and Food when he expects to publish the outcome of his consultation exercise on unpasteurised milk. [35288]

Dr. John Cunningham *[holding answer 19 March 1998]:* We are taking stock of all the points raised in the consultation, which ended on 24 February, and an announcement will be made in due course.

Mr. Jack: To ask the Minister of Agriculture, Fisheries and Food how many consultees, and from which organisations, agreed with his proposals on unpasteurised milk. [35287]

Dr. John Cunningham *[holding answer 19 March 1998]:* Fourteen organisations and companies agreed with the proposal to ban sales of raw cows' drinking milk. These were:

British Medical Association

British Veterinary Association

Chartered Institute of Environmental Health

Co-operative Union Ltd.

Dairy Industry Federation

Institute of Food Research

Institute of Food Science and Technology

Local Authorities' Co-ordinating Body on Food and Trading Standards

Marks and Spencer PLC

National Dairymen's Association

National Institute for Research in Dairying

Public Health Laboratory Service

Royal College of Physicians

Unigate.

In addition, 22 individual food authorities and 6 individual consumers wrote in support of the proposed ban.

Beef Export Ban

Mr. Jack: To ask the Minister of Agriculture, Fisheries and Food what barriers remain to be lifted before the ban on British beef exports to Europe can be ended. [36807]

Dr. John Cunningham *[holding answer 31 March 1998]:* We have fulfilled all of the pre-conditions for the resumption of beef exports laid down in the Florence Agreement. We have secured the lifting of the bank from Northern Ireland beef from Export Certified herds. To enable the resumption of beef exports from the UK as a whole we are now engaged in discussions with the European Commission on our Date-based Export Scheme proposal. This scheme will have to be adopted by the European Union member states, either in the Standing Veterinary Committee or the Agriculture Council, before beef exports from Great Britain can begin.

Mr. Jack: To ask the Minister of Agriculture, Fisheries and Food which member states of the European Union he has communicated with since the agreement to lift the beef ban for Northern Ireland was agreed, to establish in each case what that members state's current objections are to the lifting of the beef ban for the remainder of the United Kingdom. [36808]

Dr. John Cunningham *[holding answer 31 March 1998]:* I regularly have discussions with my European Union counterparts in which the Date-based Export Scheme is covered. The European Commission have yet to put their proposal to member states in the Standing Veterinary Committee. My officials are discussing the UK's proposals with the Commission in order to deal with any potential objections.

Mr. Jack: To ask the Minister of Agriculture, Fisheries and Food if he will seek to ensure that at the next meeting of the Agriculture Council, an item will appear on the Agenda enabling a discussion to take place on a timetable of actions that will lead to the lifting of the beef export ban for Scotland, England and Wales. [36806]

Dr. John Cunningham *[holding answer 31 March 1998]:* Steps towards the resumption of UK beef exports are set out in the Florence Agreement which also specifies the procedures to be applied to each step. Consequently, my officials are currently developing plans for a Date-based Export Scheme in consultation with the European Commission. The Commission will then draw up a proposal to put before the Standing Veterinary Committee in line with the procedure set out in the Florence Agreement. The Agriculture Council would become included in this process if the Standing Veterinary Committee do not adopt the proposal.

SOCIAL SECURITY

Advertising

Mr. Clifton-Brown: To ask the Secretary of State for Social Security if she will make a statement on her Department's advertising budget for the current financial year. [34016]

Mr. Field: The Department does not allocate an annual budget specifically for advertising. Any expenditure on advertising is included in the Publicity budget.

For the current financial year the total estimated forecast spend on Publicity for the Department, including its Agencies, is £14,550,520.

This figure includes the cost of publications such as benefit leaflets etc (which this year will cost approximately £6,550,000), research, advertising, marketing, exhibitions, film and video.

Separate figures are not available for the proportion spent on advertising.

War Pensions

Mr. Stinchcombe: To ask the Secretary of State for Social Security (1) if she has discretion to backdate war pensions for those who applied for backdating before a given date; [34454]

(2) when was the last time she exercised discretion to backdate a war pension; and on how many occasions she has so acted since 1 May 1997; [34347]

(3) on what basis, and according to what criteria, she has the discretion to backdate war pensions; [34348]

(4) what was the date and nature of the change in Government policy in respect of the discretion to backdate war pensions. [34346]

Mr. Denham: Before 7 April 1997, Article 65 and Schedule 3 to the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 1983 provided the Secretary of State with a discretionary power to backdate an award of war pension in respect of any particular case or class of case, prior to the date of claim, whenever it was considered reasonable to do so. All cases were considered on their individual merits.

Normal policy was to exercise the discretion to backdate a war pension in a number of different circumstances. An example was where the claimant had suffered a mental or physical illness or disablement for a continuous period up to the date of claim and that illness or disablement was of such a nature or severity as to prevent the person claiming earlier or instructing someone to do so on their behalf.

The law on backdating was amended from 7 April 1997 as part of a package of measures to simplify administration. Following full consultation with the Central Advisory Committee on War Pensions and other ex-Service organisations, the criteria for the commencement date of an award of war pension, and the limited circumstances in which it may be backdated, were defined precisely. The full details are to be found in Schedule 7 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Amendment Order 1997 (1997 No.286), which substituted a new Schedule 3.

Information is not kept on the number of occasions on which war pensions are backdated and this could be obtained only at disproportionate cost.

Income Support

Dr. Lynne Jones: To ask the Secretary of State for Social Security if she will make it her policy to pay increases in income support child personal allowances on the child's 11 and 16 birthday. [35722]

Mr. Field: When a dependant child reaches age 11 or 16, the increase in the Income Support child personal allowance in respect of this age change is payable from the first Monday in September which follows the 11th or 16th birthday. We have no plans to change this arrangement.

Benefit Integrity Project

Mrs. Ewing: To ask the Secretary of State for Social Security (1) if she will review, in conjunction with disabled groups, the forms and letters issued under the Benefit Integrity Project; [35229]

(2) if she will provide disability awareness training to adjudication officers involved in the Benefit Integrity Project; [35230]

(3) if she will establish refresher training courses on disablement issues for visiting officers involved in the Benefit Integrity Project. [35231]

Mr. Denham *[holding answer 23 March 1998]:* Following discussion with organisations representing disabled people, we have established a programme of incremental improvements to the Benefit Integrity Project, including the key issues raised.

We intend to re-consider the literature issued to claimants as part of the Project, in order to make it clearer and more specific. In addition, we will be working with groups of and for disabled people to review our training programme for Visiting and Adjudication Officers.

The Benefits Agency is committed to carrying out the work of this Project in a sensitive and considerate manner. The review work to be carried out over the next few weeks confirms our determination to be fair, and to be seen to be fair.

Winter Fuel Payments

Mr. Paul Marsden: To ask the Secretary of State for Social Security what factors determine which method of payment is used for the winter fuel payment. [37126]

Mr. Denham: Winter Fuel payments are one of a number of initiatives the Government have taken to help vulnerable people, especially the elderly, keep warm in the winter. A total of £400 million has been committed over the next two years (1997–98 and 1998–99), to help pensioners with fuel bills to pay. This is the first time any Government have provided additional help with heating costs to all pensioners living in the United Kingdom who receive a Retirement Pension or one of a number of other qualifying benefits.

The making of this year's payments has been an enormous and unprecedented exercise. In order to establish all eligible pensioners, correctly identify pensioner households, and determine the amount each should receive, it was necessary to correlate data in around 15 million computer records, involving 15 qualifying benefits, across nine computer systems. Overall, almost 10 million pensioners, in over 7 million households, have received a payment.

The administration of winter fuel payments is a matter for Peter Mathison, Chief Executive of the Benefits Agency. He will write to the hon. Member.

Letter from Peter Mathison to Mr. Paul Marsden, dated 31 March 1998:

The Secretary of State for Social Security has asked me to reply to your recent Parliamentary Question asking what factors determine which method of payment is used for the winter fuel payment.

The making of winter fuel payments to almost ten million eligible pensioners, in over seven million households, before the end of March 1998 has been a challenging task for the Benefits Agency. This will have been achieved whilst maintaining normal benefit business.

Around one and a half million of the poorest pensioners, those receiving Income Support or income-based Jobseeker's Allowance, received their payment of £50 during January. A further 8.3 million eligible pensioners received a payment of £20 or £10 during March. Where they live alone, are the only eligible pensioner in a household, or are of no fixed abode, they are entitled to £20; otherwise, they are entitled to £10.

Three different methods of payment have been used to make the payments to all eligible pensioners. A number of factors were taken into account in determining the appropriate method. The factors included: the normal method of payment used by the customer to receive their benefit; the ability of the relevant benefit system to make one-off payments by a number of different methods; the speed in which payments could be made; and, the cost and timescales required to introduce new methods of payment to individual computer systems. Payments have been made by the three routes as follows:

—Automated Credit Transfer (ACT) direct to the pensioner's bank or building society account where the qualifying benefit is paid in this way (except where the qualifying benefit was Income Support, income-based Jobseeker's Allowance, Invalid Care Allowance, an industrial injury benefit, or one administered by the War Pensions Agency);

—Payable order sent to the pensioner's home address, where the qualifying benefit is Invalid Care Allowance, an industrial injury benefit, or one administered by the War Pensions Agency; otherwise,

—Girocheque sent to the pensioner's home address or the Post Office where the pensioner collects their qualifying benefit.

The decision to send girocheques to the pensioner's Post Office was based on the fact that these customers represented by far the largest qualifying group and this was considered the most secure method of payment for them.

Thank you for the opportunity to explain the position.

Child Support Agency

Mr. Hinchliffe: To ask the Secretary of State for Social Security if the Child Support Agency can pursue maintenance payments from parents who are illegal immigrants. [36985]

Mr. Keith Bradley: The Child Support Act 1995 applies only where both parents and the child are habitually resident in the UK. Where both parents and the child have addresses in the UK they are normally assumed to be habitually resident unless there is evidence to the contrary. In such a case, the child support officer would decide on the evidence available whether that person should be treated as habitually resident for child support purposes. An individual's immigrant status is decided by the Home Office. The Home Office decision on whether an individual can stay in the country will be key for the

child support officer in deciding whether they are habitually resident and therefore whether the Child Support Agency has jurisdiction.

Mr. Hinchliffe: To ask the Secretary of State for Social Security how many representations she has received from hon. Members on CSA matters in each month since 1 May 1997; and how many representations the Chief Executive has received in the same period. [36987]

Mr. Keith Bradley: The information is set out in the table.

The number of letters received from hon. and right hon. Members about the child support scheme for each month since May 1997

Month	*Ministerial*	*Chief Executive*
May 1997	58	411
June 1997	185	698
July 1997	241	928
August 1997	162	581
September 1997	184	549
October 1997	217	837
November 1997	245	713
December 1997	202	634
January 1998	173	687
February 1998	222	739

MINISTER WITHOUT PORTFOLIO

Millennium Dome

Mr. Baker: To ask the Minister without Portfolio what steps he has taken to ensure a full environmental assessment has been carried out in respect of *(a)* the land on which the Dome is to be built, *(b)* the construction process of the Dome and *(c)* the operation of the Dome. [35930]

Mr. Mandelson *[holding answer 24 March 1998]:* An environmental statement was submitted to the London Borough of Greenwich as part of the Millennium Experience planning application in October 1996. The subsequent approval of the application was conditional upon the New Millennium Experience Company (NMEC) establishing procedures to ensure that environmental issues properly inform the decision making process both for construction and operation. A draft environmental plan to meet this condition has been submitted to the London Borough of Greenwich and consultations on it are underway. The NMEC has also commissioned assessments which address a wide range of environmental matters including the health and safety of employees and visitors. Together with English Partnerships, the NMEC is undertaking an audit of the remediation work that has been done to prepare the site for the Millennium Experience.

DUCHY OF LANCASTER

Freedom of Information

15. **Mr. Baker:** To ask the Chancellor of the Duchy of Lancaster if he will make a statement on the conclusions he has drawn from the consultation on his freedom of information proposals. [35816]

24. **Dr. Tony Wright:** To ask the Chancellor of the Duchy of Lancaster what responses he has received to the White Paper on open government. [35826]

27. **Mr. Paterson:** To ask the Chancellor of the Duchy of Lancaster what representations he has received on freedom of information. [35829]

Dr. David Clark: Consultation on "Your Right to Know" drew over 550 responses. The overall reaction to our proposals was very positive, as the hon. Members will see if they study the material in the Library. I am considering detailed points from the consultation in preparing a draft Freedom of Information Bill.

21. **Mr. Campbell-Savours:** To ask the Chancellor of the Duchy of Lancaster what is his proposed date for the introduction of Freedom of Information legislation. [35823]

22. **Mr. Hanson:** To ask the Chancellor of the Duchy of Lancaster when he expects to publish the Freedom of Information Bill. [35824]

Dr. David Clark: I expect to publish a draft Bill later in the year, which will continue the consultation process started with the White Paper *Your Right to Know*. In the light of comments on this, a Bill will be introduced into Parliament as soon as the legislative timetable permits.

Dr. Kumar: To ask the Chancellor of the Duchy of Lancaster what response he has received to the consultation exercise he held on the Government White Paper, Your Right to Know. [37659]

Dr. David Clark: I am delighted to say that the consultation exercise on the Government's Freedom of Information White Paper, *Your Right to Know*, received a very good response with some 557 replies received from a wide variety of individuals and organisations, as shown in the breakdown in the table. The great majority of the comments we received, even where they suggested changes or expressed disagreement with some aspects, were in favour of the fundamental content and broad direction of our proposals. This shows the wide support that exists for legislation of the sort proposed in our Manifesto, and set out in detail in the White Paper.

Although the consultation period formally ended on 28 February, many responses were still coming at the stage and, in the interests of full inclusiveness and fairness, we have included in our analysis as many replies as possible which were received after the end of February.

I am pleased to report that 172 (or 31 per cent.) of the replies were made by e-mail and 48 of these replies came via the Internet site set up for an open discussion of the proposals by UK Citizens' Online Democracy (UKCOD) with the support of the Cabinet Office. This shows the important role information technology can play in consultation exercises of this type.

I am today placing in the libraries of the House a list of those who responded (except where they requested anonymity) and copies of the responses received (except for those respondents who wished their comments to remain confidential). The apparently substantial number of replies requesting anonymity or confidentiality very largely consists of responses concerning the Animals (Scientific Procedures) Act 1986 made by licence holders under the Act. Replies of this sort made up 100 of the 117 responses in these categories.

In addition to being placed in the libraries of the House, the responses are also being placed on the Internet and will shortly be available for viewing and downloading on the Internet. There is a direct link from the FOI Unit home page—http://www.open.gov.uk/m-of-g/foihome.htm — to the UKCOD site where the submissions are posted—http://foi.democracy.org.uk/html/submissions.index.html. A paper copy of the full set of responses is available from the Cabinet Office.

The consultation exercise has been extremely valuable in focusing public attention on our proposals for Freedom of Information. I am now considering the main points arising from the consultation, and how we will need to take account of them in preparing a draft Bill for publication later this year. That publication will, in itself, mark a further major stage in the consultation process.

The breakdown of responses by category is:

	Total number of responses	*Responses by e-mail*	*On-line discussion*
Individuals	160	103	38
Business	65	11	2
Media	6	1	0
Academics	59	14	0
Charities, Lobby Groups and Campaign Group	82	21	4
Members of either House	5	0	0
Public Authorities	152	15	1
Members of the European Parliament	0	0	0
Others	28	7	3
Totals	557	172	48

Ministerial Residences

17. **Mr. Tyrie:** To ask the Chancellor of the Duchy of Lancaster how much has been spent in total to refurbish official residences and offices of members of the Cabinet since 1 May. [35819]

Mr. Kilfoyle: My right hon. Friend the Chancellor of the Duchy of Lancaster is not responsible for expenditure on all Government Ministers' residences and offices. My right hon. Friend the Prime Minister made clear, on 9 February, the cost of maintaining and refurbishing Ministerial residences for 1997–98 which is estimated at £1.1 million. Information on the cost of refurbishing departmental offices of Cabinet Ministers is not held centrally.

Arms Exports

18. **Ann Clwyd:** To ask the Chancellor of the Duchy of Lancaster if information on the United Kingdom suppliers of the components of chemical and biological weapons exported to Iraq would be available under his proposed freedom of information legislation. [35820]

Dr. David Clark: All requests for information falling within the scope of the proposed Freedom of Information Act will be considered against the access provisions of the Act.

Departmental Efficiency

19. **Mr. Evans:** To ask the Chancellor of the Duchy of Lancaster what plans he has to increase efficiency in Government Departments. [35821]

Dr. David Clark: We are working to the target that, by 2002, one quarter of the public's dealings with government can be done electronically—through television, telephone or computer. This should result in better quality, more cost effective government services.

European Commission Documents

20. **Helen Jackson:** To ask the Chancellor of the Duchy of Lancaster what plans he has to press for the greater use of plain language in European Commission documents during the United Kingdom presidency. [35822]

Dr. David Clark: Using plain language is important if the European Commission is going to communicate effectively with the citizens of Europe. British linguists in the Commission's translation service are holding a 'Fight the Fog' campaign to encourage the use of plain language by the Commission's authors and translators. The UK Government are fully supporting this work. Plain language is also vital in legislation so that citizens and business can know what is required of them. As Presidency, the UK is working with the Commission, European Parliament and other Member States on an initiative to improve the quality of drafting of EU rules.

Print Media

23. **Mr. Kirkwood:** To ask the Chancellor of the Duchy of Lancaster when he next proposes to meet the civil servants' unions to discuss the Government's relationship with the print media. [35825]

Dr. David Clark: I met the General Secretaries of the Council of Civil Service Unions on Wednesday 25 March as part of a regular series of meetings to discuss key issues affecting their members. The Government's relationship with the print media is not an issue that has been raised.

Electronic Information

25. **Mr. Miller:** To ask the Chancellor of the Duchy of Lancaster what steps he has taken to permit individuals to supply information electronically to Government. [35827]

Dr. David Clark: I intend to publish later this year a White Paper on *Better Government*, which will set out in more detail ways in which IT will enable individuals to supply information to the Government electronically. As a prelude to this, last December I launched the Intelligent Form project, which converts what were once six paper forms on notification of self-employment into one electronic form, and in so doing enables individuals to supply several departments with information simultaneously via the Internet.

Regulatory Process

26. **Mr. Casale:** To ask the Chancellor of the Duchy of Lancaster what representations he has received from his European counterparts on the reform of the regulatory process. [35828]

Dr. David Clark: When I took the UK seat at the Cambridge informal meeting of Internal Market Ministers on 13 February, many EU Ministers present spoke enthusiastically in favour of regulatory reform at European level. As a result of this support, I hope to see the launch under the UK Presidency of a pilot European Business Test Panel. The purpose of the panel will be to help regulators understand better the impact of new rules on business by consulting firms of all sizes on legislative proposals in advance of their becoming law. The UK will be a leading player in this pilot.

Better Government Programme

28. **Mrs. Humble:** To ask the Chancellor of the Duchy of Lancaster what representations he has received on his better government programme. [35830]

Dr. David Clark: I have received many positive and interesting contributions on my Better Government programme. In addition to individual letters and meetings, I have held a series of seminars with a wide range of participants from academia, local government, the public, private and voluntary sectors, and user and staff representatives. The Parliamentary Secretary has also held a series of workshop with front-line staff, around the UK, to feed in their ideas.

Access Business Initiative

Kali Mountford: To ask the Chancellor of the Duchy of Lancaster if he will make a statement on progress of the access business initiative. [35801]

Mr. Kilfoyle: On 5 March, we launched the Enforcement Concordat, which sets a blueprint for better enforcement practice throughout the country. Among several other projects, the group is also helping to develop an IT system that enables local authorities to provide a single point of advice on various regulatory matters.

Special Advisers

Mr. Ruffley: To ask the Chancellor of the Duchy of Lancaster how many special advisers are currently employed within the civil service. [35818]

Dr. David Clark: At 1 April, there are 61 full-time and six part-time Special Advisers in post. In addition, the Secretary of State for Education and Employment has appointed Professor Michael Barber as an adviser on Standards and Effectiveness, the President of the Council has appointed Keith Hellawell as the UK Anti-Drugs Co-ordinator and Michael Trace as the Deputy UK Anti-Drugs Co-ordinator, and the Chancellor of the Exchequer has appointed Chris Wales and Paul Gregg as members of the Council of Economic Advisers.

Ministerial Cars

Mr. Stunell: To ask the Chancellor of the Duchy of Lancaster what was *(a)* the estimated average fuel consumption and *(b)* the total mileage of ministerial cars travelling on official business in each of the years since 1989–90 for each Government department. [36159]

Mr. Kilfoyle: I cannot answer for all cars used by Ministers. However, for those run by the Government Car and Dispatch Agency, responsibility has been delegated under the terms of the Framework Document to the Agency. I have asked its Chief Executive, Mr. Nick Matheson, to write to the hon. Member.

Letter from Nick Matheson to Mr. Andrew Stunell, dated April 1998:

The Parliamentary Secretary, Office of Public Service, has asked me in my capacity as the Chief Executive responsible for the Government Car Service (GCS) to reply to your Parliamentary Question about (a) the estimated average fuel consumption and (b) the total mileage of ministerial cars travelling on official business in each year since 1989–90.

In my letter to you of 3 February I explained that information on the ministerial use of the GCS before 1 April 1997, when GCDA was set up as a separate agency, was not readily available, and could only be obtained at disproportionate cost.

For 1997/98, the estimated average fuel consumption of GCS cars allocated to Government departments for the use of Ministers is 25 miles per gallon. For the same period the estimated mileage of GCS cars allocated to departments, based on the most up-to-date information available, is as follows:

Department	*Estimated mileage*
Prime Minister and Cabinet Office	69,400
Department for Education & Employment	165,700
Ministry of Defence	7,000
Department of Social Security	77,800
Department of Health	55,100
Department of the Environment, Transport and the Regions	124,000
Foreign & Commonwealth Office	174,200
Home Office	60,900
Ministry of Agriculture, Fisheries & Food	64,100
Northern Ireland Office	58,500
Scottish Office	52,700
Department of Trade & Industry	147,700
Law Officers' Departments	15,200
HM Treasury	65,900
Welsh Office	28,100
Privy Council Office	6,400
Department for International Development	37,000
Lord Chancellor's Department	39,200
Department for Culture, Media & Sport	54,400

As you may know, some departments may use other providers of cars and drivers for use by their Ministers.

As I also explained in my earlier letter, cars and drivers are allocated for the use of Ministers and their offices, and the above estimates may include some non-Ministerial use, such as the transportation of documents or use by officials.

Written Answers to Questions

Thursday 2 April 1998

ENVIRONMENT, TRANSPORT AND THE REGIONS

Travelcards

Mr. Ieuan Wyn Jones: To ask the Secretary of State for the Environment, Transport and the Regions what representations he has received on the future of London Transport travelcards, with particular reference to full-time students; and if he will make a statement. [35522]

Dr. Strang: The Government have received a number of representations about the future of the London Transport Travelcard, including some from the University of London Union, which were specifically about discount schemes for full-time students. I understand that a recent trial revealed that, while a discount scheme would be workable, it would only be partly self-funding. In the light of this, London Transport (LT) were not sufficiently persuaded of the benefits to proceed.

Fares and ticketing, including student tickets, are the statutory responsibility of London Transport. On 4 January 1998, LT introduced a new ticket, providing a 30% discount for all 16 and 17 year olds on period LT cards, which can be used on Underground, LT Buses and Docklands Light Railway services.

Railway Maintenance

Mr. Llwyd: To ask the Secretary of State for the Environment, Transport and the Regions what safety procedures are required during railway line maintenance; and what measures are taken to ensure that they are enforced. [35540]

Dr. Strang: All those involved in the maintenance of the railway throughout Great Britain must comply with their obligations under the Health and Safety at Work, etc. Act 1974, Railways (Safety Case) Regulations 1994 and the Railways (Safety Critical Work) Regulations 1994. Work on Railtrack's network must comply with the requirements of their Rule Book and the Railway Standards (the provisions of which are mandatory on Railtrack PLC and its contractors by virtue of Railtrack's Railway Safety Case and related contractual arrangements).

Inspectors of the Health and Safety Executive's Railway Inspectorate are responsible for enforcing legal requirements relating to health and safety on the railways, including the detailed requirements of the Railways (Safety Case) Regulations 1994.

Road Traffic (Greater London)

Mr. Cox: To ask the Secretary of State for the Environment, Transport and the Regions what estimates he has made of future growth in road traffic within the Greater London area. [36583]

Ms Glenda Jackson: Forecasts using the Department's strategic multi-modal transport model, known as "LTS", suggest that traffic volumes in the peak periods will be around 15% higher by 2011 within the Greater London area. For the inter-peak period, traffic is estimated to grow by 20%. These forecasts take no account of policies that will follow the Government's forthcoming White Paper on Integrated Transport.

A3, Hindhead

Mr. Mates: To ask the Secretary of State for the Environment, Transport and the Regions what representations he has received regarding traffic congestion on the A3 at Hindhead; and if he will make a statement. [36579]

Ms Glenda Jackson: During the course of the Government's Roads Review consultation, we received over 60 written responses about Hindhead issues. I also responded to an adjournment debate on 19 January 1998 about the A3 at Hindhead and two Parliamentary Questions on the same subject.

The Government's strategic review into highway improvement schemes presently taking place is aimed at determining the role which roads will play in an integrated transport policy, and developing a strategy which will address the problems of congestion and pollution and improve the environment in which we live. The conclusions of the review will be announced later this year.

Mr. Mates: To ask the Secretary of State for the Environment, Transport and the Regions how many cars pass through the single carriageway stretch of the A3 at Hindhead per day, in each direction. [36577]

Ms Glenda Jackson: I have asked the Chief Executive of the Highways Agency, Mr. Lawrie Haynes, to write to the hon. Member.

Letter from Lawrie Haynes to Mr. Michael Mates, dated 2 April 1998:

The Transport Minister, Glenda Jackson has asked me to reply to your recent question about the A3 at Hindhead.

Recent traffic flow figures recorded at the A3/A287 signal controlled junction in Hindhead show that over an average week day about 13,600 vehicles travelled on the northbound approach to the junction and about 12,800 on the southbound approach.

The Highways Agency is aware of the problems in Hindhead, particularly on the approaches to the signal controlled junction between the A3 and A287. For the short term we are actively seeking ways of improving the performance of the signals in conjunction with Surrey County Council and the Transport Research Laboratory, with the aim of increasing flows through the junction.

Planning Applications (Crown Land)

Mr. Nigel Jones: To ask the Secretary of State for the Environment, Transport and the Regions if he will assess the *(a)* benefits and *(b)* disadvantages of giving local planning authorities the power to determine planning applications on Crown land when the land for development (i) is in the Green Belt, (ii) is in a designated area of outstanding natural beauty and (iii) would conflict with policies in adopted structure or local plans; and if he will make a statement. [37029]

Mr. Raynsford: This Government believe that it is usually most appropriate for local planning authorities to determine planning applications, whether such applications come from the Crown or from any other body. That is why we shall remove the Crown's immunity from statutory planning controls as soon as a suitable legislative opportunity arises.

In the mean time, the Secretary of State, when determining disputes which arise when a local planning authority objects to a notice of proposed development issued by a Crown body in accordance with the provisions of DOE Circular 18/84, will continue to have regard to the adopted local plan, and such other matters as the need to protect the green belt and other areas of outstanding natural beauty. Applications for planning permission under s299 of the Town and Country Planning Act 1990 which the Crown may be required to make to local planning authorities will continue to be determined in the usual way.

Driving Instructors

Mr. Trimble: To ask the Secretary of State for the Environment, Transport and the Regions if Northern Ireland will be included within the remit of his Department's research project into how driving instructors are *(a)* trained and *(b)* tested. [36813]

Ms Glenda Jackson: The operation of the register of Approved Driving Instructors in Northern Ireland has not been included in terms of the research project we have recently commissioned. However, the Driver and Vehicle Testing Agency will, I understand, look closely at whether the study's findings could be applied in Northern Ireland. The research project will be completed in 2000.

Agenda 21

Mr. Brake: To ask the Secretary of State for the Environment, Transport and the Regions if he will list those local authorities which have produced local Agenda 21 strategies. [37214]

Angela Eagle: We have been working closely with the Local Government Association (LGA) to encourage all local authorities in England to produce and review their Local Agenda 21 strategies by 2000 to meet the Prime Minister's target. When launching in January with the Prime Minister, the joint document showing why and how to produce such strategies, the Chairman of the LGA asked all authorities to send him a copy of their first or revised strategy by 15 December 2000. We believe it is right for the LGA rather than central Government to take the lead in monitoring the production of such strategies and encouraging the sharing of good practice.

Waste Disposal

Sir Alastair Goodlad: To ask the Secretary of State for the Environment, Transport and the Regions what communications his Department has had with Cheshire County Council about the future of 3C Waste. [37080]

Angela Eagle: My department has had no recent correspondence with Cheshire about their Local Authority Waste Disposal Company (LAWDC) 3C Waste. Cheshire completed divestment of their waste disposal facilities and functions to 3C on 1 February 1993. 3C is still 100 per cent. owned by the County Council but I understand that they are considering transferring it to private sector ownership. This is entirely compatible with current legislation.

Sir Alastair Goodlad: To ask the Secretary of State for the Environment, Transport and the Regions what communications his Department has had with Cheshire County Council about local waste disposal policy. [37082]

Angela Eagle: Officials in my department commented on Cheshire's draft Waste Local Plan in November last year. It appeared to conform with the most recent statement of Government policy on waste management, the 1995 White Paper Making Waste Work. The Council are now considering these and others' comments. I understand that the Deposit Waste Local Plan will be published later this year. A six week public consultation period and a public local inquiry chaired by a independent inspector will follow as normal.

Sir Alastair Goodlad: To ask the Secretary of State for the Environment, Transport and the Regions what is his Department's policy towards *(a)* incineration, *(b)* landraising and *(c)* landfill, as a method of waste disposal. [37083]

Angela Eagle: This Government are aiming for more sustainable waste management with high standards of environmental protection. Incineration with energy recovery is, in principle, and in accordance with the waste management hierarchy, preferable to landfilling (including landraising). However, which option is employed for a particular waste stream and in a particular area depends on the Best Practicable Environmental Option.

On 13 January 1998, *Official Report*, column *160*, my right hon. Friend the Minister for the Environment announced a review of sustainable waste management policies which will culminate in a statutory waste strategy. A consultation paper will be issued in May.

Sir Alastair Goodlad: To ask the Secretary of State for the Environment, Transport and the Regions what communications his Department has had with North West local authorities about options for future waste disposal in the Mersey Belt; and if he will make a statement. [37084]

Angela Eagle: The Government Office for the North West have asked local authorities through the North West Regional Association (Regional Planning Conference) to provide a report on the facilities for the disposal of waste in the North West Region. According to RPG13, the region should seek to provide a network of waste management facilities located, wherever possible, in close proximity to the source of the arisings and that these should be identified in Development Plans. The NWRA are preparing the report and will forward it to the Regional Office in due course.

In addition, officials from the Government Office for the North West regularly attend Local Authority Recycling Officers forums and the North West Central Region recycling forum, to discuss waste and recycling issues with officers from all of the authorities in the area.

Mr. Llwyd: To ask the Secretary of State for the Environment, Transport and the Regions what health and safety regulations apply to landfill sites. [37151]

Angela Eagle: Health and safety regulations made under the Health and Safety at Work, etc. Act 1974 generally apply to landfill sites where there is employment. Regulations place duties on employers, the self-employed, and others, in relation to the management of health and safety and risks arising from, for example machinery, processes and work activities. The application of specific regulations made under that Act will depend on the nature of the work activity.

In addition, the following legislation, which has some health and safety impact, may also apply: the Environment Protection Act 1990; the Fire Precautions Act 1971; and the Food and Environment Protection Act 1985, if pesticides are used.

Drinking Water Quality

Mr. Todd: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to the answer of 13 February 1998, *Official Report*, column *419*, concerning lead in water, what steps he will take to encourage the removal of potential lead contamination stemming from the pipework within a property. [37228]

Angela Eagle: Lead pipework within a house is the responsibility of the owner. We want to be able to take informed decisions on whether they need to replace their lead pipes and on what other action they can take to reduce exposure to lead.

Unroadworthy Vehicles

Mr. Llwyd: To ask the Secretary of State for the Environment, Transport and the Regions what initiatives are being pursued to reduce the number of vehicles that are not legally roadworthy used on Welsh roads. [37055]

Ms Glenda Jackson: There are two main elements to the enforcement of vehicle roadworthiness in Wales, as in the rest of Great Britain. Almost all vehicles are required to pass an annual roadworthiness test to confirm that key safety and environmental standards are met. Vehicles are also subject to random enforcement checks by examiners from the Department's Vehicle Inspectorate and the police. The Inspectorate prohibits the use of vehicles found not to comply with construction and use or lighting requirements until the defects have been rectified (almost 15 per cent. of vehicles checked during 1996–97 in the South Wales Area were given prohibitions). The police assist the Inspectorate but also carry out enforcement under their own initiatives.

Housing Corporation

Mr. Letwin: To ask the Secretary of State for the Environment, Transport and the Regions what instruction or guidance his Department has given to the Housing Corporation on the attribution by housing associations of service charges to *(a)* tenants in service accommodation and *(b)* other tenants. [37115]

Mr. Raynsford *[holding answer 31 March 1998]:* Under Section 36(3) of the Housing Act 1996, draft guidance prepared by the Housing Corporation on the management of housing accommodation by registered social landlords (mostly housing associations) is approved by my right hon. Friend the Secretary of State for the Environment, Transport and the Regions before being issued by the Corporation. Under Section 36(2) of the Act, guidance may include the principles upon which rents should be determined.

Following consultation, my right hon. Friend approved management guidance issued by the Housing Corporation in December 1997 which included guidance on rents and service charges. This advises registered social landlords that they should endeavour to charge rents that are below equivalent market rent levels, are affordable to those in low paid employment and that do not increase each year by more than the guideline limit of the increase in the Retail Price Index plus 1 per cent.

I have asked the Housing Corporation to contact the hon. Member to answer any specific concerns about service charges.

Planning Inspectorate

Mr. Bradshaw: To ask the Secretary of State for the Environment, Transport and the Regions what performance targets he proposes to set for the Planning Inspectorate Agency for the financial year 1998–99. [37604]

Mr. Caborn: I have today set new performance targets for the Planning Inspectorate Agency under which it will be expected to achieve significantly improved handling times for its work whilst preserving the impartiality and quality for which it is deservedly highly respected, and whilst seeking also to improve efficiency. The targets are as follows:

Timeliness

(a) 80% of all planning appeals decided by written representations to be determined in 18 weeks;

(b) 80% of all planning appeals decided by hearings to be determined in 24 weeks;

(c) 80% of all planning appeals decided by inquiries to be determined in 36 weeks;

(d) to provide an Inspector for local plan inquiries in at least 80% of cases on the date requested by a local authority provided that the objection period has ended and at least 6 months' notice has been given;

(e) to deliver 90% of Inspectors' reports on local plan inquiries to local authorities according to timescales agreed under service agreements.

Financial

(a) Unit costs of planning appeals decided by written representations not to exceed £839;

(b) recover 80% of receipts due within 8 weeks of invoice date.

Efficiency

Generate a 3% efficiency improvement in the use of running costs compared with 1997–98.

Quality

To satisfy the Advisory Panel on Standards, and thus the Secretaries of State, annually and following rigorous monitoring that the quality of the Inspectorate's work is being maintained at a high standard, with 99% of its casework free from justified complaint.

Information and Guidance

To carry out a customer survey of public satisfaction with the Inspectorate's handling of planning appeals dealt with by the written representations procedure.

Environmental Appraisals

Mr. Coleman: To ask the Secretary of State for the Environment, Transport and the Regions when the Government will publish policy guidance on policy appraisal and the environment. [37719]

Mr. Meacher: We are determined to ensure that environmental issues are considered in the development of all Government policies to deliver an improved and lasting quality of life. Today, we publish new guidance to remind policy makers when and how to consider potential environmental impacts as part of the appraisal of specific policies and programmes. The guidance reminds staff of the need to incorporate environmental considerations into policy appraisals where the impact on the environment might be significant, and to set out the steps that ought to be taken in doing so.

I am placing copies of the guidance in the Library.

Millennium Compliance

Mrs. Gillan: To ask the Secretary of State for the Environment, Transport and the Regions which projects, not related to the year 2000 compliance problem, are being *(a)* restricted and *(b)* terminated in order to free information technology resources. [37484]

Angela Eagle: For DETR Central, priority projects have been identified, including existing commitments for projects already under-way and provision for Y2000 compliance work. Other projects require further work before needing an allocation of resources, but we may be able to accommodate these in the IT Investment Programme later in the year. At this early stage in the year, no projects have been specifically restricted or terminated. The IT investment programmes in the Department's Agencies are also in this position.

Asbestos

Dr. Godman: To ask the Secretary of State for the Environment, Transport and the Regions (1) what health consequences, expressed in terms of numbers of mesotheliomas or lung cancers in smokers and non-smokers per million persons exposed, are assumed to result from occupational exposure to chrysotile asbestos at airborne fibre concentrations of (i) 0.6, (ii) 0.5 and (iii) 0.3 fibres/millilitre for 40 hours per working week for 20 years; and if he will make a statement; [36744]

(2) what health consequences, expressed in terms of numbers of mesotheliomas or lung cancers in smokers and non-smokers per million persons exposed, are assumed to result from environmental exposure to chrysotile asbestos at airborne fibre concentrations of (i) 0.01, (ii) 0.001 and (iii) 0.0001 fibres/millilitre for 140 hours per week for *(a)* 10, *(b)* 20 and *(c)* 40 years; and if he will make a statement. [36745]

Angela Eagle: Whilst the risks to health of white asbestos are scientifically established, there is considerable quantitative uncertainty about the health consequences of exposure to chrysotile asbestos. This is illustrated by Health and Safety Executive (HSE) estimates shown in the following tables, based on two key occupational cohorts: the Quebec chrysotile mines, and an asbestos textile plant in Carolina. The estimates are extrapolated from observations made at very much higher exposure levels.

Average lifetime risk of lung cancer per million men exposed to chrysotile

Exposure scenario	*Duration of exposure (years)*	*Cohort study used to estimate risk*	
		Textiles	*Mining*
Per week	10.00	500.00	25.00
140 hours per week at 0.01 f/ml	20.00	1,000.00	50.00
at 0.01 f/ml	40.00	1,750.00	90.00
40 hours per week at 0.6 f/ml	20.00	17,500.00	850.00

Average lifetime risk of mesothelioma per million men exposed to chrysotile

Exposure scenario	*Duration of exposure (years)*	*Cohort study used to estimate risk*	
		Textiles	*Mining*
Per week	10.00	35.00	6.00
140 hours per week at 0.01 f/ml	20.00	55.00	8.00
at 0.01 f/ml	40.00	60.00	9.00
40 hours per week at 0.6 f/ml at 0.6 f/ml	20.00	900.00	125.00

The risks are average estimates from working populations with a mixture of smokers and non-smokers. Smoking does not affect the risks for mesothelioma but smokers are estimated to have a 50 per cent. higher risk of lung cancer than shown in the table and non-smokers a risk about ten times lower. Based on past smoking patterns, women's average risk will be about half the average male risk.

Risks at exposure concentrations other than those shown can be estimated pro-rata, although this may be an overestimate at very low exposures.

The environmental risk from asbestos has been examined in a report commissioned by Department of the Environment, Transport and the Regions from the Medical Research Council's Institute for Environmental Health—'Fibrous Materials in the Environment'. The report identifies background ambient levels of respirable asbestos fibres may range from 0.000001 to 0.0001 f/ml. Most indoor air concentrations of asbestos are below 0.0002 f/ml which rises to around 0.0005 f/ml in buildings which contain asbestos in good condition. At these low levels of exposure, there is no significant risk of mesothelioma or lung cancer. Cigarette smoking remains the major cause of cancer.

I am pleased that Health and Safety Commission (HSC) will be issuing a consultative document on asbestos within the next four weeks proposing a wide range of additional legislation to protect workers. The current occupational exposure control limit for chrysotile is 0.5 f/ml (averaged over any continuous four hour period) and HSC propose

to lower this limit to 0.3 f/ml and to impose duties on employers to ensure that exposure is controlled as far below this level as is reasonably practicable.

Dr. Godman: To ask the Secretary of State for the Environment, Transport and the Regions what account the decision not to implement a total ban on the importation and use, or re-use, of chrysotile asbestos took of the relative risks to health associated with chrysotile asbestos and possible substitutes; and if he will make a statement. [36746]

Angela Eagle: The decision of the Health and Safety Commission (HSC) to delay consultation on further restrictions on the use of chrysotile asbestos was taken in the light of an interim opinion by a European Commission Scientific Committee. This Committee concluded that insufficient evidence had been provided to justify a conclusion that substitute fibres are safer than chrysotile. The Government's resolve to pursue further necessary restrictions on chrysotile asbestos remains. HSC is expediting the presentation of further scientific justification for the use of substitutes to the European Commission.

IT Staff

Mrs. Gillan: To ask the Secretary of State for the Environment, Transport and the Regions if he will list the current shortfall in established information technology staff, consultant and contractor support posts within his Department; and if he will list the posts by grade indicating for each post how long it has been vacant and when it is expected to be filled. [37485]

Angela Eagle: For DETR Central, there are currently no IT posts which are unfilled, this is primarily because the merger of DOE and DOT has enabled some economies of scale in IT staff.

Most of the work involved in the development of new information systems is undertaken by commissioning IT consultancy services. We are beginning to see some signs of the industry having some difficulty in responding to the demand.

The Department's Agencies report two vacancies in total. The Vehicle Inspectorate have had one Executive Officer (EO) vacancy for three months which will be filled in May. The Planning Inspectorate have had one EO vacancy for two months which will be filled in June.

Special Waste Regulations

Mr. Salter: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to amend the Special Waste Regulations 1996. [37720]

Mr. Meacher: The Special Waste Regulations, which came into force on 1 September 1996, implement the EC Hazardous Waste Directive (91/689/EEC) which covers the most difficult and dangerous wastes. The Regulations provide for movements of hazardous ("special") waste to be pre-notified to the Environment Agencies and to be tracked through a system of consignment notes.

With some 18 months having elapsed since these Regulations came into force, it is clear that some fine-tuning is desirable, in the light of operational experience by the Environment Agencies and of representations from industry. My Department, the Scottish Office and the Welsh Office have therefore today issued a public consultation paper proposing a number of changes to the Regulations. These include certain relaxations to the procedures under which multiple loads can be moved for a single fee, designed to assist small businesses, including those involved in recycling lead acid batteries; minor changes to the format of the consignment note to assist monitoring and enforcement; and technical changes to ensure that island communities are not penalised by the fees system.

We are also proposing a small number of adjustments to the Waste Management Licensing Regulations 1994 (SI 1994/1056, as amended) aimed at encouraging the recovery/recycling of waste, particularly waste affected by the revised definition of 'Special waste' contained in the 1996 Special Waste Regulations.

I have placed copies of the consultation paper and association draft Regulatory Appraisal in the libraries of both Houses.

CULTURE, MEDIA AND SPORT

Sport Governing Bodies

Mr. Pendry: To ask the Secretary of State for Culture, Media and Sport if he will list, by individual governing body, the grant-in-aid made available by the Great Britain Sports Council to governing bodies of sport for the financial years 1992–93, 1993–94, 1994–95 and 1995–96. [34265]

Mr. Banks: Information on funding for governing bodies, paid by the then GB Sports Council in 1994–95 and 1995–96 has been placed in the Libraries of the House. Similar information for 1992–93 and 1993–94 could be obtained only at disproportionate cost. However, information on funding by sport for these years has also been placed in the House Libraries.

Inheritance Tax

Mr. Heathcoat-Amory: To ask the Secretary of State for Culture, Media and Sport what is the budgeted figure for expenditure under acceptances of works of art as property in lieu of inheritance tax for *(a)* 1998–99 and *(b)* 1999–2000. [36773]

Mr. Fisher: Under the arrangements announced in the Spring Budget, no acceptances in lieu will in future require expenditure by the Department. Instead, the Revenue will forgo taxes without seeking reimbursement from the Secretary of State.

At present we are aware of about £52 million of offers which are fairly advanced in the pipeline. However, the level of acceptances depends on whether offering estates wish to maintain that offer, whether Ministers agree to acceptance and whether the Commissioners of Inland Revenue accept the offered property in lieu of the capital taxes applying. Therefore this figure can be only a very broad approximation and it is difficult to give a reliable estimate of how amounts might fall into any single financial year.

Performing Arts

Mr. Fearn: To ask the Secretary of State for Culture, Media and Sport if he will make a statement on the contribution of the performing arts to inward tourism into the United Kingdom. [36852]

Mr. Fisher: The performing arts in the United Kingdom are of outstanding quality, and are undoubtedly an important incentive for overseas visitors to visit the United Kingdom. In a recent survey of overseas leisure visitors to Britain, 18 per cent. of those sampled cited the performing arts as a stimulus to visit.

DUCHY OF LANCASTER

Equal Opportunities

Ms Kelly: To ask the Chancellor of the Duchy of Lancaster if he will make a statement on the progress that has been made towards achieving equality of opportunity in the Civil Service. [37893]

Dr. David Clark: I have today published two reports on equal opportunities in the Civil Service: *Equal Opportunities in the Civil Service—A Progress Report 1995–97* and *Equal Opportunities in the Civil Service. Data Summary 1997*. Copies of both reports have been placed in the libraries of the House and will be made available on the Internet.

Against a background of falling Civil Service numbers, progress continues to be made in this important area. For example, at HEO level, the representation of women has increased to nearly 30 per cent., from 28 per cent. in 1996; ethnic minority representation at first management level, Executive Officer, has risen to 4.8 per cent. from 4.4 per cent. in 1996; and the proportion of staff with disabilities now stands at 3.8 per cent.

However, the reports counsel against complacency. They show that women are still under-represented at middle and senior management levels. Ethnic minority and disabled staff are still predominately concentrated in junior grades.

To help increase the representation of these groups at all levels in the Service, the Progress Report recommends that Departments and Agencies concentrate on the following key areas: organisational commitment; action plans; monitoring and mainstreaming.

DEFENCE

Ethnic Monitoring

Mr. Grant: To ask the Secretary of State for Defence what plans he has to introduce ethnic monitoring in the reserve forces. [38100]

Dr. Reid: My Department is fully committed to promoting within the Armed Forces an environment which is free from harassment and racial discrimination. As part of our efforts to further that commitment, we have decided to begin monitoring the ethnic origin of members of the reserve forces. Monitoring began on 1 April, and will cover all those who are in service, and all those who join the reserve forces in future. Altogether, we expect around 68,000 members of the reserve forces to be included in the survey. The Services are writing to units and individuals to invite them to take a full part in it.

The initiative we are taking underlines the commitment that the Armed Forces have made to ensure equal opportunities irrespective of race. The methodology we shall follow for monitoring the reserves is based closely on that which is already in use for the regular Armed Forces. The statistical information derived from monitoring will allow the reserve force managers to analyse recruitment, wastage and other trends; and it will enable them to develop and pursue policies which ensure that racial discrimination of any kind is eradicated from the reserves.

The reserve forces involved are principally those which recruit directly from civilian life. Specifically they are: the Royal Naval Reserve; the Royal Marines Reserve; the Territorial Army; the Royal Auxiliary Air Force; the Royal Air Force Volunteer Reserve (Training); the Royal Air Force Volunteer Reserve (University Air Squadron); and volunteers to the Royal Air Force Reserve.

Because our reserves are recruited locally, and because many of them serve part time, we do not expect the first statistics from the survey to be available until towards the end of this year. Thereafter, the information will be available quarterly.

Mr. Vaz: To ask the Secretary of State for Defence what guidelines exist for the monitoring of ethnic minority personnel in the armed forces; and what steps are in place to ensure that monitoring practices are continually updated. [36839]

Dr. Reid: On 25 March 1998, the MOD and Commission for Racial Equality signed a Partnership Agreement, which ensures that we shall continue to work together with them for a further five years to promote racial equality practices throughout the Services. Effective Ethnic monitoring is a key part of the Agreement to ensure that no policies or practices in the Services are racially discriminatory. We are determined that the quality of our ethnic monitoring of applicants, entrants and in-Service personnel continues to be improved. As well as looking at current and future analysis for emerging trends, and ensuring that sufficient resources are put into making any necessary changes, we will be looking more closely at areas such as performance across all ethnic groups and career progression as more information becomes available.

A copy of the relevant extracts have been placed in the Library of the House.

Army Technical Support Agency

Mr. Stephen Twigg: To ask the Secretary of State for Defence what are the key targets for the Chief Executive of the Army Technical Support Agency for 1998–99. [38102]

Dr. Reid: The Chief Executive of the Army Technical Support Agency has been set the following Key Targets for 1998–99.

1. To influence equipment design by obtaining formal tasking from Project Managers/Integrated Logistic Support (ILS) Managers in influencing equipment design in at least 80% of appropriate ILS projects.

2. To recommend a 10% gross cost saving in Advanced Order Spares purchasing for appropriate non-ILS projects without reducing the equipment sustainability or availability.

3. To provide a complete and accurate answer to 92% of ad hoc inquiries within 2 working days.

4. To dispatch new and reprinted technical publications within the period from receipt of demand as follows:

a. For priority demands, 90% within 5 working days.

b. For routine demands, 90% within 24 working days.

5. To complete 90% of Operational projects and 75% of Priority A projects before the agreed target date.

6. To satisfy 90% of customers when undertaking technical projects.

7. To provide a considered response to 90% of Equipment Failure Report (or equivalent) submissions within 10 working days from receipt.

Cadet Forces

Mrs. Ewing: To ask the Secretary of State for Defence what was the average *(a)* numbers of pupils involved in and *(b)* cost of the Combined Cadet Force per school in the last year for which figures are available; and what estimate he has made of the percentage of a year's intake which goes on to join the regular forces. [36695]

Dr. Reid *[holding answer 30 March 1998]:* In FY 1996–97, 241 schools had contingents of the Combined Cadet Forces established within their premises, with 39,716 pupils who were cadets. Producing an average CCF pupil to school ratio could, however, be misleading since the size of individual contingents varies significantly.

In the same period, the Ministry of Defence allocated £6.2M to these schools in support of the Combined Cadet Forces. I regret that my Department keeps no separate records detailing the overall costs attributable to individual schools. This information could be provided only at disproportionate cost.

Whilst my Department sets no annual recruiting targets for schools, the percentage of officer entrants into the Regular Forces during FY 1996/97, who had previously been members of the Combined Cadet Forces, were: Royal Navy 26.03%, Army 49%, Royal Air Force 26.45%. From a total intake of 18,737 ratings/soldiers/airmen into the Regular Forces in FY 1996/97, 280 had former service in the CCF.

Trident

Dr. Lynne Jones: To ask the Secretary of State for Defence (1) what legal advice he has obtained on whether the UK would be in contravention of the Non-Proliferation Treaty if it were to replace or upgrade Trident warheads; [36586]

(2) if he has sought legal advice on whether the UK would be in contravention of the Non-Proliferation Treaty if it were to replace or upgrade Trident warheads. [36585]

Mr. George Robertson: There is nothing in the Nuclear Non-Proliferation Treaty to prevent the recognised nuclear powers taking steps to ensure the effectiveness of their nuclear forces. The UK has, however, no current requirement or plans for any upgrade or improvement to the Trident warhead or missile.

Guardsmen Wright and Fisher

Mr. Corbyn: To ask the Secretary of State for Defence whether Mark Wright and James Fisher, currently serving life imprisonment *(a)* have been dismissed from the British Army and *(b)* receive wages or other payments from the British Army; and whether his Department has provided transport assistance to their families travelling to visit them in prison. [37239]

Dr. Reid *[holding answer 31 March 1998]:* Guardsmen Fisher and Wright have not been dismissed from the Army. They are not, however, entitled to any pay during the term of their imprisonment. The families of Guardsmen Fisher and Wright have their flights to Northern Ireland paid for by the Scots Guards own charitable funds but the Department does provide transport to and from the Maghaberry Prison.

Pesticides (Mental Health)

Mr. Dalyell: To ask the Secretary of State for Defence, pursuant to his letter to the hon. Member for Linlithgow, what action he is taking to assess the work of Ron Davies of Rydon House acute psychiatric unit in Taunton, on the effects on mental health of exposure to pesticides. [36811]

Dr. Reid: I have instructed my officials to assess the implications of the work of Dr. Davies when it is published in an appropriately peer-reviewed medical or scientific journal. We have not yet seen the results of his research and continue to await publication with interest.

Dartmoor Ranges

Mr. Steen: To ask the Secretary of State for Defence if he will publish in the *Official Report* the figures contained in his letter of 20 March to the hon. Member for Totnes, relating to live firing on Dartmoor ranges. [37065]

Mr. Spellar: The advertised and actual number of days on which Army firing took place on the range areas of Dartmoor Training Areas for the year ending 31 December was as follows:

Range	*Advertised*	*Actual*
Okehampton	81	44
Willsworthy	129	85
Mervivale	148	98

British Beef

Mr. Key: To ask the Secretary of State for Defence if he will list the countries from which the supply of *(a)* beef and *(b)* sheepmeat were sourced for each year that the NAAFI held the Ministry of Defence's public-funded messing contract. [28348]

Mr. Spellar *[pursuant to his reply, 9 February 1998, c. 67]:* I regret the answer given was incorrect because some information is held by NAAFI although not by individual years. They have advised that approximately 30 per cent. of beef by volume was sourced from the UK with some 70 per cent. from overseas mainly from Uruguay, Brazil, Argentina, New Zealand and Australia. All lamb was sourced from overseas with approximately 70 per cent. of volume coming from New Zealand.

NORTHERN IRELAND

Freemasonry

Mr. McNamara: To ask the Secretary of State for Northern Ireland if she will introduce the rules for disclosure of Masonic membership of persons involved in the criminal justice administration of England and Wales proposed by the Secretary of State for the Home Department to the Northern Ireland criminal justice administration; and if she will introduce similar rules relating to membership of the (i) Orange Order and (ii) other similar organisations. [31621]

Mr. Ingram *[holding answer 27 February 1998]:* I shall give very careful consideration as to the applicability to Northern Ireland of the recommendations in the Home Affairs Select Committee's report, "Freemasonry in the Police and Judiciary".

Belfast International Airport

Mr. Robert McCartney: To ask the Secretary of State for Northern Ireland if she will investigate the reasons why written terms of reference were not provided to the valuers for the privatisation valuation assignment on Belfast International Airport. [37162]

Mr. Paul Murphy: The sale of Belfast International Airport was the subject of a Public Accounts Committee hearing in December 1997. Matters relating to the valuation of Belfast International Airport were addressed at that hearing. The Government cannot comment on the sale until the Committee has reported.

Mobile Phones

Rev. Ian Paisley: To ask the Secretary of State for Northern Ireland if she will restrict the number of mobile phone base stations that can be mounted on one *(a)* mast, *(b)* building and *(c)* other structures. [37098]

Mr. Paul Murphy: No. There are no plans to use planning controls to restrict the number of base stations in this way. The sharing of masts etc., reduces the overall numbers required, and their impact on the environment.

Security Measures

Mr. McNulty: To ask the Secretary of State for Northern Ireland what proposals she has for changes in security measures, including emergency legislation, following a peaceful settlement in Northern Ireland. [37667]

Marjorie Mowlam: A sub-committee of the multi-party talks discussed the desire for a return to normality in Northern Ireland as soon as possible. The Government laid before the Parties a paper which set out our determination to return Northern Ireland to a situation where the police can resume normal policing duties, the Army can return to barracks and the need for emergency legislation is removed.

Others have a part to play in ensuring all in Northern Ireland can live in peace without fear of threat or violence from paramilitary groups. The Government are keen to reduce the impact of security but not until it is safe to do so. A copy of the paper, entitled "Responding to a changing security situation—the Government's Approach" has now been placed in the Library of the House.

Handguns

Mr. Jim Murphy: To ask the Secretary of State for Northern Ireland what plans she has for reforming the firearms legislation in Northern Ireland for the control of handguns. [37889]

Marjorie Mowlam: I have recently concluded a review of the Firearms (Northern Ireland) Order 1981 which was instigated by the previous Government in November 1995.

The purpose of the review was to take a fresh look at the law to see whether it was relevant, effective and proportionate to today's conditions. It has been a wide-ranging examination with no topic excluded. The principal objectives were to maintain rigorous safety standards and sustain public confidence in the authorities' ability to enforce the law effectively while recognising the reasonable expectations of the responsible shooting community and firearms trade. I believe that the proposals for legislative reform which I am publishing today for wider consultation will meet those objectives. Copies of the Consultation Paper have been made available in the libraries of both Houses.

On the particular issue of handgun controls, I have studied carefully the various recommendations made by Lord Cullen in his report into the terrible events at Dunblane, published in 1996. Although his Tribunal did not inquire into the control of firearms in Northern Ireland, it was only right that I should consider whether his Report contained any important lessons for the Province. I believe it does and my findings are explained at length in the Consultation Paper.

After much thought, I am not persuaded of the need to prohibit the possession and use of target handguns in Northern Ireland. Nor do I believe it would be appropriate to prohibit the possession of handguns licensed by the Chief Constable, for the personal protection of those individuals under threat of attack and their families. I realise that my decision may disappoint some people who feel strongly, as do I, about firearms control and safeguarding the public. But I would ask them and others to consider carefully the far-reaching proposals for improving firearms safety and making the law more effective which I am publishing today, and let me have their views thereon.

LORD CHANCELLOR'S DEPARTMENT

Family Law Act

Fiona Mactaggart: To ask the Parliamentary Secretary, Lord Chancellor's Department when he plans to implement Part II of the Family Law Act 1996; and if he will make a statement. [37939]

Mr. Hoon: The Government remain committed to implementing Part II of The Family Law Act 1996. A very extensive series of pilots testing a number of different models of information meetings will operate until at least March 1999. It would be wrong to anticipate

the results of these pilots. Given the timetable for the pilots, and the inevitable time that will be needed to establish a comprehensive system once a preferred model of information meeting is decided upon, it would be safe to assume that the Lord Chancellor will be unable to implement Part II until at least the end of 1999 or even early in the year 2000.

Judgments (Enforcement)

Mr. Brazier: To ask the Parliamentary Secretary, Lord Chancellor's Department if he will make a statement on the impact of measures set out in COM (97) 609 on domestic law. [37002]

Mr. Hoon: The European Commission's document COM (97) 609 contributes to work being carried on in the Council to make it easier for individuals and companies to enforce any Member State's civil judgments in any other Member State. The Government broadly support the principles underlying the Commission's proposed measures in part 1 of its document. If implemented, they would necessitate changes to the Brussels Convention of 1968 and the Civil Jurisdiction and Judgments Act 1982. Part 2 of the communication is intended to prompt debate on wider questions relating to the enforcement of judgments in the European Union, but it contains no legislative proposals. The Government will be submitting their comments before the 30 April deadline.

County Courts

Mr. Paul Marsden: To ask the Parliamentary Secretary, Lord Chancellor's Department which county courts are under review for closure. [36594]

Mr. Hoon: The Lord Chancellor has agreed to public consultation on the proposed closure of Camborne and Redruth, Evesham, Hemel Hempstead, Poole and Shrewsbury county courts. Following public consultation I and the Lord Chancellor are currently considering whether to approve the closure of Holywell and Rochdale county courts. Managers in the Court Service are constantly reviewing the viability of the court network in the light of changing business needs and workload trends. Other courts may therefore be proposed for closure in the future.

Mr. Paul Marsden: To ask the Parliamentary Secretary, Lord Chancellor's Department if he will list those county towns in England which do not have county courts. [36595]

Mr. Hoon: The following county administrative centres do not have a county court within the town: Matlock, Dorchester and Northallerton.

SCOTLAND

Hospitals

Dr. Fox: To ask the Secretary of State for Scotland how many beds will be provided following the redevelopments at *(a)* Law Hospital and *(b)* Hairmyres Hospital. [36728]

Mr. Galbraith: Law Hospital will have 613 in-patient beds (of which 336 will be acute beds) and 56 places for day surgery. Hairmyres Hospital will have 364 in-patient beds (all acute) plus 52 day surgery places.

Dr. Fox: To ask the Secretary of State for Scotland what estimates he has made of the increase in travel time from East Kilbride to hospital in the case of an obstetric emergency following the transfer of services from Bellshill Hospital to Law Hospital. [36719]

Mr. Galbraith: The increased time requirement for emergency travel is estimated to be between 2–5 minutes on average. The Scottish Ambulance Service have also agreed that rapid access to specialist medical cover will be available 24 hours a day if emergencies arise.

Dr. Fox: To ask the Secretary of State for Scotland what is his estimate of the cost of refurbishing and redeveloping *(a)* Law and *(b)* Hairmyres hospitals. [36727]

Mr. Galbraith: Neither hospital is suitable for refurbishment. The estimated construction costs for the new build Law and Hairmyres hospitals are £85 million and £67.5 million respectively.

Dr. Fox: To ask the Secretary of State for Scotland what representations he has received about a potential increase in morbidity as a result of the relocation of obstetric services from Bellshill to Law Hospital. [36720]

Mr. Galbraith: None. However, Lanarkshire Health Board have received representations on this issue from individual obstetricians, paediatricians and midwives from Monklands and Bellshill Hospitals NHS Trust. The Board believe there is no reason to predict any increase in morbidity arising from the relocation of obstetric services.

Edinburgh Royal Infirmary

Dr. Fox: To ask the Secretary of State for Scotland (1) what assessment he has made of the limitations on the height of the new Edinburgh Royal Infirmary as a result of discoveries during the surveying undertaken there; [36722]

(2) if the site of the new Edinburgh Royal Infirmary is undermined by old mine workings. [36724]

Mr. Galbraith: No limitations on the height of the new Royal Infirmary of Edinburgh are required as a result of discoveries during surveying undertaken there. There is, however, a 3 storey height limit imposed upon the development by the planning authorities to protect sight lines from various vantage points around the site. The site of the new Royal Infirmary is not undermined by old mine workings.

Dr. Fox: To ask the Secretary of State for Scotland what is his estimate of the costs of building the new Edinburgh Royal Infirmary. [36726]

Mr. Galbraith: The New Royal Infirmary of Edinburgh is being provided through the Private Finance Initiative and it is estimated that the capital cost of the building at current prices is £188.5m.

Dr. Fox: To ask the Secretary of State for Scotland what assessment he has made of the impact of the cost of the new Edinburgh Royal Infirmary on primary health care funding in Edinburgh and the Lothians. [36723]

Mr. Galbraith: The planned configuration of acute hospitals, including the new Edinburgh Royal Infirmary, in Edinburgh and the Lothians will result in an additional £10m per annum being invested in primary care and community services to improve the range and quality of services.

Dr. Fox: To ask the Secretary of State for Scotland how many beds are currently planned for the new Edinburgh Royal Infirmary. [36725]

Mr. Galbraith: 869.

Green Transport

Mr. Baker: To ask the Secretary of State for Scotland (1) what specific changes to departmental transport arrangements have to date been implemented following the receipt of the Green Transport Plan; [36642]

(2) on what date he plans to introduce a green commuting plan. [36660]

Mr. McLeish *[holding answer 27 March 1998]:* My hon. Friend the Parliamentary Under-Secretary of State for the Environment, Transport and the Regions circulated to all Departments in September last year a "Guide to Green Transport Plans". My right hon. Friend is considering its recommendations.

Midwives

Mr. Connarty: To ask the Secretary of State for Scotland how many trusts and health boards in Scotland have implemented the recommendation by the Management Executive of the Scottish Office that midwives should be placed on a minimum of Grade F of the clinical grading structure. [37225]

Mr. Galbraith: Current NHS in Scotland Management Executive guidance issued as NHS MEL (1995) 81 requires that

"where the nurse clinical grading structure is used and a midwife has a defined caseload of women to whom he/she gives the full range of midwifery care the grades 'F' or 'G' will normally be appropriate".

It is for employers to determine the appropriate grading in the light of local circumstances.

Mr. Connarty: To ask the Secretary of State for Scotland what plans he has to ensure that the grading of midwives in Scotland is in line with that in other parts of the United Kingdom. [37224]

Mr. Galbraith: Comparable guidance taking account of the Scottish perspective was issued in Scotland in 1995 as NHS MEL (1995) 81.

Mr. Connarty: To ask the Secretary of State for Scotland how many midwives in Scotland are currently employed on Grade D of the clinical grading structure. [37226]

Mr. Galbraith: There were 6 qualified midwives employed in the NHS in Scotland on Grade D at 30 September 1997, the latest date for which information is available centrally.

Creutzfeldt-Jakob Disease

Mr. Roy: To ask the Secretary of State for Scotland when he expects to receive the report of the Review into Eye Transplantation and Creutzfeldt-Jakob disease; and if he will make a statement. [37895]

Mr. Galbraith: Sir William Stewart submitted his report to me and my hon. Friends the Health Ministers for England, Wales and Northern Ireland on 27 February. I am grateful to him for the hard work he and his team put into the Report and for the conclusions he reached. I have placed a copy of the Report in the Library.

Sir William reviewed the circumstances surrounding the use for transplantation of eye tissue from a donor who was later found to have been suffering from the classic form of Creutzfeldt-Jakob Disease. His Report clearly sets out the facts surrounding the occurrence, and makes 18 recommendations covering both specific improvements which should be made to procedures and more general issues arising from the Review. The Government welcome the recommendations and are considering them.

Scotland Bill

Mr. Jenkin: To ask the Secretary of State for Scotland if he or his Ministers authorised a written briefing for the Press on the subject of the debates on the Scotland Bill in Committee on 30 March that was issued prior to those debates; and if he will place a copy of the briefing in the Library. [37505]

Mr. McLeish: I briefed the Parliamentary lobby correspondents on 30 March on the background to the debates expected to take place on the last two days of the Committee Stage of the Scotland Bill. I am placing a copy of the written briefing note in the Library.

Criminal Procedure (Intermediate Diets)

Ms Roseanna Cunningham: To ask the Secretary of State for Scotland when the Crown Office was informed of a problem relating to the statutory basis for Intermediate Diets in Summary Criminal Procedure; and if he will place in the Library copies of the correspondence between the Crown Office and offices of the Procurators Fiscal bearing on the case of Mackay *v.* PF (Linlithgow), 1998 SCCR:790. [37232]

Mr. McLeish *[holding answer 1 April 1998]:* The Crown Office was informed of the problem when the opinion of the court in Vannet *v.* Milligan was delivered on 12 March 1998, although it became aware of the potential problem when the decision of the court in Mackay *v.* Ruxton was delivered.

Communications between the Crown Office and Procurators Fiscal are confidential. However, on 19 November 1997, when the decision in Mackay *v.* Ruxton was announced, immediate steps were taken by the Crown to minimise any potential effect arising from it.

Ms Roseanna Cunningham: To ask the Secretary of State for Scotland if he will estimate the number of cases affected by the decision in Mackay *v.* PF (Linlithgow) which have already been determined. [37235]

Mr. McLeish *[holding answer 1 April 1998]:* On 19 November 1997, in the case of Mackay *v.* PF (Linlithgow) 1998 JC 51, the High Court of Justiciary held that in Scotland, the fixing of an intermediate diet when a summary trial was adjourned was not what Parliament intended. In the case of PF (Glasgow) *v.* Milligan, decided on 12 March 1998, the court held that a Sheriff had no power, at an "unintended" intermediate diet, to adjourn the trial diet and by implication discharge a trial diet already fixed, and that the instance fell if the case was not called on the date originally fixed.

No cases are directly affected by the decision in Mackay *v.* PF (Linlithgow) but the Crown Office estimate that around 1,000 current cases are likely to be affected by the subsequent decision of the court in PF (Glasgow) *v.* Milligan, decided on 12 March 1998. Several thousand concluded cases may be involved as well. However, the precise number of cases which may be affected by the decision in PF (Glasgow) *v.* Milligan cannot be established without disproportionate costs.

Ms Roseanna Cunningham: To ask the Secretary of State for Scotland how many of those cases affected by the decision in Mackay *v.* PF (Linlithgow) which have already been determined *(a)* are outside the time limit for appealing by way of Stated Case in terms of the Criminal Procedure (Scotland) Act 1995 section 176 and *(b)* have been affected by undue delay as currently understood where a Bill of Suspension might otherwise be brought; and what action the Crown will take in response to any appeal in respect of those cases. [37236]

Mr. McLeish *[holding answer 1 April 1998]:* No cases are directly affected by the decision in Mackay *v.* PF (Linlithgow) but it has been estimated that several thousand cases may be affected by the subsequent decision of the court in the case of PF (Glasgow) *v.* Milligan, decided on 12 March 1998.

Any application for stated case must be lodged within seven days of the final determination of the case, although there is provision for the time limit to be extended by the High Court of Justiciary.

There is no time limit for bringing an appeal by Bill of Suspension, although delay in doing so may result in the appeal being refused on the ground of acquiescence. There is some doubt however whether such delay would be a bar to the bringing of an appeal based on fundamental nullity of the proceedings.

The Crown will consider the merits of any appeal brought.

Ms Roseanna Cunningham: To ask the Secretary of State for Scotland in how many of those cases affected by the decision in Mackay *v.* PF (Linlithgow) convictions followed upon pleas of guilty. [37237]

Mr. McLeish *[holding answer 1 April 1998]:* No cases are affected by the decision in Mackay *v.* PF (Linlithgow) but the Crown Office estimate that up to 1,000 current cases may be affected by the court's subsequent decision in the case of PF (Glasgow) *v.* Milligan, decided on 12 March 1998. Several thousand concluded cases may be involved as well. However, the precise number of cases which may be affected by the decision in PF (Glasgow) *v.* Milligan cannot be established without disproportionate costs. Accordingly it has not been possible to establish how many of the affected cases involved convictions following upon pleas of guilty.

Ms Roseanna Cunningham: To ask the Secretary of State for Scotland if he will make a statement on the consequences of the judgments in Mackay *v.* PF (Linlithgow), 1998, SCCR:790 and PF (Glasgow) *v.* Milligan, unreported; and if he will list the categories of offence affected by the problem identified in these judgments. [37233]

Mr. McLeish *[holding answer 1 April 1998]:* The judgments may affect any crime prosecuted on summary complaint, including: assault; sexual crimes; dishonesty; drugs offences; and driving offences including disqualified dangerous and drunk driving.

The hon. Member will be aware that a Bill was introduced to the House yesterday in order to address the implications of the High Court's judgments.

Ms Roseanna Cunningham: To ask the Secretary of State for Scotland if he will estimate the number of cases affected by the decision in Mackay *v.* PF (Linlithgow) which have not yet been determined in *(a)* the district courts and *(b)* the sheriff courts; what percentage involve (i) statutory offences and (ii) common law offences; and in respect of those involving statutory offences, in how many of them is the Crown time-barred from raising fresh complaints. [37234]

Mr. McLeish *[holding answer 1 April 1998]:* No cases are directly affected by the decision in Mackay *v.* PF (Linlithgow) but the Crown Office estimate that up to 1,000 current cases may be affected by the court's subsequent decision in the case of PF (Glasgow) *v.* Milligan, unreported.

It is not possible however to establish precise figures by reference to court or offence, without disproportionate costs.

In some cases affected it may be possible for the Crown to bring fresh proceedings. The extent to which the Crown will do so may depend on any time-bar which applies to the individual charges. For the reason given, no figures are available for the number of cases in which the Crown would be time-barred from raising fresh complaints.

ATTORNEY-GENERAL

Crown Prosecution Service

Mrs. Dunwoody: To ask the Attorney-General when the Glidewell report on the Crown Prosecution Service is to be published; what is the cost to the CPS of the retention of Crown Communications to represent that service; and if he will make a statement. [37710]

The Attorney-General: Sir Iain Glidewell was unable to finalise his report in March as he had hoped. He informs me that he has a small amount of further work to complete but finalisation will be dependent largely on the time taken to complete the necessary consultation.

The Crown Prosecution Service has explored the use of suitable consultants to assist with internal communications as part of the change management associated with

implementation of those recommendations of the CPS Review Team which are accepted by the Government. Crown Business Communication Ltd. have been identified as the most suitable but no contract has yet been signed and there is no commitment to any specific expenditure. The extent and value of any work which that company may be asked to undertake will be dependent on decisions to be taken in the light of the report of the CPS review team once it is received.

Prosecution Terminations

Mr. Kidney: To ask the Attorney-General what guidance is given to judges for dealing with applications to terminate prosecution cases on the basis that the lapse of time since the alleged offence was such that it would not be possible to have a fair trial. [36942]

Mr. Hoon: There has been no such guidance issued to judges.

TREASURY

Gaming Duty

Mr. Laurence Robertson: To ask the Chancellor of the Exchequer what amount was received by the Treasury from taxes and duties on the casino industry in the last year for which figures are available. [36826]

Dawn Primarolo *[holding answer 31 March 1998]:* The level of revenue in 1997 from Gaming duty was £90 million. Separate figures are not available for other taxes such as VAT and Corporation tax.

Mr. Heathcoat-Amory: To ask the Chancellor of the Exchequer what the top rate of gaming duty is in *(a)* the United Kingdom, *(b)* France, *(c)* Germany, *(d)* Belgium, *(e)* the Netherlands and *(f)* the Republic of Ireland. [36186]

Dawn Primarolo *[holding answer 25 March 1998]:* Gaming Duty is not levied in exactly the same way in each of these countries but information, taken mainly from the latest version of the "Inventory of Taxes levied in the Member States of the European Union" (16th Edition), shows that, at 1 January 1996, the situation was as follows:

(a) In the United Kingdom, the highest current rate of gaming duty is 33¼ per cent.

(b) In France, the takings of gambling clubs and houses are subject to a progressive rate on their annual takings. The rates are not specified, but previous information suggests that the top rate has been 80 per cent.

(c) In Germany, bets on the results of horse and greyhound races, lotteries, bingo and similar games of chance and football pools are subject to a tax on the amount of the bets or prizes of 16¾ per cent. Separate information suggests that this has been supplemented by a special casino fee charged at up to 80 per cent. of gross gaming yield.

(d) In Belgium, the maximum rate on the gross gaming yield is 40 per cent., except in the Flemish community where it is 44 per cent.

(e) In the Netherlands, a duty of 33¼ per cent. is levied on all the gross gaming winnings of a casino.

(f) Casinos are prohibited in the Republic of Ireland.

Continence Products

Mr. Burstow: To ask the Chancellor of the Exchequer, pursuant to his answer of 19 March 1998, *Official Report*, column *671*, concerning the VAT Tribunal and continence products, if he will list *(a)* the cases when VAT relief applied and *(b)* the cases where VAT relief did not apply. [37168]

Dawn Primarolo *[holding answer 1 April 1998]:* The VAT Tribunal in Molnlycke Ltd. examined four contracts. It decided that supplies of continence products under the contracts with Aylesbury Vale Community Health Care Trust and Chester and Halton Community NHS Trust for patients in their own homes were zero-rated. However, it ruled that supplies of those goods for residents under the contract with Westgate House Nursing Home and for the majority of patients of Edinburgh Healthcare NHS Trust were standard-rated.

Mr. Burstow: To ask the Chancellor of the Exchequer, pursuant to his answer of 19 March 1998, *Official Report*, column *671*, concerning the VAT Tribunal decision in respect of continence products, for what reasons he decided to reimpose VAT in each case where the tribunal had ruled that relief should apply. [37169]

Dawn Primarolo *[holding answer 1 April 1998]:* The VAT relief for continence products was used by several NHS Trusts, which entered into contractual arrangements with a third party to gain a tax advantage. As NHS Trusts are funded for the VAT they cannot recover, the tax advantage amounted to double funding. We therefore introduced a change of law to restore the status quo.

Government Offices

Sir Teddy Taylor: To ask the Chancellor of the Exchequer if he will initiate a study on the transfer of Government offices from London. [35817]

Mr. Geoffrey Robinson *[holding answer 1 April 1998]:* There are no plans for such a study. The Government's policy on relocation is not centrally directed. The respective departmental minister will need to evaluate each decision on its merits considering best value for money, operational efficiency, impact on local labour markets and available resources.

Tax Credits

Mr. Gibb: To ask the Chancellor of the Exchequer in estimating the cost to the Exchequer of the proposed children's tax credit, what was the assumed take-up rate. [36249]

Dawn Primarolo *[holding answer 26 March 1998]:* I refer the hon. Member to the answer I gave him and the hon. Member for Havant (Mr. Willetts) on 1 April 1998, *Official Report*, column *554*.

Mr. Lilley: To ask the Chancellor of the Exchequer what estimate he has made of the number of extra people who will be persuaded in each year to 2002 to move from dependency on out of work benefits into jobs by the changes in family credit/working families tax credit announced in the Budget. [36367]

Dawn Primarolo *[holding answer 26 March 1998]:* The Government expect that their programme of tax and benefit reform to make work pay will, like their New Deals, help people move off welfare and into work.

Mr. Lilley: To ask the Chancellor of the Exchequer what estimate he has made of the value of working families tax credit which will be paid direct to non-employed mothers. [36391]

Dawn Primarolo *[holding answer 26 March 1998]:* No such estimate has been made. Couples will have the choice whether the Working Families Tax Credit is paid to the man or the woman.

Mr. Oaten: To ask the Chancellor of the Exchequer what estimate he has made of the extra costs incurred in the introduction of the disabled person's tax credit. [36410]

Dawn Primarolo *[holding answer 26 March 1998]:* Additional annual costs are likely to be £7 million to £10 million by the years 2001/2002. These costs reflect the higher earnings thresholds and lower tapers of the Disabled Person's Tax Credit, as well as the expected increase in recipients.

Mr. Oaten: To ask the Chancellor of the Exchequer if there will be a childcare tax credit within the disabled person's tax credit. [36411]

Dawn Primarolo *[holding answer 26 March 1998]:* Yes.

Mr. Oaten: To ask the Chancellor of the Exchequer when the disability working allowance will cease to be paid. [36409]

Dawn Primarolo *[holding answer 26 March 1998]:* When it is replaced by the Disabled Person's Tax Credit in October 1999.

Mr. Oaten: To ask the Chancellor of the Exchequer at what level the disabled person's tax credit will be paid. [36414]

Dawn Primarolo *[holding answer 26 March 1998]:* The rates at which the Disabled Person's Tax Credit will be paid will be the same as for the Disability Working Allowance (DWA) which it will replace in October 1999. Where it differs is in having higher earnings thresholds of £70 for a single person and £90 for a couple, compared with £57.85 and £77.15 respectively in the DWA; a lower taper of 55 per cent. compared with 70 per cent. for the DWA; and in the childcare credit that replaces the present disregard, which will meet 70 per cent. of childcare costs up to £100 for families with one child and £150 for families with two or more children.

Mr. Oaten: To ask the Chancellor of the Exchequer what estimate he has made of the number of disabled people expected to benefit from the new disabled person's tax credit. [36415]

Dawn Primarolo *[holding answer 26 March 1998]:* The Disabled Person's Tax Credit will benefit the 14,000 people currently receiving Disability Working Allowance. In addition, we would expect that the changes to the structure of the provision will cause the caseload to increase by a further 10 per cent. to 15 per cent.

However, we would expect this and the New Deal for disabled people will enable many more sick and disabled people to move into work.

Mr. Oaten: To ask the Chancellor of the Exchequer when he proposes to introduce the disabled person's tax credit. [36413]

Dawn Primarolo *[holding answer 26 March 1998]:* October 1999.

Mr. Malcolm Bruce: To ask the Chancellor of the Exchequer what is his estimate of the expenditure on the *(a)* working families tax credit, *(b)* childcare tax credit, *(c)* disabled persons' tax credit, and *(d)* other newly introduced tax credits in (i)1998–99, (ii) 1999–2000, (iii) 2000–01, (iv) 2001–02 and (v) 2002–03; and for each of these years, what is the related reduction in other social security expenditure as a consequence of the introduction of the new tax credits. [36451]

Dawn Primarolo *[holding answer 30 March 1998]:* Estimates of the net Exchequer cost of the Working Families Tax Credit and the Disabled Person's Tax Credit were given in lines one and five of Table C.1 of the Financial Statement and Budget Report (HC620). These estimates take account of the ending of Family Credit. The cost of the childcare tax credit within the WFTC was given in a reply to the hon. Member for Havant (Mr. Willetts) on 1 April 1998, *Official Report*, column *554*.

Mr. Malcolm Bruce: To ask the Chancellor of the Exchequer what is his estimate of the numbers of *(a)* new recipients of social security benefits and *(b)* new recipients of tax credits who were not previously claiming family credit in (i) 1998–99, (ii) 1999–2000, (iii) 2000–01 and (iv) 2001–02; and if he will make a statement. [36376]

Dawn Primarolo *[holding answer 30 March 1998]:* Estimates of the caseload for the various Social Security benefits will appear in the Department of Social Security's departmental report on 7 April.

The Government estimate that, in its first full year of operation (2000–01), about 400 thousand more families will be entitled to the Working Families Tax Credit that were entitled to Family Credit.

Mr. Malcolm Bruce: To ask the Chancellor of the Exchequer what factors underlie the additional net costs of the working families tax credit compared to family credit for *(a)* 1999–2000 and *(b)* 2000–01; and if he will make a statement. [36395]

Dawn Primarolo *[holding answer 30 March 1998]:* The relevant factors are the higher withdrawal threshold, the lower taper, the increase in the child tax credits and the increase in the amount of support for childcare provided by the childcare tax credit.

Public Expenditure

Mr. Malcolm Bruce: To ask the Chancellor of the Exchequer if he will update table 1.2 in the Red Book allowing for the Control Total for public spending to grow at 0.75 per cent. in real terms after 1998–99. [36449]

Mr. Darling *[holding answer 30 March 1998]:* The information requested for the PSBR, the GGFD and the Current Balance—all based on the 1998 Budget—can be calculated from Section A of table B5 in the Financial Statement and Budget Report and the projections for money GDP contained in table B1. The effects of Budget

measures and the effect of forecasting changes are unchanged by the assumption. Therefore, the PSBR in the 1997 Budget can be derived as the residual.

Public Sector (Current Balance)

Mr. Malcolm Bruce: To ask the Chancellor of the Exchequer what is his estimate of the cyclically adjusted public sector current balance in cash terms for *(a)* 1998–99, *(b)* 1999–2000, *(c)* 2000–01, *(d)* 2001–02 and *(e)* 2002–03. [36453]

Mr. Darling *[holding answer 30 March 1998]:* The information requested can be calculated from the estimates of the cyclically adjusted public sector current balance as a percentage of GDP in table B6 of the Financial Statement and Budget Report and the projections of money GDP in table B1.

Green Transport

Mr. Baker: To ask the Chancellor of the Exchequer (1) on what date he plans to introduce a green commuting plan; [36669]

(2) what specific changes to departmental transport arrangements have to date been implemented following the receipt of the Green Transport Plan. [36654]

Dawn Primarolo *[holding answer 27 March 1998]:* The Department of the Environment, Transport and the Regions circulated to all Departments in September last year a "Guide to Green Transport Plans". The Treasury is considering how to respond to its recommendations and is currently preparing draft green transport plans.

Marginal Deduction Rates

Mr. Malcolm Bruce: To ask the Chancellor of the Exchequer what plans he has to improve work incentives by tackling high marginal deduction rates resulting from housing support mechanisms; and if he will make a statement. [36377]

Dawn Primarolo *[holding answer 30 March 1998]:* The Budget tackled high marginal reduction rates faced by people receiving Housing Benefit and Council Tax Benefit in two ways. First, it will change disregards so as to remove instances where people could be worse off if they increased their earnings. Second, the Working Families Tax Credit will mean that 50 thousand families will no longer face penal marginal rates as a result of being on both the WFTC taper and Housing Benefit taper. And all people on the Family Credit taper will find that their return from working increases by one half: half a million families will see the return from increase in their earnings rise by one-half.

Social Security Expenditure

Mr. Malcolm Bruce: To ask the Chancellor of the Exchequer what is his estimate of the planned social security expenditure as a percentage of GDP in *(a)* 1996–97, *(b)* 1997–98, *(c)* 1998–99, *(d)* 1999–2000 and *(e)* 2000–01, on the basis of (i) the pre-Budget estimates and (ii) the post Budget estimates, assuming that expenditure on the tax credits introduced in the Budget counts against social security spending; and if he will make a statement. [36394]

Mr. Darling *[holding answer 30 March 1998]:* Total DSS expenditure in 1996–97 was equivalent to 12 per cent of GDP. Forecasts for DSS expenditure published in the recent Financial Statement and Budget Report for 1997–98 and 1998–99 show that this ratio is expected to fall to 11½ per cent. in both years. The effect on these figures of policies announced in the Budget is negligible.

Spending plans for future years will be announced as part of the Comprehensive Spending Review.

Windfall Tax

Mr. Malcolm Bruce: To ask the Chancellor of the Exchequer what is his estimate of the percentage of the total revenue from the windfall tax which will be spent on the New Deal for the young unemployed over the period 1997 to 2002; and if he will make a statement. [36454]

Mr. Geoffrey Robinson *[holding answer 30 March 1998]:* The allocation of the revenue from the windfall tax is set out in the Financial Statement and Budget Report, March 1998 (House of Commons No 620). Table 3.1: Funding Welfare to Work indicates that, over the period 1997 to 2002, £2.62 billion is allocated to the New Deal for the young unemployed programme. This represents just over 50 per cent. of the £5.2 billion expected revenue from the windfall tax.

Individual Savings Accounts

Mr. Loughton: To ask the Chancellor of the Exchequer what account has been taken of recent rulings outlawing the pre-authorisation of financial products by the EU in the Government's proposals for a voluntary benchmarking system of life insurance-based savings products within the ISA. [36800]

Mr. Geoffrey Robinson *[holding answer 30 March 1998]:* The prohibition in the Third Life Directive will not apply since the proposed benchmark standards will be voluntary and will not involve either prior approval or systematic notification of insurance ISAs before they can be marketed. The Treasury will issue a consultation document on benchmarking ISAs in the next few weeks.

Mr. Loughton: To ask the Chancellor of the Exchequer what assessment has been made of the cost to the finance industry of new computer systems required to deal with the new ISA product from April 1999. [36776]

Mr. Geoffrey Robinson *[holding answer 30 March 1998]:* As stated in Budget Press Release, Inland Revenue 2, published on 17 March, a compliance cost assessment will be published when draft regulations for the new account are issued for consultation around the beginning of May.

Company Cars

Mr. Burden: To ask the Chancellor of the Exchequer when he intends to begin consultation on his proposals for reforming company car tax; what form the consultation will take; and if he will make a statement. [37287]

Dawn Primarolo: People are invited (Budget 98 Press Release Inland Revenue 6) to send comments to the Inland Revenue on the case for replacing the existing business mileage discounts with discounts for driving

fewer private miles in company cars. It would be helpful if they could send in initial views by around the end of April. In the light of the views expressed and proposals in the forthcoming Integrated Transport White Paper, we will then decide how to proceed.

Resuscitation Training Models

Mr. Green: To ask the Chancellor of the Exchequer how much revenue will be raised by the levying of VAT on resuscitation training models in 1998–99. [36603]

Dawn Primarolo *[holding answer 27 March 1998]:* Resuscitation training models have been subject to the standard rate of VAT since the introduction of the tax in 1973. Customs and Excise are unable to identify separately the VAT yield from these particular goods.

Mr. Öpik: To ask the Chancellor of the Exchequer how much revenue was derived from VAT on resuscitation dummies in the last 12 months; and if he will make a statement. [37268]

Dawn Primarolo: The standard-rated status of resuscitation training models has remained unchanged since the introduction of VAT. Customs are unable to identify the VAT yield of these particular goods.

Fuel Tax (Charities)

Dr. Lynne Jones: To ask the Chancellor of the Exchequer if he will exempt charitable organisations offering door-to-door transport services to people with extra mobility needs, operating under section 19 licences, from fuel tax increases. [36591]

Dawn Primarolo: The tax on road fuel is charged on a broad base with no exemptions for particular user groups or individuals. It would not be appropriate to exempt charitable organisations.

Dr. Lynne Jones: To ask the Chancellor of the Exchequer what assessment he has made of the effect of fuel tax increases on charitable organisations, operating under section 19 licences, offering door-to-door transport services to people with extra mobility needs. [36590]

Dawn Primarolo: No such assessment of the effect of fuel tax increases on charitable organisations has been made.

Energy Efficiency

Mrs. Brinton: To ask the Chancellor of the Exchequer if the VAT reduction on energy saving materials for use in certain schemes, announced in the Budget, applies to energy efficiency schemes for social housing provided under the Electricity Regulator's Standards of Performance Initiative. [37205]

Dawn Primarolo: Yes. To the extent that 'Standards of Performance' moneys are used, through targeted grant funding schemes, to pay for the installation of certain energy efficiency measures in the homes of the less well off, the relief will apply.

Environmental Green Book

Mr. Stunell: To ask the Chancellor of the Exchequer, pursuant to the oral answer from the Financial Secretary of 10 July 1997, *Official Report*, column 1062, when he intends to publish an environmental green book setting out the impact of policy changes contained in the financial Red Book. [36400]

Mr. Baker: To ask the Chancellor of the Exchequer if he will publish a green book in respect of the Budget; and if he will make a statement. [36983]

Dawn Primarolo *[holding answer 30 March 1998]:* The Financial Statement and Budget Report, released on 17 March, contains an environmental assessment of the Budget measures which will have a significant effect on the environment. The inclusion of the assessment within the Financial Statement and Budget Report demonstrates the Government's commitment to put the environment at the heart of Government policy. The assessment shows that the Budget measures will help to reduce emissions of greenhouse gases and improve local air quality.

Heavily Indebted Poor Countries

Mr. Kidney: To ask the Chancellor of the Exchequer what actions he will propose to the EU Meeting of Ministers in Birmingham in May to relieve the heavily indebted poor countries of their debt by the year 2000. [37090]

Mrs. Liddell: At the G8 summit in Birmingham in May, the Government will promote the speedy and effective implementation of the Heavily Indebted Poor Countries (HIPC) initiative along the lines that the Chancellor set out in his Mauritius Mandate statement last September.

Inheritance Tax

Mr. Heathcoat-Amory: To ask the Chancellor of the Exchequer if the £5 million reporting figure for acceptances of works of art as property in lieu of inheritance tax is subject to the 1984 Gowrie Agreement that no figure should be treated as a limit or a target. [36772]

Dawn Primarolo: The Government have not set any limit or target for acceptances in lieu.

Air Quality

Mr. Stunell: To ask the Chancellor of the Exchequer, pursuant to page 78 of the Red Book what estimate he has made of *(a)* the reduction in greenhouse gas emissions which will result from the reduced VAT rate on the installation of energy saving materials under certain grant schemes and *(b)* the impact on local air quality. [36857]

Dawn Primarolo: Our reduced VAT rate relief for energy saving materials is primarily a social measure, allowing less well-off people to stay warmer. Nevertheless, the measure will have small environmental impact.

Any estimate of environmental impact is subject to significant margins of uncertainty, but the likely impact is that between about 3,000 and 7,000 tonnes of carbon will be saved each year, assuming that 40,000 extra

households have basic energy efficiency measures undertaken as a result of this new relief. By the year 2010, the total annual carbon saving will be between about 35,000 tonnes and 80,000 tonnes.

This measure is not aimed at improving local air quality, but there may be some small benefit as a result of lower fuel consumption. A range of other measures in the Budget will have a much greater impact in terms of local air quality—for example, the duty rises for standard diesel, and vehicle excise duty discounts for clean lorries and buses.

National Savings

Ms Lawrence: To ask the Chancellor of the Exchequer if he will make a statement about National Savings. [37937]

Mrs. Liddell: National Savings, which has a key role in helping to fund the Government's borrowing requirements as efficiently as possible, has been carrying out a wide ranging programme to modernise the organisation against a background of a fast-moving and highly competitive retail savings market. This has included the evaluation of a public-private partnership for back office services delivery. After detailed consideration and discussion with those involved, I have today given National Savings Board the authority to proceed to the Invitation To Negotiate stage in the process. From a list of four companies who responded to the Information Memorandum, the two companies who have been shortlisted to the next stage are Siemens and EDS.

I do not expect to make a decision as to whether to conclude a public-private partnership, and if so with which bidder, until some time later in the year. My decision will be based on value for money and will also bear closely in mind the best interests of customers and of National Savings staff.

Departmental Reports

Mr. Timms: To ask the Chancellor of the Exchequer when he expects the 1998 departmental reports to be published. [37938]

Mr. Darling: Publication dates for the 1998 departmental reports will be as follows:

Friday 3 April

Department for Education and Employment

Department of Culture, Media and Sport

Department of Health

Treasury and Chancellor's smaller Departments

Public Expenditure: Statistical Analyses

Monday 6 April

Home Office

Customs & Excise

Inland Revenue

Tuesday 7 April

Ministry of Defence

Foreign & Commonwealth Office

Ministry of Agriculture, Fisheries and Food

Department for International Development

Department of Trade and Industry

Department of the Environment, Transport and Regions

Lord Chancellor's and Law Officers' Departments

Department of Social Security

Welsh Office

Northern Ireland

Cabinet Office

Thursday 9 April

Scottish Office.

WALES

Vocational Training

Mr. Gareth Thomas: To ask the Secretary of State for Wales what arrangements he plans to make for the inspection of Government-funded vocational training and the Careers Service. [37661]

Mr. Hain: The Government will shortly be proposing new clauses for the Teaching and Higher Education Bill which would extend the functions of the Office of Her Majesty's Chief Inspector of Schools (OHMCI) to include inspection of vocational training and the careers service in Wales.

We wish to make use of OHMCI's reputation for quality and independence to bring to the inspection of Government-funded training the same rigour that applies to education. This is in line with the Government's broader strategy to promote standards of post-16 education and training. OHMCI already carries out inspections of further education colleges in Wales and, given the links between work-based vocational training and that carried out in colleges, it makes sense for the same body to arrange the inspection of both aspects. As for schools and colleges, the purpose of inspection is to raise standards, stimulate the improvement of training delivery, generate more openness and transparency in provision and offer more informed customer choice.

The extension of OHMCI's remit to cover the careers service would streamline arrangements and end the current arbitrary division of inspection responsibilities between careers education carried out in schools and colleges and the work of the careers service. It is also in line with the Welsh Office's objective of achieving greater rationalisation and co-operation between all education, training and careers providers.

We envisage a non-statutory framework of inspection implemented in both cases through contracts with the organisations to be inspected; and, if the legislation is enacted, we will be consulting with those involved prior to implementation.

Lifelong Learning

Mr. Gareth Thomas: To ask the Secretary of State for Wales what are his plans for lifelong learning in Wales. [37662]

Mr. Hain: We have today published 'Learning Is For Everyone', our Green Paper for Wales on lifelong learning. The Green Paper will invite comment, and stimulate debate, on the Government's challenging agenda for learning post-16 in Wales.

Unemployment (Alyn and Deeside)

Mr. Barry Jones: To ask the Secretary of State for Wales what is his estimate of the number of *(a)* male and *(b)* female (i) long-term and (ii) young unemployed in the constituency of Alyn and Deeside. [36682]

Mr. Hain: The information requested is shown in the following table:

Number

	[1]*Long-term unemployment*	[2]*Youth unemployment*
Male	278	291
Female	40	131

[1] Claimant unemployed for more than 52 weeks
[2] Unemployed claimants under the age of 25
Source:
Office for National Statistics

Low Pay Commission

Mr. Barry Jones: To ask the Secretary of State for Wales what evidence has been submitted by his Department to the Low Pay Commission; and if he will make a statement. [36461]

Mr. Hain: The Government's evidence to the Low Pay Commission was published on 30 January. A copy is available in the Library of the House.

Minimum Wage

Mr. Barry Jones: To ask the Secretary of State for Wales what assessment he has made of the impact of a minimum wage in Wales. [36463]

Mr. Hain: The National Minimum Wage will benefit low paid workers and prevent them from being exploited; it will be especially advantageous in Wales where low pay is widespread.

New Deal (Local Education Authorities)

Mr. Barry Jones: To ask the Secretary of State for Wales in what ways he expects local education authorities in Wales to participate in the New Deal. [36680]

Mr. Hain: Local Education Authorities are actively involved in the New Deal Strategic Partnerships established in all Employment Service Districts in Wales. These partnerships are planning the delivery of the New Deal for young people to meet the needs of local communities and will also have an important role in monitoring its implementation and in identifying and disseminating good practice.

The Local Education Authorities in Wales have been involved in considering the arrangements for the Full-time Training and Education Option and have been particularly helpful in bringing together the quality providers required to meet the needs of the more disadvantaged New Deal participants.

This is another example of how the New Deal is an advancement on previous Government schemes—partnership at every level, with each collaborator bringing their own expertise to the table to ensure that our young unemployed people get the high quality opportunities they deserve.

Housing Development (Brownfield Sites)

Mr. Barry Jones: To ask the Secretary of State for Wales how many brownfield sites he has identified in Wales; and if he will make a statement. [36527]

Mr. Win Griffiths: The information requested is not collected centrally. However, Planning Guidance (Wales): Planning Policy, May 1996, makes clear that it is for local planning authorities to take account of the scope and potential for rehabilitation, conversion, clearance and redevelopment of land in their areas. In particular, local authorities should take account of the contribution reclaimable or reclaimed urban land can make to the overall provision of land for housing. Local authorities are able to identify suitable sites via the development plan process.

EU Structural Funds

Mr. Barry Jones: To ask the Secretary of State for Wales how much money was allocated to Wales from the EU's structural funds in each year since 1990; and if he will make a statement. [36460]

Mr. Hain: The information is not held in the annualised form requested. However, the overall amount allocated for combined structural fund programmes (ERDF, ESF and, where appropriate, EAGGF and FIFG) in Wales covering the period since 1990 is £793.7 million. The breakdown between the programmes is as follows:

£ million

Programme	*Allocation*
1987–91	
Dyfed Gwynedd Powys Integrated Development Operation	83.2
1989–91	
Clwyd Integrated Development Operation	23.6
Industrial South Wales Integrated Operations Programme	71.6
1990–93	
Rechar 1 Programme for Industrial South Wales	21.7
1992–93	
Clwyd Operational Programme	21.8
Dyfed Gwynedd Powys Operational Programme	25.7
Industrial South Wales Operational Programme	74.1
Leader 1 Programme	2.3
1993	
Konver 1[1]	0.8
1993–95	
Retex 1[2]	0.5
1994–96	
Industrial South Wales Single Programming Document	111.5

Programme	£ million Allocation
1994–99	
Rural Wales Single Programme Document	126.9
Community Initiatives	
Interreg	9.4
Konver II	1.9
Leader II Programme	7.3
Pesca	0.8
Rechar II	17.4
Resider II	10.8
Retex II	1.9
SMEs Programme for Wales	1.6
Urban Programme	3.9
1997–99	
Industrial South Wales Single Programming Document 1997–99	175
Total:	793.7

[1] The grant allocation of some £16 million for Konver funding was made at the UK level. Wales received £0.8 million in grant.
[2] The grant allocation of some £4.4 million for Retex funding was made at the UK level. Wales received £0.5 million in grant.

In the case of the national ESF Programmes, such as Objective 3 and the Human Resource Community Initiatives, which have either hitherto been, or continue to remain, the sole responsibility of my right hon. Friend the Secretary of State for Education and Employment, I have requested the information and will write to my hon. Friend shortly.

Football Association of Wales

Mr. Öpik: To ask the Secretary of State for Wales what plans he has to provide public money to support the work of the Football Association of Wales; and if he will make a statement. [36679]

Mr. Ron Davies: Central Government funding for sport is channelled through the Sports Council for Wales. In 1997–98, the Sports Council's grant to the Football Association of Wales is £48,477. This will increase to £52,727 in 1998–99.

Football is also benefiting greatly from the National Lottery. Since the Sports Council began distributing funds in 1995, over £1.9 million has been awarded to 26 community-based schemes throughout Wales.

Mr. Öpik: To ask the Secretary of State for Wales what plans he has to support the work of the Football Association of Wales Football in the Community Charitable Trust in the future; and if he will make a statement. [36678]

Mr. Ron Davies: None. Welsh Office support for sport is channelled through the Sports Council for Wales, who are better placed to decide priorities for funding.

Mr. Öpik: To ask the Secretary of State for Wales what financial provisions he will make to assist the Football Association of Wales to complete the works required by the Taylor report in Wales; and if he will make a statement. [36676]

Mr. Ron Davies: The Welsh Office has no funds available to complete Taylor-related work in Wales. Wales's three Football League clubs, will, however, be able to apply to the Football Trust for funding to assist them in implementing the recommendations of the Taylor Report.

Mr. Öpik: To ask the Secretary of State for Wales what public money was given in 1997–98 and in each of the three previous years to the Football Association of Wales to support the work of the Football Association of Wales Football in the Community Charitable Trust; and if he will make a statement. [36677]

Mr. Ron Davies: None.

Dental Services

Mr. Öpik: To ask the Secretary of State for Wales if he will introduce bursaries for dental students on condition that such students agree to provide NHS services to areas of need for a set period after they have qualified; and if he will make a statement. [36675]

Mr. Win Griffiths: No. Such an arrangement would be highly speculative and difficult to enforce. The Department continues to make available generous financial support for dentists establishing or expanding practices in areas of need in Wales and 61 grants have already been made.

Road Improvements

Mr. Llwyd: To ask the Secretary of State for Wales how much his Department will spend on road improvements in Wales during the next year; and if he will make a statement. [37455]

Mr. Hain: Plans for expenditure on roads and transport in 1998–99 will be included in the Welsh Office's Departmental Report to be published shortly. A copy of the report will be placed in the Library of the House. Details of the strategy for and role of the Welsh trunk road programme will be included in the report on the Welsh Trunk Roads Review to be published later this year.

Crickhowell House

Mr. Rhodri Morgan: To ask the Secretary of State for Wales, pursuant to his answer of 20 March 1998, *Official Report*, column *734*, if he will make a statement on the contract let to Gooch and Wagstaff; if it was *(a)* advertised and *(b)* let by competitive tender; what part Gooch and Wagstaff played in advising his predecessor on the original lease of Crickhowell House; what is the approximate value of the contract; and which company has been awarded the other contract. [37468]

Mr. Ron Davies: Gooch & Wagstaff were selected following a limited external competition where 4 specialist firms were invited to submit bids to provide independent professional property advice in respect of the 2 sites shortlisted for the National Assembly for Wales. They were selected because of their specialist knowledge, their previous experience with PFI schemes and their fee structure which offered the best value for money. The value of their contract will depend upon the time spent preparing their report, but is not expected to exceed £25,000.

Gooch & Wagstaff were previously appointed by the Welsh Health Common Services Authority (WHCSA) in 1991 to advise WHCSA and to negotiate with Grosvenor Waterside the original lease of Crickhowell House.

In addition to Gooch & Wagstaff, AYH Partnership, Chartered Surveyors have been appointed to review the likely construction costs for both options.

FOREIGN AND COMMONWEALTH AFFAIRS

Public Opinion Research

Miss Kirkbride: To ask the Secretary of State for Foreign and Commonwealth Affairs what recent public opinion surveys the Government have carried out into public perceptions of EU membership; what organisation conducted them; how much they cost; how large in each case was the sample size; what was the date of the field work; if he will place a copy of the findings in the Library; and what further surveys he plans to undertake. [25332]

Mr. Doug Henderson *[holding answer 26 January 1998]:* We commissioned a survey on attitudes to Europe in November 1997. The contract was won by GGC/NOP following a tender process. The cost was between £20,000 and £30,000. The fieldwork was conducted from 12 to 21 December. The sample size was 1,001 people. A copy of the results have been placed in the libraries of the House. There are at present no plans to repeat the survey, though a repeat is not ruled out.

Mr. Malcolm Bruce: To ask the Secretary of State for Foreign and Commonwealth Affairs what expenditure has been incurred by his Department, agencies and non-departmental public bodies *(a)* in 1996–97 and *(b)* since 1 May 1997 on (i) opinion polling, (ii) focus groups and (iii) other forms of market research; if he will list the surveys commissioned and the purpose of each; and if he will make a statement. [26660]

Mr. Tony Lloyd *[holding answer 5 February 1998]:*

Foreign and Commonwealth Office

£

	1996–97	*Since 1 May 1997*
Opinion polling	[1,2]16,000	[3]26,000 (plus VAT)
Focus groups	—	—
Other market research	[4,5,6]30,000	—

[1] Survey of Canadian attitudes to the UK. For public diplomacy strategy.
[2] Survey of Mexican business attitudes to the UK. For export promotion and inward investment strategy.
[3] Survey to get a snapshot of attitudes in the UK towards the EU and current EU issues in the context of the UK's EU Presidency.
[4] To assess the coverage and effectiveness of the "UK Today" film series.
[5] To assess the coverage and effectiveness of the London Correspondents Service.
[6] To assess the UK image in India.

The FCO's agency incurred no expenditure of this type in the periods in question. One FCO NDPB spent £2,056 in 1996–97 and £4,112 (est.) since 1 May 1997 on other market research in the normal course of business.

Mr. Duncan: To ask the Secretary of State for Foreign and Commonwealth Affairs how many contracts for public opinion research his Department has awarded since 1 May; if he will indicate the *(a)* purpose, *(b)* cost, *(c)* value and *(d)* duration of each contract; and which companies (i) bid for and (ii) were awarded each contract. [28875]

Mr. Fatchett *[holding answer 10 February 1998]:* We have awarded one contract for public opinion research since 1 May 1997. Its purpose was to survey attitudes in the UK towards the EU and current EU issues in the context of the UK's EU Presidency.

The cost was £26,000 excluding VAT. The results will contribute to the formulation of policy. The contract was for a single round of polling which was carried out between 12 and 21 December 1997.

Four companies were invited to bid for the research: MORI, RSGB (Research Services of Great Britain) GGC/NOP, (Gould, Greenberg, Carville/National Opinion Poll) and BMRB (British Management Research Bureau). The contract was awarded to GGC/NOP.

Correspondence

Mr. Steinberg: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make it his policy that he and his Ministers personally read the letters sent to them by hon. Members on constituency matters. [27671]

Mr. Robin Cook: It has been my policy and that of other FCO Ministers to read letters from hon. Members on constituency matters and that will remain the case. The exception is visa matters, where aside from particularly sensitive cases, the practice is and has been for replies to be sent by officials.

People's Europe Project

Sir Teddy Taylor: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will list the criteria for the issuing of invitations to attend the People's Europe Conference in June; if he will list the *(a)* organisations and *(b)* individuals approached to contribute to the Executive Committee; if he will list those invited to speak to date; and what measures are being taken to ensure a balanced variety of viewpoints amongst those participating. [37095]

Mr. Doug Henderson: It is the intention to invite representatives of a wide range of civic society from EU and associated countries, including NGOs, small and medium enterprises, local government, voluntary organisations, trade unions, youth groups and the public. The Executive Committee includes representatives of the CBI SME Unit, the TUC, Local Government International Bureau, National Council for Voluntary Organisations, European Movement, Chatham House, Green Alliance and the office staff. A wide range of speakers from across Europe have been invited. The organisers are seeking to ensure a variety of viewpoints and backgrounds are represented, as well as to ensure geographical balance. They have sought contributions to the event from a wide range of organisations and the main UK political parties, which are represented on the Conference's Advisory Committee.

Convention Against Torture

Mrs. McKenna: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the recent signing by Bahrain of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. [37716]

Mr. Fatchett: We welcome the news of any country ratifying the core human rights instruments. The recent ratification of the Convention Against Torture by the State of Bahrain is to be welcomed. We look forward to continued improvements in human rights in Bahrain. We have indicated to the Government of Bahrain that we will assist them, in whatever way possible, to achieve this objective.

EU General Affairs Council

Mrs. McKenna: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will report on the outcome of the General Affairs Council held on 30 and 31 March in Brussels. [37717]

Mr. Doug Henderson: The A Points and EP Resolutions were approved.

The morning of 30 March was devoted to the launch of the Accession Process with the 11 candidates. The meeting demonstrated the all-inclusive nature of enlargement.

In parallel, EU trade ministers discussed preparations for the meeting in Geneva of WTO ministers.

On Agenda 2000, President Santer presented the draft regulations published on 18 March. The Foreign Secretary outlined UK Presidency plans for handling the Agenda 2000 package before Cardiff. The 27 April General Affairs Council will consider the proposals in more detail.

The Council discussed the Middle East Peace Process and endorsed the approach which the President of the Council adopted during his visit to the region. Ministers looked forward to the visit of the Prime Minister in April. The Council agreed to the publication of the Executive Summary of the Settlements Watch for the period September to December 1997, drawn up by EU Missions in Jerusalem and Tel Aviv. The Council reiterated its concern at the continued deadlock in the Peace Process and reaffirmed the EU's determination to play a full part in any constructive new initiative: it hoped the US would soon come forward with proposals as a basis for renewed negotiations.

The Council had a further discussion on the enhancement of political contacts with Iran and agreed that the EU should renew dialogue with Iran on the basis of the 23 February General Affairs Council Conclusions, that is to say a comprehensive dialogue covering both areas of mutual interest and of concern. The Council invited the Presidency to liaise with the Iranian government over the arrangements for the first meeting.

The Council reviewed implementation of the Action plan dealing with migrants from Iraq and the neighbouring region. Ministers agreed that this was proceeding satisfactorily.

There was support from within the EU for the contact group stance on Kosovo. Partners are clear that the key is for Belgrade to open an effective dialogue on the status of Kosovo with the Albanian community. The Council also reaffirmed its view that Croatia must do more to comply with its international obligations.

The Council considered a Presidency report on the progress made in preparing a draft mandate for negotiations of a successor to the Lomé Convention. Discussion focused on the trade issues. It was agreed that the ultimate objective should be the progressive integration of ACP states into the world economy and their full participation in a liberalised trading system. Further work was needed on the new trade arrangements, which should at least maintain current market access for the ACP and be WTO-compatible. The trade regime for Least Developed Countries should be improved in accordance with Council Conclusions of 2 June 1997.

The Commission reported on the state of negotiations with South Africa on a Trade and Co-operation Agreement. The Council noted the progress made at the last negotiating round in March and expressed the wish to complete negotiations soon. The Council invited the Commission to report back after the next negotiating round this month.

The Council took note of a presentation by Sir Leon Brittan of the Commission's Communication on the New Transatlantic Marketplace. COREPER will examine the Communication and report to a future meeting of the General Affairs Council.

The Presidency reported on the state of preparations for the second Asia-Europe Meeting (ASEM 2) to be held in London on 3–4 April. The Presidency also informed partners of preparations for the first EU/China Summit which will be held on 2 April.

The General Affairs Council agreed, based on a UK Presidency paper, that the new CFSP Policy Planning and Early Warning Unit should concentrate on forward planning, including crisis prediction and policy planning aspects of conflict prevention and produce policy options for decision by Member States in the Council. Provision has been made for a staff of up to 20, most of whom will be secondees from Member State Foreign Ministries. There will also be one Commission and one WEU secondee. HMG is thus delivering on our Presidency objective of taking forward implementation of the new CFSP structures agreed at Amsterdam.

The Council agreed that Ministers representing Troika should visit the Great Lakes region to assess the current situation and discuss with regional leaders the contribution the EU can make. The Council agreed a new common position on Rwanda setting out the criteria on which the EU will base the major contribution it makes to international support for reconstruction and reconciliation in Rwanda. The Council reiterated EU support for efforts by regional states neighbouring Burundi to promote political dialogue. Such a dialogue is the only basis for achieving a durable solution to Burundi's problems.

There was a discussion of recent developments in Russia.

On the morning of 31 March the UK chaired six individual Inter Governmental Conferences to open accession negotiations with Cyprus, Hungary, Poland, Estonia, the Czech Republic and Slovenia.

European Council

Mrs. McKenna: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will list the forthcoming business in the Council of the European Union for April and list the major European Union events for the next six months. [37718]

Mr. Doug Henderson: The following Councils are scheduled:

Monthly forecast of business for April 1998

Date	*Location*	*Council*
April 7	Luxembourg	Social Affairs Council
April 20–21	Luxembourg	Agriculture Council
April 21	Luxembourg	ECOFIN Council
April 23	Luxembourg	Consumer Affairs Council
April 24–26	Chester	Environment & Transport (Informal)
April 27–28	Luxembourg	General Affairs Council
April 30	Luxembourg	Health Council

The following subjects are likely to be discussed:

April 7: Social Affairs Council

National Employment Action Plans (taken with ELMC 1998 Work Programme): Political debate.

European Community Statute: Political debate.

Protection of workers from asbestos: Adoption of Council Conclusions.

Fundamental Review of Regulation 1408/71 (Social Security): Political debate.

Action Plan against Racism and Xenophobia: Presentation.

Working time: Excluded Sectors: Presentation.

Report of the High-level Group on Industrial Restructuring: Presentation.

Protection of workers from Carcinogens: Presentation.

Directive on protection of workers from Chemical Agents: Possible A point.

Modifications to Regulation 1408/71 (Social Security)—miscellaneous amendments: Possible A point.

April 20–21: Agriculture Council

Agenda not yet available.

April 21: ECOFIN Council

EIB lending to Bosnia.

Access to Capital.

Preparation of Stage 3 of EMU.

Package of measures for SMEs.

April 23: Consumer Affairs Council

Proposal for a European Parliament and Council Directive on the sale of consumer goods and associated guarantees: Common position.

Effective application and enforcement of the Community consumer legislation: Debate.

European Home and Leisure Accidents Surveillance System (EHLASS): Exchange of views on the state of work.

Proposal for a Decision of the European Parliament and the Council establishing a general framework for Community activities in favour of consumers: Presentation by the Commission and (possible) exchange of views.

Proposal for a European Parliament and Council Directive on the distance selling of financial services: Presentation by the Commission.

(possible) Evaluation report by the Commission on priorities for consumer policy: Presentation by the Commission.

Commission Action Plan on the extrajudicial settlement of consumer disputes: Presentation by the Commission of the state of work.

April 24–26: Environment & Transport (informal)

No formal agenda.

April 27–28: General Affairs Council

Agenda 2000 (possible item).

Lomé.

Transatlantic Relations—Preparation of EU/US Summit and EU/Canada Summit.

ASEM II: Report.

Switzerland.

South Africa Agreement.

Turkey (possible item).

Euromed (possible item).

Egypt (possible item).

Middle East Peace Process.

Western Balkans.

Ukraine (possible item).

World Trade Organisation: Ministerial meeting in Geneva (possible item).

Russia.

April 30: Health Council

Proposal for a decision of the European Parliament and of the Council adopting a programme of Community action 1999–2003 on rare diseases within the framework for action in the field of public health: Common position.

Proposal for a decision of the European Parliament and of the Council adopting a programme of Community action from 1999 to 2003 on injury prevention in the context of action in the field of public health: Political debate.

Proposal for a decision of the European Parliament and of the Council adopting a programme of Community action from 1999 to 2003 on pollution-related diseases in the context of action in the field of public health: Common position.

Proposal for a Council Recommendation on suitability of blood and plasma donors and the screening of donated blood in the European Community: Adoption.

Integration of health protection requirements in Community policies: Report by the Commission, (possible) Council conclusions.

(possible) State of health in the European Union: Report by the Commission on migrant health.

Transmissible Spongiform Encephalopathies based on Commission Services Working Paper and Commission communication following receipt of EP report on BSE: (possible) Council conclusions.

(possible) Political debate and conclusion on future health challenges to be taken into account in the development of a framework for Community action in the field of public health in the first part of the 21st century: (possible) Presidency conclusions.

Proposal for a Council Recommendation on non-ionising radiation: Presentation by the Commission.

The following calendar is primarily concerned with European Union matters, but certain other relevant events are also included. Events and dates quoted are based on the information available on the date of issue.

European Calendar: April-September 1998

Date	*Location*	*Event*
April		
1–3	Strasbourg	European Parliament Plenary
2–4	London	ASEM II
3–5	Leeds Castle	G8 Environment Ministerial
6–7	London	DTI Enterprising Europe Conference
6–8	Birmingham	Audiovisual Conference
6–8	Birmingham	Culture Committee
7	Luxembourg	Social Affairs Council
7	Brussels	Political Committee
16	Brussels	Political Committee
20–21	Luxembourg	Agriculture Council
21	Luxembourg	ECOFIN Council
23	Luxembourg	Consumer Affairs Council
24–26	Chester	Environment & Transport (informal)
27–28	Luxembourg	General Affairs Council
29–30	Brussels	European Parliament
30	Luxembourg	Health Council
May		
1–3	Brussels	ECOFIN & Special EMU Council
5	Brussels	Political Committee (t.b.c.)
5–6	Belfast	EU Ministers Women's Forum (informal)
7	Brussels	Industry Council
8–9	London	G8 Foreign & Finance Ministerial
10–12	Newcastle	Agriculture (informal)
11	Brussels	Energy Council (t.b.c.)
11	Brussels	Euro-Med Energy Ministerial
11–15	Strasbourg	European Parliament Plenary
12	Brussels	Political Committee
14	London	EU/Canada Summit
14–15	London	Innovative Partnerships for Competitiveness Conference
14–16	London	Conference on Culture and Employment
15–17	Birmingham	G8 Summit
18	London	EU/US Summit
18	Brussels	Development Council
18	Brussels	Internal Market Council
18–20	Northern Ireland	Regional Affairs Committee
19	Brussels	Telecoms Council
19	Brussels	ECOFIN Council
20	London	EU Public Administration Ministers meeting
25–26	Brussels	General Affairs Council
25–26	Brussels	Agriculture Council
27–28	Brussels	European Parliament Plenary
28	Brussels	Culture and Audiovisual Council
28–29	Brussels	Justice & Home Affairs Council
June		
2	Luxembourg	Political Committee
4	Luxembourg	Education & Social Affairs Council
5	Luxembourg	ECOFIN Council
8	Luxembourg	Fisheries Council
8–9	Luxembourg	General Affairs Council (t.b.c.)
8–9	Glasgow	Regional Policy/Spatial Planning Ministers' informal
15–16	Cardiff	European Council
15–19	Strasbourg	European Parliament Plenary
16–17	Luxembourg	Environment Council

European Calendar: April-September 1998

Date	*Location*	*Event*
17	Luxembourg	Joint Environment & Transport Council
18	Luxembourg	Transport Council
19	Glasgow	Energy & Environment Conference
22	Luxembourg	Research Council
22–23	Luxembourg	Agriculture Council
25	Brussels	Presidency Biotechnology Round Table
29–30	Luxembourg	General Affairs Council (t.b.c.)
July		
1–2	Brussels	European Parliament Plenary
6	Brussels	ECOFIN Council
6–7	Luxembourg	Political Committee
8–10	Innsbruck	Employment/Social Affairs/Women (informal)
13	Luxembourg	Political Committee
13–14	Luxembourg	General Affairs Council
17–19	Luxembourg	Environment Council (informal)
20–21	Brussels	Agriculture Council
23	Luxembourg	Political Committee
27	Luxembourg	Budget Council
August		
There are no Councils scheduled for this month.		
September		
3	Brussels	Political Committee
5–6	Salzburg	Foreign Ministers (informal)
7–8	Brussels	Special Committee on Agriculture
11	Brussels	Culture Council
14–15	Brussels	Special Committee on Agriculture
19–22	St. Wolfgang, Austria	Agriculture Council (informal)
24	Brussels	Justice & Home Affairs
24	Brussels	Internal Market
28	Brussels	Political Committee
28–29	Brussels	Agriculture Council

HOME DEPARTMENT

Immigration and Nationality Directorate Complaints Audit Committee

Ms Oona King: To ask the Secretary of State for the Home Department if he will make a statement on changes in the membership of the Immigration and Nationality Directorate Complaints Audit Committee. [37894]

Mr. Mike O'Brien: Mr. Arden Bhattacharya has been appointed as the new chair to the Complaints Audit Committee to succeed Miss Diana Rookledge who retired at the end of March. Mrs. Janet Whitaker has been appointed as a member to succeed Mr. Karamjit Singh who left the Committee to take up another appointment. They join Mr. Blair Greaves whose appointment runs until the end of this year.

Prime Minister (Security)

Mrs. Brinton: To ask the Secretary of State for the Home Department if he will make a statement on the alleged breach of the Prime Minister's security reported in *The Sunday Times* on 29 March. [37896]

Mr. Straw: The planning application regarding my right hon. Friend the Prime Minister's home contained details which should not have been made public for security reasons. When we were alerted to the situation, I acted immediately to ensure that such details were no longer accessible.

The security arrangements at my right hon. Friend's home have been very thoroughly tested and are fully effective.

When major changes to the homes of public figures are planned on security grounds, it is important that local residents who may be inconvenienced by building work are properly consulted so that their concerns can be taken into account. However, a balance needs to be struck between ensuring that local people have their say about major changes to any property and ensuring that the security of public figures is not compromised.

The Home Office, the Security Facilities Executive (SAFE) and Sedgefield Borough Council acted in good faith but the security implications of the planning documents were not fully identified and acted upon. The Home Office and SAFE have introduced new procedures to ensure that this cannot happen in any future case. In addition, other planning authorities which have similar residences have been contacted to ensure that any such risks to security may be avoided.

Campsfield House Detention Centre

Dr. Harris: To ask the Secretary of State for the Home Department if he will place in the Library a copy of the contract specification for the running of Campsfield House Immigration Detention Centre. [37450]

Mr. Mike O'Brien: The contract specification for the running of Campsfield House Detention Centre is Commercial in Confidence. I regret that it cannot be disclosed.

Vivisection

Mr. Fitzpatrick: To ask the Secretary of State for the Home Department if he will make a statement on the breeding of cats at Hillgrove Farm, Witney, Oxfordshire, for the vivisection industry. [37254]

Mr. George Howarth: I refer my hon. Friend to the reply I gave to the hon. Member for Portsmouth, South (Mr. Hancock) on 19 January 1998, *Official Report*, column *383* and to the replies I gave to my hon. Friend the Member for Birmingham, Selly Oak (Dr. Jones) on 3 March 1998, *Official Report*, column *518*.

I have nothing to add to those replies at this time.

Illegal Drugs

Mr. Flynn: To ask the Secretary of State for the Home Department (1) what proportion of seizures of amphetamines involved amounts of *(a)* 200 mg or under, *(b)* 200 to 500 mg, *(c)* 500 mg to 1 gram, *(d)* 1 to 5 grams, *(e)* 5 to 10 grams, *(f)* 10 to 50 grams, *(g)* 50 to 300 grams, *(h)* 300 grams to 1 kg, *(i)* 1 kg to 10 kg, and *(j)* 10 kg and over, in the last 12 months for which figures are available; and what was the total quantity seized in each category; [36519]

(2) what proportion of seizures of *(a)* heroin and *(b)* cocaine involved amounts of *(a)* 50 mg or under, *(b)* 50 to 100 mg, *(c)* 100 mg to 200 mg, *(d)* 200 to 500 mg, *(e)* 500 mg to 1 gram, *(f)* 1 to 5 grams, *(g)* 5 to 10 grams, *(h)* 10 to 50 grams, *(i)* 50 to 300 grams, *(j)* 300 grams to 1 kg, *(k)* 1 kg to 10 kg, and *(l)* 10 kg and over, in the last 12 months for which figures are available; and what was the total quantity seized in each category; [36520]

(3) what proportion of seizures of cannabis involved amounts of *(a)* 1 gram or under, *(b)* 1 to 5 grams, *(c)* 5 to 10 grams, *(d)* 10 to 50 grams, *(e)* 50 to 300 grams, *(f)* 300 grams to 1 kg, *(g)* 1 kg to 10 kg, *(h)* 10 kg to 100 kg, *(i)* 100 kg to 1 tonne, and *(j)* over 1 tonne, in the last 12 months for which figures are available; and what was the total quantity seized in each category. [36521]

Mr. George Howarth: Information on the number of seizures of amphetamines, cannabis, cocaine and heroin by various amount bands is routinely published in the annual Home Office bulletin "Statistics of Drug Seizures and Offenders Dealt With, United Kingdom", and supplementary tables volume. Copies are available in the Library.

The amount bands given in the tables provide much of the information requested in terms of weight categories, and further breakdowns could be provided only at disproportionate cost.

Football World Cup

Sir Brian Mawhinney: To ask the Secretary of State for the Home Department, pursuant to his oral answer of 30 March 1998, *Official Report*, columns 885–86, if he raised the question of the 1998 FIFA World Cup knife at the seminar in Blackburn earlier this year, on policing the World Cup. [37350]

Mr. Straw: A range of issues was discussed at the European Union Presidency Seminar in Blackburn at the end of February. It was an enormously successful event and illustrated the high level of liaison and co-operation we have established with our European partners in the fight against football hooliganism.

We first raised the issue of these knives with the French authorities well in advance of the Blackburn seminar. They can be in no doubt about our concern.

I am pleased to inform the right hon. Member that, following my Oral Answer to the House on 30 March, FIFA announced that afternoon that they intended to withdraw the knives carrying the France 1998 logo from sale in France.

I have also written to my French counterpart registering our concern that these knives should have ever been endorsed by France 1998. I have sought his assistance in ensuring that they are withdrawn from sale and that any other officially endorsed memorabilia do not constitute a risk to the safety and security of others.

Asylum Seekers

Sir Teddy Taylor: To ask the Secretary of State for the Home Department how many third world nationals have come to the United Kingdom from EU nations seeking admission or asylum over the past two years; how

many such persons have been admitted to the United Kingdom; and what arrangements have been made for those not accepted. [37353]

Mr. Mike O'Brien: I regret that the information is not available in the form requested and could be obtained only at disproportionate cost.

Illegal Immigrants

Sir Teddy Taylor: To ask the Secretary of State for the Home Department if he will specify the section of the Dublin Convention which prevents Her Majesty's Government from returning to EU nations illegal immigrants who have come to the United Kingdom from such countries; and if he will make a statement. [37352]

Mr. Mike O'Brien: The Dublin Convention provides a set of criteria for determining which member state should be responsible for considering an asylum application made in the European Union. Where it can be shown in accordance with these criteria that a member state other than the one where the application was made is responsible for considering the application, the applicant may duly be returned to that member state. In all other circumstances, Article 8 of the Convention provides that the first member state with which the application for asylum is lodged shall be responsible for considering it.

The Dublin Convention has made the return of asylum seekers to European Union member states a more complex and time-consuming process. In particular, it is often difficult to obtain sufficient evidence to show that another member state is responsible for an application according to the criteria in the Convention. As Presidency of the European Union, we are taking forward a range of measures designed to improve the operation of the Convention.

Mr. Malins: To ask the Secretary of State for the Home Department what measures he has introduced to prevent illegal entry to the United Kingdom of persons travelling on Eurostar. [36998]

Mr. Mike O'Brien: Foreign nationals travelling on Eurostar services are subject to examination by United Kingdom Immigration Officers. We liaise with French and Belgian authorities to ensure that this control is effective, and are currently examining with Eurostar and both French and Belgian authorities ways of ensuring that document checks in both Paris and Brussels are carried out as effectively as possible.

Firearms (South Yorkshire)

Helen Jackson: To ask the Secretary of State for the Home Department (1) what discussions he has had with the South Yorkshire Police about the suspension of officers of the Firearms Branch of the force over recent weeks; [36478]

(2) how many and what percentage of firearms compensation claims are outstanding in the South Yorkshire area. [36477]

Mr. Michael: The Home Office is in regular contact with the South Yorkshire Police about the progress of their investigation into potential fraud involving compensation claims. Decisions on suspension are a matter for the Chief Constable but the latest information is that a further two police officers in the Firearms department were suspended on 13 March, bringing the total number of staff suspended to six. Around 240 claimants in the South Yorkshire area have not yet received payment under Options A and B of the compensation scheme, around 38 per cent of the total. Payments on claims returned by the police after checking are expected to resume this week.

The investigation has resulted in some delays in payments but every effort is being made to keep delays to a minimum, as I explained in my letter to my hon. Friend and the other South Yorkshire Members on 20 February immediately after the problem had been drawn to my attention. As a result of the inquiries, the South Yorkshire police have returned about 100 claims to the Firearms Compensation Section (FCS) after checking them against the surrendered goods. About half of these have not yet been paid. There are a number of queries arising on the claims and the FCS is considering these against our normal checking criteria. Where it is not possible to clear all items in a claim, a part payment will be considered. Payments on those items which are satisfactory began this week. A second batch of 100 claims is expected shortly under the arrangements agreed with the police for returning claims on a regular basis after they have been examined.

Firefighters

Mrs. Gorman: To ask the Secretary of State for the Home Department (1) what is the average retirement age for a firefighter; [37087]

(2) what has been the average cost of invalidity pensions paid to firefighters in the last three financial years. [37085]

Mr. George Howarth: I refer the hon. Member to the reply which my right hon. Friend gave to my hon. Friend the Member for Gillingham (Mr. Clarke) on 31 March 1998, *Official Report*, columns *466–67* about proposals to modernise the police and fire service pension schemes. The consultation document on the review of the fire service pension scheme, which has been placed in the Library, provides information on pension costs and average ages of retirement. This shows, on the basis of the data currently available, that the average age of firefighters retiring with a full pension after 30 years' service is 53.3 years. The average age of retirement on ill-health grounds is 44.8 years and with an injury on duty award is 44.3 years.

The firefighters' pension scheme is administered locally by fire authorities and information about the average cost of invalidity pensions is not held centrally.

Police Officers

Mrs. Gorman: To ask the Secretary of State for the Home Department (1) what is the average retirement age for a police officer; [37086]

(2) what is the average age at which police officers retire on invalidity pensions. [37284]

Mr. Michael: Information on the age at which police officers retire is not collected routinely. The average retirement ages in the table are based on a study carried

out in 1992 of police officers in forces in England and Wales, Scotland and Northern Ireland who retired from the service with an immediate pension in 1991.

Retirement age of police officers who retired in 1991, United Kingdom

	All retirements	Ordinary retirements	Ill-health retirements
Average retirement age (to nearest year)	47	53	43

Prisoners

Mr. Hurst: To ask the Secretary of State for the Home Department how many prisoners per 1,000 population there were in England during each of the years 1968 to 1995. [37013]

Ms Quin: The available information is for England and Wales and is given in the table.

Average prison population per 1,000 population in England and Wales, 1968–1995

Year	Prisoners per 1,000 population[1]
1968	0.67
1969	0.71
1970	0.80
1971	0.81
1972	0.78
1973	0.74
1974	0.75
1975	0.80
1976	0.84
1977	0.84
1978	0.85
1979	0.85
1980	0.87
1981	0.88
1982	0.88
1983	0.88
1984	0.87
1985	0.93
1986	0.94
1987	0.98
1988	0.99
1989	0.96
1990	0.90
1991	0.90
1992	0.90
1993	0.87
1994	0.95
1995	0.99

[1] Includes prisoners held in police cells

Muzzle-loading Firearms

Mr. Nicholls: To ask the Secretary of State for the Home Department what evidence he has obtained as to the misuse of muzzle-loading firearms. [37091]

Mr. Michael: Criminal statistics record the principal types of weapon used in the commission of crime but do not differentiate between muzzle-loading firearms and other types of gun.

The Government are not aware of any incidents over the past ten years involving the serious misuse of muzzle-loading firearms, though the Forensic Science Service have identified the occasional use of guns of this kind in serious crime in previous decades.

At present, the Government have no plans to introduce any further legislation on firearms controls but will keep under close scrutiny the way in which muzzle-loading weapons are used.

HEALTH

Stephen Daggett

Mrs. Mahon: To ask the Secretary of State for Health when Stephen Daggett will be moved to a medium secure unit. [31089]

Mr. Boateng: I shall write to my hon. Friend on this matter.

Millennium Compliance

Mr. Maples: To ask the Secretary of State for Health what his estimate is of the cost to his Department of *(a)* consultants and *(b)* contractors engaged to address millennium computer compliance problems; and he if will list the consultants and contractors. [32310]

Mr. Milburn *[holding answer 3 March 1998]:* For budgetary purposes, the Department does not differentiate between consultants and contractors. The core Department, excluding its agencies, has spent £0.8 million (excluding VAT) to date and anticipates a further £2.2 million (excluding Value Added Tax) expenditure on consultants/contractors employed to address millennium compliance. The main organisations used to provide consultant/contractor services are Parity Solutions Ltd, Computer People and Alexander Consulting for business systems and ICL-CFM for the information technology infrastructure.

Mrs. Gillan: To ask the Secretary of State for Health how many and which NHS organisations failed to present their plans and budgets for year 2000 computer compliance by 5 pm on 31 March. [37488]

Mr. Milburn: The information requested will be made available when those returns received by the due date have been checked for completeness.

Cosmetic Surgery Clinics

Mr. Gordon Prentice: To ask the Secretary of State for Health what steps he is taking to ensure that intimate examinations undertaken in cosmetic surgery clinics are carried out only by medically qualified staff. [33927]

Mr. Boateng: Any such requirement would exclude nursing staff and other health care professionals from examining patients. Staff who carry out any examination, in any setting, need to be able to demonstrate appropriate clinical expertise, or they may be exposing themselves to the risk of civil, and possibly criminal, liability, and/or to professional proceedings for misconduct.

Mr. Gordon Prentice: To ask the Secretary of State for Health what information persons employed in cosmetic surgery clinics are obliged to give potential clients concerning the qualifications and experience of all staff engaged in the medical and psychological assessment and examination of clients and those who carry out surgical procedures. [33928]

Mr. Boateng: There is no specific requirement for staff to give information about their qualifications or experience. However, anyone who attempted to carry out a procedure or an examination that they were not competent to do could expose themselves to the risk of civil, and possibly criminal, liability, and/or to professional proceedings for misconduct.

Consultants

Mr. Maples: To ask the Secretary of State for Health what has been the cost of the use of public relations consultants to his Department since May 1997. [36630]

Ms Jowell: The functions which are identified as public relations are normally carried out within the Department by its press and publicity division. The division has not incurred costs from external consultants on public relations work since May 1997.

Investing in Dentistry

Mrs. Ballard: To ask the Secretary of State for Health how many of the applications received for funding from Investing in Dentistry have been successful; and what has been the amount of each grant awarded. [37157]

Mr. Milburn: Since the investing in dentistry initiative was announced in September last year, 110 funding requests had been approved by the end of March this year. The table gives details of successful bids by region and the amounts awarded.

£

Region	*Amount approved*
Anglia & Oxford	10,000
Anglia & Oxford	15,000
Anglia & Oxford	15,000
Anglia & Oxford	50,000
Anglia & Oxford	12,000
Anglia & Oxford	20,000
Anglia & Oxford	75,000
Anglia & Oxford	25,000
Anglia & Oxford	10,000
Anglia & Oxford	15,000
Anglia & Oxford	26,000
North Thames	40,000
North Thames	19,000
North Thames	18,400
North Thames	40,000
North West	25,000
North West	50,000
North West	25,409
North West	30,287
North West	40,000
North West	35,000
North West	21,341
North West	40,000
North West	32,176
North West	20,000
Northern & Yorkshire	82,200
Northern & Yorkshire	2,790
Northern & Yorkshire	20,000
Northern & Yorkshire	24,200
Northern & Yorkshire	20,000
Northern & Yorkshire	25,000
Northern & Yorkshire	50,000
Northern & Yorkshire	47,000
Northern & Yorkshire	30,000
Northern & Yorkshire	25,000
Northern & Yorkshire	50,000
South & West	20,000
South & West	2,500

£

Region	*Amount approved*
South & West	30,000
South & West	50,000
South & West	20,000
South & West	38,000
South & West	50,000
South & West	50,000
South & West	6,000
South & West	25,000
South & West	1,000
South & West	36,011
South & West	15,000
South & West	25,000
South & West	20,000
South & West	50,000
South & West	2,500
South & West	10,000
South & West	35,000
South & West	35,000
South & West	13,000
South & West	40,000
South & West	27,000
South & West	15,000
South & West	15,000
South & West	20,000
South & West	32,693
South & West	9,500
South & West	26,000
South & West	24,750
South & West	40,000
South & West	30,000
South & West	15,000
South & West	15,000
South & West	8,150
South & West	40,000
South & West	15,000
South & West	55,000
South & West	13,265
South & West	40,260
South & West	50,000
South & West	25,000
South & West	9,654
South & West	59,796
South & West	16,000
South & West	23,500
South & West	30,000
South Thames	40,000
South Thames	50,000
South Thames	40,000
South Thames	8,500
South Thames	10,000
South Thames	5,000
South Thames	40,000
South Thames	28,725
South Thames	37,125
Trent	12,600
Trent	12,000
Trent	60,400
West Midlands	40,000
West Midlands	42,000
West Midlands	16,000
West Midlands	16,800
West Midlands	48,000
West Midlands	45,000
West Midlands	57,000
West Midlands	32,000
West Midlands	16,000
West Midlands	24,000
West Midlands	11,500
West Midlands	3,250
West Midlands	40,000
West Midlands	25,000
West Midlands	30,000

Mrs. Ballard: To ask the Secretary of State for Health how much of the funding made available for Investing in Dentistry for 1997–98 has been allocated. [37158]

Mr. Milburn: £3,106,282 of the £9 million investing in dentistry funding in the financial year 1997–98, had been allocated by 31 March 1998. This excludes the cost of treatment fees arising from the investing in dentistry projects.

Physiotherapy Services (Schools)

Mr. Hoyle: To ask the Secretary of State for Health (1) what funding is available from his Department for physiotherapy services for schools; [37218]

(2) what guidance he has given to health authorities on the provision of physiotherapy services in schools. [37216]

Mr. Boateng: The Department has not given specific guidance to health authorities on the provision of physiotherapy services in schools. The detailed provision and funding of such services is a matter for health commissioners in light of the health needs of their local populations. The Department recognises the essential contribution therapists make to the assessment, development, education and treatment of children with health needs and disabilities. Officials from the Department and the Department of Education and Employment are currently examining ways to facilitate collaboration between the National Health Service and local education authorities, following the response to the Green Paper, Excellence for all Children: Meeting Special Educational Needs.

Mr. Hoyle: To ask the Secretary of State for Health what research his Department has commissioned and evaluated on the numbers of children in schools requiring physiotherapy and occupational therapy to assist with physical problems. [37217]

Ms Jowell: The Department's policy research programme and the central National Health Service research and development programmes are not currently supporting any research on the numbers of children in schools requiring physiotherapy and occupational therapy to assist with physical problems, due to pressure of other priorities.

Diazepam

Mr. Llwyd: To ask the Secretary of State for Health what restrictions are placed on the prescribing of diazepam. [37156]

Ms Jowell: Diazepam is classified as a prescription-only medicine under the Medicines Act 1968.

The British National Formulary (BNF), which is funded by the Department and is provided free to doctors twice a year, provides guidance on the prescribing of diazepam. It also sets out specific advice from the Committee on Safety of Medicines.

The BNF also includes general advice on prescribing drugs which are likely to cause dependence, suggesting that the prescriber should prescribe small amounts initially and take care to ensure that doses are not gradually increased to the point where dependence becomes more likely.

Advice on the management of anxiety and insomnia by doctors is given in Medicines Resource Centre and Drug and Therapeutics Bulletins, which are supplied free of charge to all doctors.

Primary Care Groups

Mr. Truswell: To ask the Secretary of State for Health what criteria will need to be satisfied by proposals for primary care groups which span health and local authority boundaries. [37105]

Mr. Milburn: Guidance will be issued shortly on the configuration and establishment of primary care groups. Copies will be placed in the Library.

Management Consultations

Dr. Tonge: To ask the Secretary of State for Health how much money NHS trusts spent on management consultations in *(a)* 1994–95, *(b)* 1995–96 and *(c)* 1996–97. [37464]

Mr. Milburn: Information on management and other consultants is not separately collected but is included in information on external contract staffing and consultancy costs. The amounts spent by National Health Service trusts on external contract staffing and consultancy were £68,326,031 in 1994–95; £89,369,228 in 1995–96 and £107,151,978 in 1996–97.

NHS Administrators (Termination of Contract)

Mr. Bercow: To ask the Secretary of State for Health how many administrators in the National Health Service have had their contracts terminated since May 1997; what resources have been released by those terminations; and if he will make a statement. [37220]

Mr. Milburn: In May 1997, my right hon. Friend the Secretary of State announced a programme of measures to reduce management costs by £84 million in England in 1997/98. There will be a further reduction of £80 million in 1998/99.

The information on individual staff is not held centrally.

Hospital Readmissions

Mr. Burstow: To ask the Secretary of State for Health, pursuant to his answer of 23 March 1998, *Official Report*, columns *46–49*, on readmission rates, when the figures for the final quarter of 1997–98 will be available. [37349]

Mr. Milburn: The information will be available after it has been tabled at the National Health Service Executive board meeting on 5 June 1998.

Secure Accommodation

Mr. Clappison: To ask the Secretary of State for Health, pursuant to the oral answer of 2 March 1998, *Official Report*, column 690, how many of the 170 places in local authority secure accommodation proposed by the previous administration are now in use; and on what date those places not now in use are expected to be in use. [37550]

Mr. Boateng: I refer the hon. Member to my reply to him of 12 February 1998, *Official Report*, columns *351–52*.

Mesothelioma

Dr. Godman: To ask the Secretary of State for Health what funds the Government are currently spending on medical research for the management, treatment and cure of mesothelioma; and if he will make a statement. [36742]

Mr. Boateng: The main agency through which the Government support bio-medical and clinical research is the Medical Research Council (MRC). The MRC is an independent body which receives its grant-in-aid from the Office of Science and Technology, which is part of the Department of Trade and Industry. The MRC does not currently support any research specifically on the management, treatment or cure of mesothelioma. However, the MRC does provide support for more basic research in related areas which may provide insights into the aetiology of mesothelioma and have an impact on treatment in the future. For example, the MRC Toxicology Unit at Leicester has been working on projects to better understand the cellular mechanisms by which the lung responds to certain toxic materials. These include many toxins that circulate throughout the body and yet cause selective injury to particular types of lung cell as well as inhaled mineral fibres such as asbestos and zeolites.

In addition, the MRC's Committee on Toxic Hazards in the Environment and Workplace produced a report in 1995 (ISBN 1 899110 03 8) entitled "Natural and man-made mineral fibres: UK research priorities"—this was based on workshops organised by the Institute for Environmental Health. This report considers, *inter alia*, mesothelioma. It is obtainable from the Institute of Environment and Health, University of Leicester, PO Box 138, Lancaster Road, Leicester LE1 9HN (Phone 0116 252 5530 or Fax 0116 252 5146).

Dr. Godman: To ask the Secretary of State for Health what was the annual cost of treating those suffering from *(a)* mesothelioma, *(b)* lung cancer and *(c)* asbestosis-related illnesses in each of the past five years; and if he will make a statement. [36743]

Mr. Boateng: Information about the costs of treatment classified by disease is not routinely collected locally, hence there is no collation of such data centrally. Mesothelioma is incurable with a prognosis of 12–18 months. The 5-year survival rate for lung cancer is only 5.5 per cent.; surgery and/or radiotherapy offers the best chance of cure.

People with asbestos-related conditions may live some years, dependent on the type of condition which they have. Patients will require a number of investigations and symptomatic treatment to reduce the symptoms from this irreversible condition. Palliative care is the most significant part of treating both mesothelioma and lung cancer.

NHS Trusts (Vacancies)

Mr. Hoyle: To ask the Secretary of State for Health what is the maximum amount of time vacancies for NHS trust boards can remain unfilled. [37401]

Mr. Milburn: There is no statutory time limit on how long vacancies on trust boards may remain unfilled. However, my right hon. Friend the Secretary of State would expect posts to remain vacant for no longer than is necessary.

NHS Trusts (Mergers)

Mr. Hoyle: To ask the Secretary of State for Health if NHS trust boards have to endorse proposals to merge NHS trusts; and what powers they have to block these proposals. [37400]

Mr. Milburn: It is for Ministers, not National Health Service trusts, to decide whether or not trusts should merge. Full public consultation will be held on any such proposals.

Mr. Hoyle: To ask the Secretary of State for Health what guidance he has given to hospital trusts on their obligation to inform hon. Members of the *(a)* amalgamation and *(b)* closer integration on NHS trusts. [37397]

Mr. Milburn: Any proposals for mergers between National Health Service trusts or for substantial changes to services are subject to full public consultation which as a matter of course will include those hon. Members whose constituents are affected by the changes.

Mr. Hoyle: To ask the Secretary of State for Health what are the procedures for the reappointment of NHS trust board members when mergers between trusts occur. [37398]

Mr. Milburn: Serving non-executive directors of merging National Health Service trusts may be considered for appointment to the merged body alongside other candidates. All appointments are made on merit and in accordance with the Department's published procedures, copies of which are in the Library.

Preston NHS Trust

Mr. Hoyle: To ask the Secretary of State for Health when he expects the vacancies on Preston NHS Trust will be filled. [37402]

Mr. Milburn: The Preston acute hospitals trust currently has two vacancies for non-executive directors. Arrangements are now in hand to identify suitable candidates from amongst those recently nominated by hon. Members and local authorities and those who responded to the recent national advertisement. My right hon. Friend the Secretary of State expects to receive recommendations from the regional chairman for filling these vacancies towards the end of April.

NHS Trust Boards

Mr. Hoyle: To ask the Secretary of State for Health what powers he has to ensure that all geographical regions in an area are represented on NHS trust boards. [37399]

Mr. Milburn: The published criteria for the appointment of non-executive directors to the boards of trusts and health authorities make clear that those appointed should be able to demonstrate a commitment to the needs of the local community and should live in the area served by the body involved.

Drugs (Clinical Effectiveness)

Mr. Webb: To ask the Secretary of State for Health if the proposed National Institute for Clinical Effectiveness will assess the effectiveness of existing drugs where there is controversy over clinical effectiveness. [37469]

Ms Jowell: The *National Institute for Clinical Excellence* will need to consider the clinical and cost-effectiveness of existing drugs when developing clinical guidelines. All licensed medicines should be efficacious under the conditions of use covered by their licensing. We will be consulting about the work of *National Institute for Clinical Excellence* shortly.

PRIME MINISTER

Rupert Murdoch

Mr. Baker: To ask the Prime Minister, pursuant to his answer of 30 March 1998, *Official Report*, column *378*, for what reasons it is not his policy to specify who initiated the telephone conversation between him and the Italian Premier, Mr. Prodi. [37471]

The Prime Minister: I refer the hon. Member to the reply I gave to the hon. Member for Arundel and South Downs (Mr. Flight) on 1 April 1998, *Official Report*, column 1250.

Press Secretary

Mr. Baker: To ask the Prime Minister (1) if he approved the memoranda from his Press Secretary to the Secretary of State for Social Security and the Minister of State for Social Security and Welfare Reform of (i) 1 January admonishing those Ministers for their actions in relation to the media and (ii) 26 February requiring an explanation of why their interviews had not been cleared through his office; [37393]

(2) what powers he has given to his Press Secretary to control the responses by Ministers to inquiries from the media; and if he will make a statement; [37394]

(3) if Ministers are required to clear statements to the media, including the timing of such statements, through the office of his Press Secretary before their issue; [37395]

(4) pursuant to his oral answer of 1 April 1998, *Official Report*, column 1252, if he will make a statement on the responsibility of his Press Secretary for party political activities. [37989]

The Prime Minister: My Chief Press Secretary operates in accordance with the framework on the presentation of Government policy as set out in the Ministerial Code, and within the terms of the Special Adviser contract.

Hospitality

Mr. Baker: To ask the Prime Minister (1) if he will list those newspaper *(a)* proprietors and *(b)* editors who have received official hospitality at 10 Downing Street; [37473]

(2) pursuant to his answer of 30 March 1998, *Official Report*, column *378*, if he will provide such information relating to hospitality to newspaper proprietors as can be provided without incurring disproportionate cost. [37472]

The Prime Minister: I refer the hon. Member to the reply I gave in the House to the hon. Member for Grantham and Stamford (Mr. Davies) on 1 April 1998, *Official Report*, column 1253.

Nuclear Deterrence

Dr. Julian Lewis: To ask the Prime Minister if it is the policy of Her Majesty's Government that nuclear deterrence is an essential guarantee of peace and security. [35661]

The Prime Minister *[holding answer 24 March 1998]:* Yes, in the present strategic circumstances. But we are also working towards multilateral disarmament world wide.

EDUCATION AND EMPLOYMENT

Grammar Schools

Mr. Wyatt: To ask the Secretary of State for Education and Employment if he will list grammar schools in England in order of performance at *(a)* GCSE and *(b)* A level for each year since 1987. [35613]

Mr. Byers: Information from the 1992 to 1997 secondary school performance tables has been placed in the Library. Comparable information prior to 1992 is not centrally available.

Dry Stone Walling

Mr. Levitt: To ask the Secretary of State for Education and Employment what measures he is taking to encourage the development of dry stone walling skills. [36052]

Dr. Howells: The Government are recognising a range of National Training Organisations (NTOs) to review and address skill needs in their sectors and occupations.

Through LANTRA NTO Ltd., the proposed NTO covering dry stone walling interests, the industry will be able to ensure a developing skills and training base for the future.

Public Expenditure

Mr. Webb: To ask the Secretary of State for Education and Employment how much and what percentage of the total public expenditure on education in *(a)* 1997–98, *(b)* 1998–99 and *(c)* 1999–2000 was or is expected to be distributed by Central Government after a competitive bidding process by local authorities or other bodies. [36221]

Dr. Howells: A significant proportion of the Department's expenditure on education is allocated on the basis of competitive bidding by local authorities and other bodies. Some of the principal examples are:

£ million

	1997–98	*1998–99*
New Deal for Schools	83.5	185.4
Standards Fund[1]	21.3	109.9
FE Collaboration Fund[2]	10.5	25.5
HE recurrent funding and research	220	190

[1] Grants for Education Support and Training (GEST) in 1997–98. 1998–99 figure includes £50m for the National Grid for Learning, funded from the New Deal for Schools.

[2] FE Competitiveness and Development Fund 1997–98.

Expenditure for 1999–2000 has yet to be announced. The bulk of funding for schools is channelled through local education authorities, and is unhypothecated.

Departmental Staff

Mr. Dorrell: To ask the Secretary of State for Education and Employment what assessment he has made of the impact on the number of personnel his Department employs of the measures contained in the School Standards and Framework Bill. [37063]

Mr. Byers: We have assessed the impact of the School Standards and Framework Bill on Departmental staffing, and expect a reduction of approximately 50 posts over time as a result of the introduction of local decision making on school organisation issues. But there may need to be some additional support for the new Adjudicators on school organisation and admissions. The precise numbers of staff required will depend upon the volume of cases referred to the Adjudicator.

Learning Cards

Mr. Dorrell: To ask the Secretary of State for Education and Employment how many Learning Cards have been printed; and what was the cost to public funds of printing and distributing them. [37064]

Dr. Howells: 700,000 cards have been produced to ensure that all young people in England who are in their final year of compulsory education receive their Learning Card, explaining their entitlement to learning options after age 16 and the careers guidance and information available to support their choice. The cost of printing and distributing the Learning Card and its accompanying leaflet amounts to around £67,000.

New Deal (Long-term Unemployed)

Mr. Chaytor: To ask the Secretary of State for Education and Employment if he will make a statement on his plans to enable long-term unemployed adults over the age of 25 years to benefit from the New Deal. [37139]

Mr. Andrew Smith: The New Deal for adults who have been unemployed for two years or more will start in June this year and will offer the opportunity to take up a subsidised job or to study towards a work-related qualification whilst remaining on benefit. In addition, we are making available an extra £100 million to pilot an extension to the type of approach used in the New Deal for the young unemployed; up to 70,000 unemployed people of 25 and over from November this year will be eligible. These pilots will provide individually tailored help and support for adults in the pilot areas who have been unemployed for 18 months or more and, in some areas, for 12 months or more.

School Sixth Forms

Mr. Chaytor: To ask the Secretary of State for Education and Employment if he will list the local authorities involved in the pilot projects to base the financing of school sixth forms on the Further Education Funding Council funding methodology; and if he will make a statement on the way in which the project will proceed. [37140]

Dr. Howells: A group of local authorities, shown in the list, is looking at alternative approaches to the funding of school sixth forms, based on principles similar to those used in further education (funding for recruitment, programme delivery and achievement). Ministers expect to receive a progress report in June, which will help to inform them on how they wish to proceed.
The local authorities involved are:

Barnet
Birmingham
Coventry
Croydon
Devon
East Riding of Yorkshire
East Sussex
Dudley
Gloucestershire
Haringey
Kent
Kirklees
Leeds
Lewisham
Liverpool
North Somerset
North Yorkshire
Sefton
Somerset
St. Helens
Tower Hamlets
Wandsworth
Warwickshire
City of York.

Millennium Compliance

Mrs. Gillan: To ask the Secretary of State for Education and Employment which projects, not related to the year 2000 compliance problem, are being *(a)* restricted and *(b)* terminated in order to free information technology resources. [37480]

Dr. Howells: In laying its plans for IT projects during 1998–99 and 1999–2000, the Department took account of the amount of work which it would need to do in order to make its existing systems Year 2000 compliant. As a consequence, none of the Department's projects have been restricted or terminated in order to free information technology resources.

Within the Employment Service a small number of less important developments, such as changes to management information systems, have been postponed in order to assure compliance of major systems.

IT Staff

Mrs. Gillan: To ask the Secretary of State for Education and Employment if he will list the current shortfall in established information technology staff, consultant and contractor support posts within his Department; and if he will list the posts by grade indicating for each post how long it has been vacant and when it is expected to be filled. [37481]

Dr. Howells: There is no shortfall in information technology staff, consultant or contractor support posts within the Department.

Employment Service (Targets)

Ms Dari Taylor: To ask the Secretary of State for Education and Employment what targets he has set the Employment Service for 1998–99. [37768]

Mr. Blunkett: I am today announcing the Employment Service Annual Performance Agreement (APA), which sets out a new Aim and Objectives for the Employment Service (ES) and the targets which I expect the ES to achieve in 1998–99. The ES is a key player in our Welfare to Work strategy and has lead responsibility for the effective delivery of the New Deal. The new Aim of the ES reflects its mission of contributing to individuals leading rewarding working lives, by helping people without a job to find work and employers to fill their vacancies. Special attention is focused on helping those at a disadvantage in the labour market move from welfare into work.

The new APA, and the new ES Aim and Objectives, are the result of an extensive consultation. The APA includes eight targets which will focus ES efforts on three key priorities: helping people into work, ensuring claimants are committed to active job search, and achieving high standards of customer service delivery.

Copies of the ES APA have today been placed in the Library. Further details are contained in the ES Operational Plan which will be placed in the Library by the end of April.

Employment Schemes

Mrs. Ray Michie: To ask the Secretary of State for Education and Employment what schemes are available in *(a)* England and Wales and *(b)* Scotland, to help people to return to work, who are aged between (i) 50 and 55, (ii) 55 and 60, and (iii) 60 and 65 years; and how many people in each group he estimates have gained employment (1) directly and (2) indirectly through these schemes in each year between 1994 and 1997. [36306]

Mr. Andrew Smith: The schemes available throughout England and Wales and Scotland, to people aged 50 or more between 1994 and 1997 are as follows:

1-2-1

Jobclub

Jobfinder

Jobfinder's Grant

Jobplan

Job Interview Guarantee

Job Review Workshop

Job Search Seminar

Job Search Plus

Restart Courses

Travel to Interview Scheme

Work Trials.

Statistics on outcomes from the above ES programmes are not collected by age and have not been estimated by the Department.

Statistics on Training for Work for England and Wales are shown in table 1. Similar statistics are available for Business Start-up and Learning for Work, for England and Wales, but for 1994 only. These are shown in table 2. Statistics for Scotland are a matter for my right hon. Friend the Secretary of State for Scotland.

Table 1: Training for Work

Age	*1994*	*1995*	*1996*	*1997*
1. Number of Training for Work starts in England and Wales are as follows:	305,500	227,200	229,100	197,200
2. The proportion of Training for Work starts in England and Wales by age are as follows:				
50–54	5.7%	6.1%	6.5%	7.0%
55–59	3.0%	3.2%	3.5%	3.6%
60–64	0.3%	0.4%	0.4%	0.3%
3. The proportion of Training for Work leavers in England and Wales in employment[1] by age are as follows:				
50–54	37%	38%	41%	[2]42%
55–59	33%	31%	36%	[2]38%
60–64	36%	37%	41%	[2]45%

[1] In employment = in full-time, part-time or self-employment 6 months after leaving TfW. Because of the nature of the information collected, it is not possible to say whether employment was directly or indirectly as a result of the training received.
[2] January—June
Sources:
1. TEC Management Information returns and the Welsh Office
2. TfW Trainee Database
3. TfW Follow-up survey

Table 2: Business Start-up and Learning for Work 1994

Age	*Business Start-up*	*Learning for Work*
1. Number of starts in England and Wales are as follows:	27,500	2,000
2. The proportion of starts in England and Wales by age are as follows:		
50–54	9.2%	6.9%
55–59	5.7%	3.6%
60–64	1.6%	0.1%
3. The proportion of leavers in England and Wales in employment by age are as follows:		
50–54	[1]83%	[2]20%
55–59	[1]83%	[2]22%
60–64	[1]81%	[2]20%

[1] The proportion of businesses still operational at the end of the period of support.
[2] In full-time, part-time or self-employment 6 months after leaving Learning for Work. Because of the nature of the information collected, it is not possible to say whether employment was directly or indirectly as a result of the training received.
Sources:
1. Business Start-up and Learning for Work participant databases
2. Business Start-up and Learning for Work participant databases
3. Business Start-up participant database and Learning for Work follow-up survey

AGRICULTURE, FISHERIES AND FOOD

Organic Farming

Mr. Gareth Thomas: To ask the Minister of Agriculture, Fisheries and Food what plans he has to promote organic farming; and if he will make a statement. [37892]

Mr. Öpik: To ask the Minister of Agriculture, Fisheries and Food what plans he has to promote organic farming; and if he will make a statement. [34256]

Dr. John Cunningham: I am keen to encourage organic farming as a sustainable farming system that can contribute to environmental objectives and can, in particular, deliver real benefits to biodiversity, while producing a product that the consumer wants and is prepared to pay a premium for. To this end, I commissioned a review of the rates and structure of aid to farmers converting to organic farming. Copies of that review have been placed in the Library of the House. Decisions on the recommendations will be taken in the context of the Government's Comprehensive Spending Review but, in the meantime, I am introducing a number of measures to help organic farming.

Firstly, I do not want farmers to be discouraged from early conversion by the prospect of a revised scheme. Subject to approval by the European Commission, farmers whose agreements are approved on or after today's date will be allowed, but not required, to switch to any revised scheme introduced as a result of this review. The total length of the agreement will remain unchanged and any switch will take place on the anniversary of the agreement. Thus, for instance, a participant might receive the year 1 payment due under the existing scheme and the year 2 to 5 payments due under a revised scheme.

Secondly, I wish to help the cash flow of those in the Organic Aid Scheme. I intend that the full annual payment will be made at the end of the first quarter of each year of the agreement. This is an improvement on the current system where the majority of payments are made quarterly in arrears. I shall be laying a Statutory Instrument before Parliament that will allow greater flexibility in the timing of payments and, subject to their approval, I hope it will be possible to introduce this change from 1 August 1998.

If organic farming in this country is to expand, it needs a sound research base. I wish to strengthen our programme of organic R&D. I have asked the United Kingdom Register of Organic Food Standards (UKROFS) to provide advice on priorities and we will be reviewing our R&D programme in May. In the interim, we are increasing our spend by about 30 per cent. to nearly £1.5 million for 1998–99. In preparation for future work we will be commissioning additional work to: review animal husbandry techniques for maintaining animal health within organic farming; assess the causes of different profitability on organic farms; and identify the implications for organic farmers of cross contamination with pollen from genetically modified crops.

I also consider it important that organic farmers should be encouraged to maximise the environmental benefits on their farms and to participate in relevant agri-environment schemes. I intend that, when considering applications for Countryside Stewardship, land registered as organic or in conversion will normally be given extra points, and hence priority over comparable conventional land. This will be introduced for the main Countryside Stewardship Scheme in 1998 (closing date 31 May 1998) and for Arable Stewardship in 1999 (closing date 31 March 1999).

If organic farming is to expand, farmers will need advice on conversion relevant to their own circumstances. A telephone help-line and free farm visits are already available through the Organic Conversion Information Service (OCIS). For 1998–99 I intend to increase the resources available to OCIS to meet an anticipated increase in demand.

If organic production expands, there will be a need for increased funding for the sector bodies who are involved in implementing and checking the Organic Aid Scheme. We will be discussing with the sector bodies the resources needed to compensate them for their roles in the scheme and expect to provide additional help in 1998–99 to enable them to prepare themselves for increased demand.

Common Agricultural Policy

Mr. Jack: To ask the Minister of Agriculture, Fisheries and Food if he will place in the Library an economic impact study of the effects on each sector of UK agriculture of the EU Commission's latest CAP reform proposals under Agenda 2000. [35632]

Dr. John Cunningham: The Government are currently assessing the detailed implications of the Commission's proposals and will comment on them as necessary.

Central Science Laboratory

Mr. Charles Clarke: To ask the Minister of Agriculture, Fisheries and Food what resources his Department has *(a)* paid and *(b)* intends to pay directly to the Central Science Laboratory in (i) 1997–98 and (ii) 1998–99 in respect of the Microbiology Group, without going through the research tender and appraisal system. [36038]

Mr. Rooker: The resources committed for work on food microbiology at the Central Science Laboratory, without going through the research tender and appraisal system are provided in the table.

£

	Research resources	*Non-research resources*
1997–98		
York Laboratory	0	150,000
Norwich Laboratory	0	80,000
1998–99		
York Laboratory	170,000	150,000
Norwich Laboratory	0	80,000

Ministerial Meetings

Mr. Randall: To ask the Minister of Agriculture, Fisheries and Food if his Department collates statistics on the numbers of meetings *(a)* requested and *(b)* held with (i) Labour and (ii) Conservative Members. [36471]

Dr. John Cunningham: My Department does not collate these statistics.

Mr. Randall: To ask the Minister of Agriculture, Fisheries and Food, pursuant to his answer of 19 March 1998, *Official Report*, column *728*, how many meetings were requested with Ministers by *(a)* Labour and *(b)* Conservative hon. Members in February; and how many were granted. [36472]

Dr. John Cunningham: I refer the hon. Member to the answer I gave him on 19 March 1998, *Official Report*, column *728*.

Suckler Cow Payments

Mr. Levitt: To ask the Minister of Agriculture, Fisheries and Food for what reasons 1996 has been used as the basis for the 1998 suckler cow payments. [37092]

Mr. Rooker: We are required by EU rules to make payments of agrimonetary compensation on the basis of past production. Since the first of the revaluations concerned here took place in January 1997, compensation relates to the 1996 Suckler Cow Premium year. This applies only to agrimonetary compensation payments, not to the normal 1998 suckler cow payments, which will be made as usual on the basis of 1997 claims.

Meat and Bonemeal

Mr. Gill: To ask the Minister of Agriculture, Fisheries and Food what tonnage of meat and bonemeal has been exported in each of the past 10 years; and to which countries. [36689]

Mr. Rooker *[holding answer 27 March 1998]:* UK Overseas Trade Statistics are not separately available for the export of meat and bonemeal. These products are included under the heading of "Flours, meals and pellets, of meat or offal, unfit for human consumption; greaves". Exports in each of the last 10 years of materials which fall under this heading are as follows. These figures are taken from the Official Overseas Trade Statistics.

The data will be subject to a degree of statistical error. The overall level of errors will be low but these errors will have a much greater proportional effect on countries with small values or volumes of trade.

The hon. Member will be aware that since the adoption of Commission Decision 96/239/EC on 27 March 1996, it has been illegal to export from the UK meat meal, bonemeal and meat and bonemeal derived from mammals. Exports after 27 March 1996 may, however, have included non-mammalian meat and bonemeal.

UK exports of flour, meals and pellets, of meat or meat offal (inc. tankage) unfit for human consumption

units: tonnes

Country	*1988*	*1989*	*1990*	*1991*	*1992*	*1993*	*1994*	*1995*	*1996*	*1997*
EC Countries										
Netherlands	1,826	6,099	7,380	1,089	814	156	1,223	3,445	2,006	1,777
France	7,222	15,674	1,148	20	94	—	156	802	455	142
Irish Republic	2,555	900	234	485	232	279	356	400	1,745	3,824
Belgium-Luxembourg	274	1,605	1,131	740	13	1	42	24	47	747
Italy	38	89	130	128	139	1,785	456	883	566	0
Germany	559	578	14	5	5	5	0	23	0	423
Denmark	—	60	34	248	180	—	—	—	—	0
Spain	—	—	—	—	18	—	10	36	202	22
Greece	—	—	—	—	—	—	101	148	—	—
Portugal	80	—	—	6	—	—	—	—	44	10
EC Total	12,553	25,005	10,072	2,720	1,494	2,226	2,343	5,761	5,065	6,945
Non-EC										
Indonesia	—	—	—	1,620	13,847	20,061	10,947	6,961	806	1,609
Israel	92	2,718	3,677	9,816	7,265	4,008	1,486	945	447	1,503
India	—	—	—	400	200	278	3,625	1,547	6,098	13,226
Thailand	—	—	1,574	6,239	4,408	2,157	1,688	1,184	1,309	1,746
Taiwan	—	200	1,143	2,023	280	87	—	42	823	214
Philippines	—	—	—	—	146	105	733	482	553	2,144
Russia	—	—	—	—	—	—	—	453	2,646	885
Saudi Arabia	5	3,462	357	—	—	—	—	80	—	—
Sri Lanka	121	20	—	693	1,242	1,417	—	—	—	—
Iceland	—	—	—	48	133	246	30	498	367	1,725
Singapore	—	—	—	801	—	—	—	—	687	321
South Korea	—	—	1	220	1,010	103	—	20	—	—
Switzerland	—	—	—	—	—	—	—	218	0	1,054
Malta	299	220	267	182	119	58	40	43	23	—
Morocco	—	—	—	—	—	—	—	—	525	645
Kenya	—	342	100	—	—	—	1	—	381	181
Sweden	76	—	652	6	—	64	6	—	—	—
Egypt	—	—	—	—	—	—	—	—	—	781
Br Ind Oc Terr	—	—	—	—	105	—	645	—	—	—
China	—	—	—	—	—	—	—	108	237	364
Jordan	—	—	—	—	50	231	212	107	—	—
Romania	—	—	—	—	—	—	—	466	—	—
Lebanon	60	80	—	—	175	99	—	—	—	—

UK exports of flour, meals and pellets, of meat or meat offal (inc. tankage) unfit for human consumption

units: tonnes

Country	*1988*	*1989*	*1990*	*1991*	*1992*	*1993*	*1994*	*1995*	*1996*	*1997*
Sierra Leone	—	—	—	—	—	280	129	2	—	—
Turkey	—	—	—	380	—	—	6	—	—	—
Japan	—	—	132	62	43	31	64	0	1	—
Cyprus	—	—	—	—	—	230	0	6	—	87
Faroe Islands	—	—	—	—	—	—	—	14	162	118
Hong Kong	—	—	—	—	—	—	237	3	—	—
Norway	—	—	—	11	37	144	5	3	7	18
Poland	—	—	—	—	—	—	55	122	—	—
Canada	—	—	—	—	—	30	22	31	42	10
Haiti	—	—	—	—	—	108	—	—	—	—
Nigeria	—	100	—	—	—	—	2	—	—	—
Cayman Islands	—	—	—	—	—	—	—	—	86	—
Finland	—	—	—	—	21	10	29	—	—	—
USA	—	20	—	—	—	—	—	—	0	37
South Africa	5	50	—	—	—	0	—	—	—	—
Pakistan	—	—	—	—	—	—	—	43	—	—
Papua New Guinea	—	—	—	—	—	—	—	—	—	43
US Oceania	—	—	—	—	—	—	43	—	—	—
Iran	—	—	—	20	—	—	—	0	0	21
Malaysia	—	—	19	—	—	—	20	0	—	—
Ghana	16	—	—	6	—	—	—	—	—	1
Bulgaria	—	—	—	—	—	—	—	22	—	—
Colombia	—	—	—	—	21	—	—	—	—	—
Malawi	—	—	—	—	—	21	—	—	—	—
Brunei	—	—	—	—	—	—	20	—	—	—
Burma	—	—	—	—	—	—	—	15	—	—
Austria	—	—	—	—	—	12	1	—	—	—
Mayotte	—	—	—	11	—	—	—	—	—	—
Canary Islands	—	—	—	—	11	—	—	—	—	—
Togo	—	—	—	—	10	—	—	—	—	—
Gibraltar	—	—	5	—	—	—	—	—	—	—
Liberia	—	3	—	—	—	—	—	—	—	—
Namibia	—	—	—	—	—	—	—	—	—	3
Czech Republic	—	—	—	—	—	—	—	2	—	—
Tajikistan	—	—	—	—	—	—	—	—	—	2
Abu Dhabi	—	—	—	—	—	—	—	1	—	—
Falkland Islands	—	—	—	—	—	—	—	—	1	—
Curacao	—	1	—	—	—	—	—	—	—	—
Bangladesh	—	—	—	—	—	—	—	1	—	—
Australia	—	—	—	—	—	—	—	—	0	—
Brazil	—	—	—	—	—	—	—	—	—	0
Tanzania	—	—	—	—	—	—	—	—	0	—
Non-EC Total	674	7,215	7,926	22,539	29,121	29,779	20,044	13,418	15,201	26,737
Grand Total	13,228	32,220	17,998	25,259	30,615	32,005	22,387	19,179	20,266	33,682

Notes:
0 = small values which round down to zero
1996 and 1997 data are provisional and subject to amendment.

Cereal Feed

Mr. Öpik: To ask the Minister of Agriculture, Fisheries and Food if he will make a statement on his policy regarding the use of British cereal feed in the UK. • [37101]

Mr. Rooker: The use of UK grown cereals in animal feed rations is a matter for commercial decision by farmers and animal feed manufacturers.

Mr. Öpik: To ask the Minister of Agriculture, Fisheries and Food (1) what percentage of imports of cereal feed comes from the USA; and if he will make a statement; [37103]

(2) how many tonnes of British cereal feed were consumed in the UK in each of the last five years. [37100]

Mr. Rooker: Only a small proportion of cereals used as animal feed in the UK are imported—on average around 5 per cent. Imports from the USA of cereals for feed use are not differentiated from imports of other cereals, but the quantities used for feed are thought to be small.

Cereal usage for animal feed is calculated on a crop year basis. Crop years run from the beginning of July to the end of June. In the last five crop years, the tonnage of cereals used for animal feed, which were produced and used in the UK, was:

	Thousand tonnes
1992–93	7,776
1993–94	8,233
1994–95	8,662
1995–96	8,607
1996–97	9,031

Potatoes

Mr. Paice: To ask the Minister of Agriculture, Fisheries and Food how many hectares of *(a)* early potatoes and *(b)* maincrop potatoes were grown in the UK in (i) 1997, (ii) 1987 and (iii) 1977; what was the average yield for each type in each year; and how many tonnes of each were (1) imported and (2) exported in each year. [37301]

Mr. Rooker: Figures for the area, yield and production of UK early and maincrop potatoes are given in the following tables.

	Calendar year		
	1977	*1987*	*1997*
Early potatoes			
Area (000 hectares)	22.4	16.6	16.2
Yield (tonnes per hectare)	18.0	23.5	23.8
Production (000 tonnes)	402.1	390.6	385.9
Maincrop (including seed) potatoes			
Area (000 hectares)	210.1	161.0	149.4
Yield (tonnes per hectare)	29.5	39.2	45.1
Production (000 tonnes)	6,194.6	6,313.4	6,739.3

The following table, based on information provided by the British Potato Council, provides details of imports and exports of raw and processed potatoes, splitting, where reliable information is available, between early and maincrop.

Overseas trade in raw and processed potatoes

(000 tonnes)

	Calendar year		
	1977	*1987*	*[1]1997*
Supplies from Channel Islands (early)	39	44	61
Total imports	839	1,001	937
of which:			
Early	359	210	132
Maincrop	217	364	96
Processed[2]	252	397	693
Seed	11	30	16
Total exports	102	274	350
of which:			
Raw (mostly maincrop)	10	110	161
Processed[2]	18	59	114
Seed	74	105	75

[1] Provisional.

[2] Raw equivalent. Mostly maincrop.

Mr. Paice: To ask the Minister of Agriculture, Fisheries and Food if he will list the average annual per capita consumption of *(a)* whole potatoes, *(b)* chips, *(c)* other processed potatoes and *(d)* crisps, for (i) 1997, (ii) 1987 and (iii) 1977. [37302]

Mr. Rooker: Per capita consumption of fresh potatoes, chips, crisps and other processed potatoes in Great Britain as measured by purchases for consumption at home is given in the following table.

Grams per person per week[1]

Purchases of:	*1977*	*1987*	*1997*
Fresh potatoes	1,155	1,071	745
Chips[2]	35	97	133
Crisps and potato snacks	13	33	49
Other processed potatoes[3]	8	7	14

[1] Product weight

[2] Includes fresh and frozen chips and other frozen potato products

[3] Excludes potato included as an ingredient in other foods

Data on the consumption of potato products outside the home is available from 1994 onwards. Per capita consumption of potato products outside the home in Great Britain for the last two years is given in the following table.

Grams per person per week[1]

Purchases of:	*1996*	*1997*
Chips	69	68
Crisps and potato snacks	9	8
Boiled, mashed, roast and other potato products[2]	45	51

[1] Product weight

[2] Excludes potato included as an ingredient in other foods. Includes a small element of other foods e.g. fillings in jacket potatoes.

TRADE AND INDUSTRY

Telecommunications Industry

2. **Mr. Ian Bruce:** To ask the President of the Board of Trade how much revenue will be raised from the telecommunications industry as a result of the Wireless Telegraphy Act; and when she plans to bring the legislation into effect. [35974]

Mrs. Roche: The Wireless Telegraphy Act received Royal Assent on 18 March and is aimed at improving management of the radio spectrum. The first of a series of fee regulations under the Act is planned to come into effect in July. The income generated under the new powers will depend on the result of ongoing discussions and consultations.

Interest Rates

14. **Mr. Soames:** To ask the President of the Board of Trade what discussions she has had with the Chancellor of the Exchequer in respect of the impact of the current level of interest rates on British industry. [35986]

Mrs. Beckett: The Monetary Policy Committee of the Bank of England is responsible for setting interest rates at the level necessary to meet the Government's inflation target. British industry needs economic stability based on low inflation in order to allow firms to plan and invest with confidence.

EU Structural Funds

19. **Dr. Ladyman:** To ask the President of the Board of Trade if she will make a statement about her Department's priorities for the reform of EU structural funds. [35992]

34. **Mr. McCabe:** To ask the President of the Board of Trade if she will make a statement on the reform of EU structural funds. [36008]

36. **Dr. Palmer:** To ask the President of the Board of Trade if she will make a statement on her Department's policy on the proposed reform of EU regional aid. [36010]

Mrs. Roche: We welcome publication of the draft regulations for Structural and Cohesion Funds—which are part of the wider Agenda 2000 reform package. The regulations must now be agreed by all fifteen Member States and approved by the European Parliament.

Our overriding concern in the long negotiations ahead is to ensure that these draft regulations are affordable, durable and fair overall, particularly to the UK.

The UK, like other Member States, would like to see fair and effective criteria which address local needs. This is the starting point of the negotiations. We will be working hard, with other Member States and the Commission, to improve these draft regulations and to reach a fair and affordable outcome.

Manufacturing (East Midlands)

20. **Mr. Garnier:** To ask the President of the Board of Trade what assessment she has made of the effect of the current value of the pound on manufacturing exporters in the East Midlands. [35993]

Mrs. Beckett: The Government appreciate the difficulties that the level of the pound is causing exporters in the East Midlands and elsewhere in the country. But exporters will not benefit from a return to the boom and bust policies of the past. Industry wants, and this Government are delivering, a stable macroeconomic environment.

Export Promotion

21. **Mr. Timms:** To ask the President of the Board of Trade what steps she proposes to promote United Kingdom multimedia expertise in export markets. [35994]

Mrs. Roche: The Department is aware of the economic contribution at home and abroad of the United Kingdom's dynamic, creative sectors including those based on multimedia expertise. By greater attention to sector needs in exports, including the setting up of a Creative Industries Export Group and a new approach to support for small companies, a boost will be given to promotion of the exports of these industries.

Pyramid Selling

22. **Mr. David Taylor:** To ask the President of the Board of Trade what further action is being taken to tackle pyramid selling. [35995]

Mr. Nigel Griffiths: Since 1 May 1997, the DTI has successfully petitioned for the winding up of 11 companies involved in schemes which have abused the public. In addition, last month I issued a warning to people to think carefully before paying money to participate in schemes that offer easy money for little work.

Engineering

23. **Mr. Crausby:** To ask the President of the Board of Trade what steps she is taking to address the difficulties experienced by companies suffering from skilled labour shortages in the engineering sector. [35996]

Mr. Battle: The recently completed, but not yet published, comprehensive Labour market survey by the Engineering and Marine Training Authority, covering over 22,000 companies from whom over 4,500 replies were received will report that the engineering sector is not suffering from a general shortage of engineering skills.

However, shortages are emerging in particular sectors and to particularly high skilled and multi-skilled areas of work. The Government are participating in initiatives to address the shortages, such as a manufacturing skills task force for the automotive sector in the West Midlands, the radio frequency engineers' scheme and a skills analysis in the heating, ventilation, air-conditioning and commercial refrigeration sector. The Department is also supporting research into availability of skills in the chemicals and shipbuilding sectors.

Indonesia

24. **Ann Clwyd:** To ask the President of the Board of Trade what assurances she has sought from Indonesia that it will not default on ECGD payments. [35997]

Mrs. Beckett: None. I would expect the Indonesian authorities to meet their obligations in respect of any payments due to or guaranteed by ECGD as they have done up to now.

Exports

25. **Mr. Amess:** To ask the President of the Board of Trade what recent representations she has received on the prospects for British exports. [35998]

Mrs. Beckett: I regularly receive representations from British industry on a wide range of issues, including the prospects for exporting.

European Space Agency

26. **Mr. McWilliam:** To ask the President of the Board of Trade what action her Department is taking to support the programmes of the European Space Agency. [35999]

Mr. Battle: Conducting space research through ESA lies at the centre of UK space policy. On 16 March, I was very pleased to announce new commitments to ESA programmes totalling £21 million. These programmes will develop Earth observation (EO) and communication technologies. I will be discussing the Government's priorities in ESA and in space policy more generally with the UK space sector at a seminar in Leeds tomorrow.

Minimum Wage

27. **Charlotte Atkins:** To ask the President of the Board of Trade when she last met the Chairman of the Low Pay Commission to discuss the minimum wage. [36000]

Mr. Ian McCartney: My right hon. Friend the President of the Board of Trade last met Professor George Bain, Chairman of the Low Pay Commission, on 11 February 1998 and expressed her admiration for the

progress the Commission has made in undertaking the consultation exercise. And she was informed they are on course to produce their findings by the end of May.

29. **Judy Mallaber:** To ask the President of the Board of Trade when she last met the chairman of the Low Pay Commission to discuss progress on the implementation of the national minimum wage. [36002]

Mr. Ian McCartney: My right hon. Friend the President of the Board of Trade last met Professor George Bain, Chairman of the Low Pay Commission, on 11 February 1998 and she was informed that the Commission are on course to produce their findings by the end of May.

32. **Mr. Dobbin:** To ask the President of the Board of Trade what progress has been made toward the formulation of the national minimum wage. [36005]

Mr. Ian McCartney: We are on target to fulfil our commitment to introduce minimum wage legislation within the first session of this Parliament. The National Minimum Wage Bill completed its passage through the House on 9 March and Second Reading in another place took place on Monday 23 March. The Low Pay Commission has completed the information gathering stage of its consultation exercise and will produce its recommendations on the level at which the minimum wage might be set by the end of May.

Mr. Swayne: To ask the President of the Board of Trade if she will make a statement on the work of the Low Pay Commission. [36007]

Mr. Ian McCartney: The Low Pay Commission has completed the consultation state of its work. I have nothing but admiration for the stamina displayed by Professor George Bain, the chairman, and his colleagues on the Commission, who have visited all parts of the United Kingdom to discuss the national minimum wage and take oral evidence from a broad cross-section of employers, employees, their representatives, and other interested parties. In addition, they have received over 500 written submissions. I now look forward to reading their recommendations which are due to be produced by the end of May.

Trade Union Recognition

28. **Mr. Barnes:** To ask the President of the Board of Trade what representations she has received recently concerning trade union recognition rights; and if she will make a statement. [36001]

Mr. Ian McCartney: Since the TUC and CBI published their joint statement on union recognition in December last year, the Government have received many representations from trade unions, employer organisations and other interested parties. The Government will announce their proposals on union recognition in the forthcoming White Paper on fairness at work.

Small and Medium Companies

30. **Mrs. Brinton:** To ask the President of the Board of Trade what measures her Department has taken to encourage small and medium companies to expand their export business. [36003]

Mrs. Roche: I refer my hon. Friend to the answer I gave earlier today to my hon. Friend the Member for Upminster (Mr. Darvill).

Fraud

31. **Mr. Casale:** To ask the President of the Board of Trade what plans she has to tighten regulations to combat business fraud. [36004]

Mr. Ian McCartney: The Government are strongly committed to tackling business fraud. Last year, the UK played a leading role in bringing the negotiations on the OECD Convention on combating bribery in international business transactions to a successful conclusion. The UK is also playing an active role in negotiations on anti-corruption measures within the European Union and at the Council of Europe. Domestically, a new hotline has been set up to catch disqualified directors and undischarged bankrupts who flagrantly flout the law and, when Parliamentary time allows, my Department intends to introduce legislation to improve the efficiency and effectiveness of the procedure for disqualifying unfit company directors. My Department is also working closely with HM Treasury and the Financial Services Authority in their reform of Financial Services regulation, and a working party is reviewing the current state of regulation in the insolvency profession.

"Competitiveness UK" Initiative

33. **Mr. Edwards:** To ask the President of the Board of Trade if she will make a statement about the progress of her Department's Competitiveness UK Initiative. [36006]

Mrs. Beckett: *Competitiveness UK* lies at the heart of my Department's drive to help companies improve their performance. Under this initiative, a wide range of business people have been working directly with my Ministerial team in developing practical proposals to enhance UK competitiveness. This new partnership between Government and business will lead to policies for sustainable wealth creation, based on a high skill, high investment, innovative, modern economy.

Steel Industry

35. **Mr. MacShane:** To ask the President of the Board of Trade what recent representations she has received from the British steel industry. [36009]

Mr. Battle: The Government have a continuing dialogue with the British steel industry. My right hon. Friend the President of the Board of Trade and I have had numerous meetings with representatives of the industry and MPs who have a constituency interest in the industry. I have also been to see steel manufacturing processes first-hand and to meet some of those working in the industry. My officials have frequent and wide-ranging contacts at all levels.

Unfair Contract Terms

37. **Mr. Pike:** To ask the President of the Board of Trade in how many cases the Director General of Fair Trading has taken action against companies for breaches of the unfair contract terms regulations, in each of the last three years. [36011]

Mr. Ian McCartney: I understand that, between 1 July 1995 and 31 December 1997, the Director General of Fair Trading took action in 1,659 cases, as follows:

2nd Half 1995: 252

1996: 637

1997: 770.

Petroleum Act 1987

38. **Dr. Godman:** To ask the President of the Board of Trade how many abandonment programmes have been approved under the terms of Part 1 of the Petroleum Act 1987, in each of the last eight years. [36012]

Mr. Battle: I refer my hon. Friend to Appendix 12 of the Energy Report 1997 Volume II. A copy of the Report is available in the Library of the House.

Since publication of the Energy Report 1997, the President has approved an abandonment programme in respect of the Donan floating production installation and its associated pipe-lines.

Shell have submitted a draft revised abandonment programme for the Brent Spar offshore storage and loading buoy.

Iran

Mr. Dalyell: To ask the President of the Board of Trade if she will make a statement on the level of current United Kingdom trade with Iran. [35982]

Mrs. Roche: In 1997, total trade in goods between the United Kingdom and Iran was worth £432 million.

Innovation

Mr. Gunnell: To ask the President of the Board of Trade if she will make a statement on the role of her Department in promoting innovation in British industry. [35981]

Mr. Battle: I refer my hon. Friend to the reply I gave to my hon. Friend the Member for Wolverhampton, North-East (Mr. Purchase) earlier today.

Research and Development

Kali Mountford: To ask the President of the Board of Trade if she will make a statement on her Department's policy towards encouraging research and development in British companies. [35976]

Mr. Battle: I refer my hon. Friend to the reply I gave to my hon. Friend the Member for Coventry, South (Mr. Cunningham) earlier today.

European Structural Funds

Mrs. Ellman: To ask the President of the Board of Trade what steps she is taking to ensure that Merseyside will retain Objective 1 status with funding levels comparable with other Objective 1 regions of Europe. [36490]

Mrs. Roche: On the basis of the Commission's proposals and the latest Eurostat statistics, it appears likely that Merseyside will be eligible for Objective 1 from 2000. The Commission has not made proposals on funding levels for individual regions. When they do, we will want them to be fair and affordable.

Home Shopping

Mr. Kidney: To ask the President of the Board of Trade what representations she has received on regulation of the home shopping market. [36316]

Mr. Nigel Griffiths: I have received no representations on regulation of the home shopping market as such. I have, however, received a number of inquiries from businesses about how the European Union Distance Selling Directive will be implemented.

Shipbuilding

Mr. Letwin: To ask the President of the Board of Trade what percentage by *(a)* tonnage and *(b)* value of ships completed by UK shipbuilding yards have had as their prime competition an EU shipbuilding yard over the last five years. [37116]

Mr. Battle *[holding answer 31 March 1998]:* The information requested is not available. UK Shipyards are not required to identify the European competition when applying for Shipbuilding Intervention Fund support and do not always know against whom they are competing.

Mr. Letwin: To ask the President of the Board of Trade what assessment her Department has made of the cost per job of the SIF subsidies for UK shipbuilding over the last two years. [37118]

Mr. Battle *[holding answer 31 March 1998]:* Assessments undertaken by my Department indicate that the cost per direct shipyard job of Shipbuilding Intervention Fund grants over the last two years ranged between £3,000 and £4,000. Exact figures depend upon assumptions made on the length of the build-cycle for individual orders and the exact numbers of employees in each yard over that time. The increasing use by yards of external sub-contractors (who are not considered recorded as employees) for many tasks would also reduce this cost, as would the inclusion of employment in the suppliers to the yards.

Mr. Letwin: To ask the President of the Board of Trade what proportion of *(a)* official tonnage figures and *(b)* official figures for the value of sales of completed ships in the UK are attributable to oil-rig construction over the last two years. [37119]

Mr. Battle *[holding answer 31 March 1998]:* This information is not available. Although the Office for National Statistics collects information on the value of completions of "floating or submersible drilling or production platforms", which would include rigs, as part of the PRODCOM (Products of the European Community) inquiry, the figures cannot be released because they would identify particulars of an individual undertaking, which are confidential under Section 9 of the Statistics of Trade Act, 1947. Tonnage figures are not collected for these products.

Mr. Letwin: To ask the President of the Board of Trade what assessment her Department has made of the effect on UK shipbuilders of a cessation of all shipbuilding aids in the EU *(a)* in the absence of ratification by the USA of the OECD shipbuilding agreement and *(b)* in the presence of such ratification. [37117]

Mr. Battle *[holding answer 31 March 1998]:* The UK shipbuilding industry has been telling the Department for many years that the best way to improve its competitiveness is to remove the market distortions caused by subsidies. We agree with this assessment and our policy has been to achieve this, particularly through ending contract aid, as quickly as possible. Our preference is to work through the OECD Shipbuilding Agreement but, failing that, we believe that the Commission's contingency measures will provide a good basis for developing a more viable shipbuilding sector as they will eliminate contract aid and provide similar support on measures for improving the competitiveness as other sectors enjoy. Both the OECD Agreement and the EU proposals improve the market framework but this is only one of many factors affecting the industry, whose success ultimately depends on its ability to win orders.

Nuisance Telephone Calls

Mr. Letwin: To ask the President of the Board of Trade what representations she has received in relation to nuisance calls, originating from telephone-sales organisations in possession of equipment that allows them to make multiple calls; and if she will make a statement. [37114]

Mrs. Roche *[holding answer 31 March 1998]:* Ministers in this Department have received one representation concerning nuisance calls from telephone-sales organisations in possession of equipment that allows them to make multiple calls since taking office last May. Under the Telecommunications Act 1984, companies using automatic calling equipment are subject to a class licence which contains measures aimed at limiting the nuisance which can be caused by unsolicited calls. Anyone using automatic calling equipment for sending multiple calls must do so only to those who have given their consent in writing, or face possible enforcement action by Oftel, including the removal of their right to operate a telecoms system.

Jersey

Mr. Mitchell: To ask the President of the Board of Trade if she has been consulted by *(a)* the States and *(b)* the Government of Jersey about the Draft Limited Liability Partnerships (Insolvent Partnerships) (Jersey) Regulations and its repercussions for British accountancy firms. [37531]

Mr. Ian McCartney: I have received no such approach.

Internet

Mr. Paul Marsden: To ask the President of the Board of Trade what steps she is taking to stop unsolicited e-mail being sent out across the Internet. [37052]

Mrs. Roche: The EU Telecommunications Data Protection Directive, which must be implemented by October this year, provides protection from unsolicited calls for direct marketing purposes. The Government will be consulting on the implementation of the Directive.

The Data Protection Registrar has been working on a proposal to prevent people receiving unsolicited e-mails through the insertion of suppression markers in their Internet addresses and the Direct Marketing Association are working on ideas for an e-mail preference scheme.

Digital Television

Mr. Stunell: To ask the President of the Board of Trade what estimate she has made of the likely increase in domestic energy consumption resulting from the introduction of digital television. [35725]

Mrs. Roche: I refer the hon. Member to the reply I gave my hon. Friend for Blaenau Gwent (Mr. Smith) on 20 March 1998, *Official Report*, column *763*.

SOCIAL SECURITY

Pensions

Mr. Webb: To ask the Secretary of State for Social Security what estimate is produced by her Department's Policy Simulation Model of the number of people in each income decile who are currently building up second tier pension entitlements by means of *(a)* occupational pension schemes, *(b)* other private second tier pensions and *(c)* SERPS; how many of each group are paying income tax at the (i) 40 per cent., (ii) 23 per cent., (iii) 20 per cent. and (iv) 0 per cent. rate; and what is the mean and median contribution in each case for each type of second tier provision. [36484]

Mr. Denham: The Department's Policy Simulation Model is not suitable for answering this question as it is based on data from the Family Resources Survey which does not contain reliable information on pensions. Such information as is available from the 1996 General Household Survey is set out in the table.

Estimated numbers of people in Great Britain in 1996 aged between 16 and State pension age in each income decile who (a) were members of their current employer's occupational pension scheme and (b) had a personal pension to which contributions were being made at the time of interview

millions

Income decile	*Occupational pension*	*Personal pension*
1	0.1	0.1
2	0.1	0.1
3	0.3	0.1
4	0.4	0.2
5	0.7	0.3
6	1.0	0.4
7	1.6	0.6
8	1.8	0.8
9	2.2	0.7
10	2.2	1.0

Notes:

1. All estimates are given to the nearest 0.1 million.

2. Income decile 1 is comprised of the 10 per cent. of the Great Britain population aged between 16 and State pension age who had the lowest incomes with income levels in each decile rising until decile ten, which is comprised of those 10 per cent. who had the highest incomes.

3. The income distribution is based on gross unequivalized income.

4. Estimates have been calculated using proportions reporting pension scheme membership in the 1996 General Household Survey, and population projections from the Government Actuary's Department.

Disability Living Allowance

Mr. Stunell: To ask the Secretary of State for Social Security what steps her Department plans to take to uprate disability living allowance to take account of road fuel tax increases; and if she will make a statement. [36854]

Mr. Denham: There are no plans to uprate Disability Living Allowance to take account of road fuel tax increases. Disability Living Allowance is not intended to meet specific costs associated with disability, nor is it, of course, aimed solely at people who are dependent on their car.

Mr. Todd: To ask the Secretary of State for Social Security what analysis her Department has made of the medical basis for claims for disability living allowance; and what advice she has received based on that analysis. [36766]

Mr. Denham: Two reports were published recently which include information on the assessment of claims for Disability Living Allowance (DLA) and Attendance Allowance (AA): "A Study of Disability Living Allowance and Attendance Allowance Awards" published by the Department's Analytical Services Division; and "The Future of Disability Living Allowance and Attendance Allowance—A Discussion Paper" published by the Disability Living Allowance Advisory Board (DLAAB), an independent statutory body.

These reports provide a valuable insight into the workings of DLA and AA. They highlight some problems with the current adjudication process, in particular, the evidence used to support a claim and the DLAAB have suggested that more use should be made of medical evidence.

Both reports were discussed with organisations representing disabled people at a seminar hosted by my Noble Friend the Parliamentary Under-Secretary of State, Baroness Hollis of Heigham on 27 March. We have not drawn any conclusions from the reports at this stage. The Green Paper, "New ambitions for our country: a new contract for welfare reform", makes it clear that there will be full consultation on any proposals for changes to DLA and AA.

Compensation Recovery Unit

Mr. Hurst: To ask the Secretary of State for Social Security what assessment she has made of the amount of state benefits paid out to injured claimants, which was recovered by the Compensation Recovery Unit from legally aided defendants during each of the last three years. [37012]

Mr. Denham: No such assessment has been made since neither the plaintiff nor the defendant in injury compensation cases, where State benefits are recovered, are required to notify the Department if they have been granted legal aid.

IT Staff

Mrs. Gillan: To ask the Secretary of State for Social Security if she will list the current shortfall in established information technology staff, consultant and contractor support posts within her Department; and if she will list the posts by grade indicating for each post how long it has been vacant and when it is expected to be filled. [37487]

Mr. Keith Bradley: The Department has to fill 64 vacancies to achieve the 1998/99 Information Technology requirements. This represents 2 per cent. of the current workforce in the Department's Information Technology Services Agency which will be filled by ongoing and planned resourcing activity over the next three months. The vacancies are 7 staff at grade C5 (SEO), 34 staff at grade C6 (HEO) and 23 staff at grade D7 (EO).

Millennium Compliance

Mrs. Gillan: To ask the Secretary of State for Social Security which projects, not related to the year 2000 compliance problem, are being *(a)* restricted and *(b)* terminated in order to free information technology resources. [37486]

Mr. Keith Bradley: The Department's arrangements for Year 2000 compliance were planned well in advance and it has not been necessary to "restrict" or "terminate" any planned work because of the Year 2000 date change problem.

Prime Minister's Press Secretary

Mr. Baker: To ask the Secretary of State for Social Security if she is required to clear statements to the media, including the timing of such statements, through the office of the Press Secretary to the Prime Minister before their issue. [37392]

Mr. Field: This Department, like all other Departments, complies with the Ministerial Code published by the Cabinet Office last July entitled "A Code of Conduct and Guidance on Procedures for Ministers", a copy of which is in the Library. Paragraph 88 refers.

Departmental Employees (Scotland)

Mr. Donohoe: To ask the Secretary of State for Social Security how many staff are employed in Scotland by her Department, or executive agencies responsible to her Department; and where those staff are located. [36208]

Mr. Field: The number of staff located in Scotland who work for the Department, and its Executive Agencies, are given in the tables. ITSA have no staff working in Scotland.

Location and numbers of staff in the Department of Social Security and its executive agencies

Location	*Number of staff*
Headquarters	
Edinburgh	6
Glasgow	3
Contributions Agency	
Aberdeen	35
Ayr	5
Dundee	15
Edinburgh'	72
Falkirk	11
Fort William	1
Galashiels	2
Glasgow	102
Hamilton	11
Inverness	7
Kirkcaldy	5
Oban	1
Wick	6

Location and numbers of staff in the Department of Social Security and its executive agencies

Location	*Number of staff*
War Pensions Agency	
Glasgow	10
Edinburgh	6
Dundee	2
Aberdeen	2
Child Support Agency	
Aberdeen	12
Campbeltown	1
Clydebank	4
Cowdenbeath	8
Dumfries	5
Dundee	12
Edinburgh	40
Elgin	4
Falkirk	949
Galashiels	4
Glasgow	77
Greenock	14
Hamilton	18
Inverness	3
Irvine	17
Kirkcaldy	1
Leven	5
Lothian West	9
Oban	1
Perth	16
Peterhead	6
Renfrew	4
Stirling	9
Stranraer	1
Wick	12
Benefits Agency	
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[1] Includes 11 staff working in the Civil Recovery section.

Asbestos-related Diseases

Dr. Godman: To ask the Secretary of State for Social Security what was the total value of benefits, allowances and other payments made to those suffering from asbestosis-related diseases in each of the past three years; and if she will make a statement. [36741]

Mr. Denham: The information is not available in the format requested. Information is available only in respect of certain diseases for which Industrial Injuries Disablement Benefit can be paid. These diseases are Diffuse Mesothelioma (prescribed disease D3), Carcinoma of the lung (prescribed disease D8) and Diffuse Pleural Thickening (prescribed disease D9).

The expenditure of Industrial Injuries Disablement Benefit for the three asbestos-related diseases above is estimated at £3.826 million for 1994/95; £5.593 million for 1995/96 and £5.991 million for 1996/97.

Notes:

1. These figures have been based on a 10 per cent. sample of Industrial Injuries Disablement Benefit assessments in Great Britain, including an adjustment for assessments recorded in the following year.
2. Sufferers from asbestosis may get benefit in respect of prescribed disease D1 (Pneumoconiosis), but information is not collected separately for the different conditions covered by the term pneumoconiosis.
3. No information is available on people who are receiving other benefits and who suffer from asbestos related diseases.

Executive Agencies (Performance Targets)

Mr. Leslie: To ask the Secretary of State for Social Security what performance targets she has set the Department's agencies for 1998–99, and if she will make a statement. [37890]

Ms Harman: The targets we have set the Department's Executive Agencies for 1998/99 are given.

Social Security customers have a right to expect good quality, responsive services. The eighth principle set out in the Welfare Reform Green Paper states that the system of delivering modern welfare should be flexible, efficient and easy for people to use. In line with this, we have set targets that focus effort on building an active modern service, which helps as many people as possible fulfil their potential and achieve independence.

Further information on the Agencies' plans for 1998/99 is contained in their individual business plans which have been published today. Copies have been placed in the Library.

The targets for 1998/99 are:

BENEFITS AGENCY

Active Services

By October 1998 the Benefits Agency (BA) will have worked with the Employment Service to implement nationally the New Deal for Lone Parents.

From April 1998 BA will provide ongoing support by means of advising Employment Service colleagues of changes in legislation and procedures, by help with customer queries and by handling fast path claims to Family Credit.

Customer focused services

During April to September 1998 the Agency will undertake trials to test methods for encouraging pensioners to take advantage of the benefits to which they are entitled. The Agency will provide information on the outcome of these trials in October 1998 to enable Ministers to decide the way forward.

From April 1998 the Agency will provide a more integrated BA and Child Support Agency service to lone parents when BA visiting staff will discuss child support issues at their New Claim Visit, and assist with completion of the Maintenance Application Form, where appropriate.

By March 1999 the Agency will have worked towards supporting future implementation of the Social Security Bill, currently scheduled for Autumn 1999, including arrangements to produce new guidance and develop new monitoring arrangements to measure the standard of decision making.

Transforming services

By March 1999 the Agency will have worked with local authorities, following evaluation of pilots, to implement improvements in the way information is shared using automated links. This will include, as and when practicable, the use of Remote Access Terminals which will allow local authorities access to BA information.

Integrity, through secure and accurate services

By 31 August 1998 all mainframe computer systems used by BA will be ready to cope with the Year 2000 issue, with the exception of the Jobseeker's Allowance Payment System, which will comply by 30 November 1998. All other BA systems, including desk top devices, will be made Year 2000 compliant by 31 March 1999.

In order to protect public expenditure, the Agency is committed to reducing the number of payments made on fraudulent claims. In addition to this, the Agency will recover benefits which have been overpaid. In 1998/99 the Agency aims to save £2.3 billion in weekly benefit savings terms from activity against fraudulent claims and to recover £135 million from claims where benefit has been overpaid.

Accurate payment of benefit is of key importance to Ministers. The targets for 1998/99 are to achieve the following levels of payment accuracy:

87 per cent. of Income Support claims

87 per cent. of Jobseeker's Allowance claims (in partnership with Employment Service)

91 per cent. of Family Credit claims

94 per cent. of Incapacity Benefit claims

96 per cent. of Disability Living Allowance claims

Our aim is to continue to improve the accuracy of benefit payments year on year.

Valuing and developing staff

The Agency will achieve Investors in People status for the BA as a whole by April 1999.

The Agency will continue to make the BA a more family friendly organisation by setting up, by March 1999, a further 10 holiday playschemes. A further 40 playschemes will be in place by March 2001.

Efficient services

The Agency will, during 1998, develop proposals for improving the measurement of Agency performance these will be introduced from April 1999.

CONTRIBUTIONS AGENCY

Note: The level of accuracy for all targets is 98 per cent.

1 Records Maintenance

To set up and maintain accurate National Insurance (NI) accounts by delivering:

New accounts properly registered for:

95 per cent. of juveniles in advance of their 16th birthday.

90 per cent. of adults without NI accounts within 8 days of receipt of correctly completed application forms.

Unsolicited customer generated changes to personal details properly recorded, completing 92 per cent. of cases within 15 days.

NI contributions properly recorded for:

98 per cent. of appropriate notifications from employers in respect of Class 1 contributors by 31 December 1998, or within 30 days if not completed by 31 December or received after this date.

90 per cent. of Class 2/3 contributors following investigation within 5 days of receipt of payment.

NI details properly recorded following investigation for:

90 per cent. of cases by 31 March 1999, where there are inaccurate submissions by employers.

85 per cent. of cases in 90 days, where contributors/others identify an inaccuracy.

The speedy investigation and resolution of 25,000 cases involving discrepancies, and arising out of data integrity process exercises, by 31 March 1999.

2 Information Provision

To provide NI related information to Agency customers by replying fully and accurately to:

95 per cent. of requests from Government Agencies and Departments within:

3 days where there is no clerical involvement.

10 days where there is clerical involvement.

45 days with detailed investigation.

92 per cent. of requests from pension providers and scheme administrators within 25 days.

95 per cent. of customer inquiries and complaints within 20 days.

3 Conformance

To ensure conformance with NI related legislation to secure timeous collection of contributions to the NI Fund by delivering:

£3.581 billion collected for the NI Fund.

£176 million of arrears identified and reference made to the Inland Revenue for collection.

To deliver the system of contracting-out of State Earnings Related Pensions Scheme ensuring conformance with legislation, to ensure proper use of contracting-out rebates.

National Insurance rebates accurately paid to Pension Providers, with 98 per cent. of cases completed within one calendar month after the recording of an accurate End of Year return.

Contracting-out certificates properly issued, clearing 99 per cent. within 5 days.

Variation and surrender action properly completed, clearing 96 per cent. within 10 days.

Initiative investigation action within 5 days, where schemes are in breach of contracting-out conditions.

4 Milestones

Customer satisfaction

To improve its service to complainants the Agency will:

(i) introduce the first management check of complaints by the end of July 1998 (covering the first quarter of 1998/99)

(ii) reduce "upheld" cases by the Adjudicator's office to 50 per cent by April 1999 (currently 80 per cent—1997 report). Measure to be the Adjudicator's Report 1999.

New National Insurance Recording System (NIRS2)

To complete the replacement of the NIRS1 IT system and decommission it. To plan, monitor and support implementation of the replacement NIRS2 system in a way which gives customers and staff confidence, minimises impact on DSS and external

stakeholders, and maintains the business and contractual relationship with the PFI supplier. To plan and prepare for Releases 2 and 3 by April 1999, with a pre-implementation review of readiness completed by January 1999.

Joint Working

To work closely with the Department's policy and Inland Revenue colleagues in order to implement successfully changes announced in the Budget and the smooth transfer of the Contributions Agency to the Inland Revenue in April 1999.

Employer's Helpline

To improve the service provided by the Employer's Helpline by March 1999 ensuring that 80 per cent. of callers are connected and answered at the first attempt (currently 73 per cent.).

To complete a review by October 1998 into the Employer's Helpline service with the aim of establishing the percentage of UK employers who are assisted annually by the Helpline and to make recommendations for extending the scope of this service.

Carrying out business by electronic means

The Agency will continue to participate in the Cabinet Office led public and private sector partnership which is investigating the potential of the Internet as a means of doing business with customers. Our eventual aim is that we meet the Prime Minister's target that 25 per cent. of our business will be capable of being transacted through electronic means by the year 2002. We will extend the electronic form "CWF1" pilot in June 1998 to include Barclay's Bank SMART card holders and will also identify additional suitable candidates for this pilot that month.

The Agency will complete a review of its Internet web site by July 1998 with the aim of extending the information services it provides and developing the means of accepting information direct from customers.

CHILD SUPPORT AGENCY

Child maintenance collected and arranged

£750 million of child maintenance to be collected or arranged for direct payment from the absent parent to the parent with care.

Maintenance assessments

65 per cent. of new maintenance applications to be cleared within 22 weeks and on 31 March 1999 there are to be no applications over 52 weeks old.

Reviews

Where a client is dissatisfied with a Child Support Officer's decision and requests a review; or a change of circumstances requires a review; 80 per cent. to be cleared within 13 weeks.

Payments

97 per cent. of payments made to the parent with care to be made within 10 working days of receipt from the absent parent.

Accuracy

The cash value of all assessments checked in the year to be correct in at least 75 per cent. of cases.

Milestone targets

Review the first six months of closer working with the Benefits Agency, taking into account the views of stakeholders and produce a report by 31 December 1998.

By 30 June 1998 formalise national and local consultation arrangements with stakeholders with a view to improving customer service.

WAR PENSIONS AGENCY

Assessment and payment of war pensions

To clear 75 per cent. of war disablement claims in 145 days.

To clear 90 per cent. of war widows' claims within 65 days.

As at 31 March 1999, to have no more than 23 per cent. of outstanding appeals more than 260 days old.

To clear 6,000 appeals during 1998/99.

For 90 per cent. of all claims to meet the quality criteria.

By 28 February 1999, to introduce an independent element to the complaints procedure.

Provision of welfare support to war disablement pensioners and war widows through the War Pensioners' Welfare Service

To visit recently bereaved widows within 15 days of a request being made.

Management of the Ilford Park Polish Home

To achieve an average occupancy rate of 95 per cent. during the year.

INFORMATION TECHNOLOGY SERVICES AGENCY

Delivering Active Modern Service

(i) Take a leading role in the development and support of the key Information System/Information Technology (IT) products and services necessary to achieve the implementation of Active Modern Services including:

delivery of the agreed IT work programme to support Modern Service Programme projects in prototyping more efficient customer focused service delivery approaches.

the progression of the ACCORD project meeting agreed milestones relating to budget, timescales and quality.

co-ordination of the Department's contribution to electronic government with the Central IT Unit (CITU) and other government departments.

(ii) Deliver agreed IT work programme for support of existing systems to budget, time and quality to the satisfaction of customers, including progression of the programme for Customer Accounting Payments Strategy, and meeting agreed milestones on the implementation of major releases of Jobseeker's Allowance Release 5 and Social Fund Release 9.

(iii) Lead the Year 2000 Programme within the Department to ensure that all business critical DSS products, services and estates are Year 2000 compliant to agreed timetable.

Customer Service Targets

(iv) Measure Customer Satisfaction using the Business Excellence Model (BEM), an industry wide standard, and achieve a 10 per cent. improvement on the 1997/98 ITSA BEM score for customer satisfaction.

(v) Support and enable the timely and accurate delivery of Social Security administration by delivering 95 per cent. of IT services to the level of service agreed with our Departmental and external customers.

Financial Targets

(vi) Manage the Agency's income and expenditure (derived from normal trading activities), as presented on audited accruals accounts, so that the Agency recovers its full economic costs through receipts from customers within a tolerance of plus or minus 2 per cent.

(vii) Manage the ITS Gross Vote so that the Agency's expenditure outturn is in line with allocations and estimates.

(viii) Reduce unit costs and prices to deliver an overall business efficiency improvement of 5 per cent.

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OFFICIAL REPORT

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